



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. ED19-238

DATE: September 30, 2020

PROJECT/ENTITLEMENT: SLO CAL Roots Minor Use Permit (DRC2018-00228)

APPLICANT NAME: Austen Connella / SLO BF

Email: slocalroots@gmail.com

ADDRESS: 7731 Suey Creek Road, Santa Maria, CA 93454

CONTACT PERSON: Austen Connella

Telephone: 415-837-3957

PROPOSED USES/INTENT: A request by **SLO Cal Roots** for a Minor Use Permit (DRC2018-00228) to establish 3.39 acres of outdoor cannabis cultivation area (2.96 acres canopy); 27,500 square feet (sf) of indoor cannabis cultivation area (22,000 sf canopy); 34,800 sf of indoor ancillary nursery; 6,000 sf of ancillary indoor cannabis processing; and approximately 25,000 square feet of related site improvements (e.g., composting area, trash recycling area, drainage basins, water tanks, parking, general storage, etc.). A fencing modification is requested to allow 6-8 foot tall chain link fence with a mesh screening around the outdoor cultivation areas and no fencing around indoor cannabis activities. A parking modification is requested to allow 21 parking spaces instead of the required 131 parking spaces. The project would result in approximately 6.2 acres of disturbance including 5,000 cubic yards of cut and 5,000 cubic yards of fill on an approximately 54-acre site located at 1255 Penman Springs Road, approximately 1.25 miles east of the City of Paso Robles. The project site is within the Agriculture land use category and within the North County Planning Area, El Pomar-Estrella Sub Area.

LOCATION: 1255 Penman Springs Road, Paso Robles, CA 93446

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: CA Department Fish & Wildlife, CA. Department of Food and AG, and Regional Water Quality Control Board

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

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

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

Notice of Determination

State Clearinghouse No. _____

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

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

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

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

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency



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

PLN-2039
04/2019

Project Title & No. SLO CAL Roots Minor Use Permit ED19-238 (DRC2018-00228)

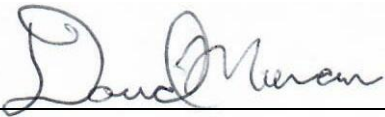
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant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

☒ Aesthetics	☒ Greenhouse Gas Emissions	☐ Public Services
☐ Agriculture & Forestry Resources	☒ Hazards & Hazardous Materials	☐ Recreation
☒ Air Quality	☒ Hydrology & Water Quality	☐ Transportation
☒ Biological Resources	☐ Land Use & Planning	☐ Tribal Cultural Resources
☐ Cultural Resources	☐ Mineral Resources	☐ Utilities & Service Systems
☒ Energy	☒ Noise	☐ Wildfire
☐ Geology & Soils	☐ Population & Housing	☒ Mandatory Findings of Significance

DETERMINATION:

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.

David Moran		September 18, 2020
Prepared by (Print)	Signature	Date
Steve McMasters		September 28, 2020
Reviewed by (Print)	Signature	Date

Initial Study – Environmental Checklist

Project Environmental Analysis

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

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

A. Project

DESCRIPTION: A request by **SLO Cal Roots** for a Minor Use Permit (DRC2018-00228) to establish 3.39 acres of outdoor cannabis cultivation area (2.96 acres canopy); 27,500 square feet (sf) of indoor cannabis cultivation area (22,000 sf canopy); 34,800 sf of indoor ancillary nursery; 6,000 sf of ancillary indoor cannabis processing; and approximately 25,000 square feet of related site improvements (e.g., composting area, trash recycling area, drainage basins, water tanks, parking, general storage, etc.). A fencing modification is requested to allow 6-8 foot tall chain link fence with a mesh screening around the outdoor cultivation areas and no fencing around indoor cannabis activities. A parking modification is requested to allow 21 parking spaces instead of the required 131 parking spaces. The project would result in approximately 6.2 acres of disturbance including 5,000 cubic yards of cut and 5,000 cubic yards of fill on an approximately 54-acre site located at 1255 Penman Springs Road, approximately 1.25 miles east of the City of Paso Robles. The project site is within the Agriculture land use category and within the North County Planning Area, El Pomar-Estrella Sub Area.

The project would use an existing well and water storage tank (5,000 gallons) and is proposing 5 new water tanks with 25,000 gallons of total additional water storage. A 400 sf shade structure is proposed over each of the three water storage areas. In addition, the project includes the construction of two retention basins. Basin 1 will be located north of the existing residence and accessory structures and Basin 2 will be located on the south side of the project site on a bench near two greenhouses; the project will require 10,000 cubic yards of cut and fill.

Twenty-one parking spaces are proposed including one ADA accessible space. The project could result in the removal of four oak trees less than 48" in diameter at breast height (DBH).

Access will be provided from a 16 foot wide all-weather private road easement that extends west from Penman Springs Road along the southern property line. The project will operate seven days per week between the hours of 6 AM and 6 PM and will employ 8 full time employees; two of these employees will live onsite. During the harvest, an additional 3 full-time employees will be on site for roughly 3 weeks; the hours of operation will remain the same, i.e., 6 AM to 6 PM seven days per week.

Initial Study – Environmental Checklist

Outdoor cannabis cultivation is proposed in three general areas (Figure 3) located in the center of the project site and surrounded by a security fence (discussed below); all of these areas are located at least 300-feet from the nearest property lines. The proposed processing building would be located within an area of existing buildings (Figure 3) and would include floor space for cannabis storage (a vault and cold storage), an office, and a restroom.

An existing ag building and storage structure would remain onsite and used to store items such as nutrients, equipment, and fuels; additional storage for items such as pesticides and nutrients is proposed within a sea train container and another structure.

Table 1 provides a summary of proposed development and uses.

Table 1 Project Summary SLO CAL Roots (DRC2018-00228)					
Proposed Cannabis Activity	Project Component	Quantity			
		Canopy		Gross	
		SF	Acres	SF	Acres
Outdoor Cultivation	Areas 1, 2, & 3 (Within Hoop Houses)	55,950	2.96	74,600	3.39
	Areas 4-7 (No Hoop Houses)	73,000		73,000	
Indoor Cultivation	New Greenhouse (6 @ ~4,578 sf each)	22,000	0.51	27,500	0.63
Indoor Ancillary Nursery	New Greenhouses (3 @ 3,600 sf each, 2 @ 12,000 sf each)	34,800	0.80	34,800	0.80
Ancillary Processing New Steel Building	Processing / Cannabis Storage	5,680	0.13	6,000	0.14
	Other Uses (Office & Restroom)	320	>0.01		
Storage (Nutrients, Pesticides, & Equipment)	New & Existing Structures	n/a	n/a	4,580	0.11
Trash, Recycling, Compost	Proposed	n/a	n/a	1,000	0.02
Compost Waste Area	Proposed	n/a	n/a	4,400	0.10
Drainage Basin & Ag Pond	Proposed	n/a	n/a	14,500	0.33
Shade Structures for Water Storage Area	Proposed	n/a	n/a	1,200	0.03
Well/Water Tank	Existing (5,000 gallon water tank) Proposed 5 @ 5,000 sf each)	n/a	n/a	600	0.02
Parking	Regular (20 spaces @ 8' x 18') & One ADA Accessible Space	n/a	n/a	3,255	0.07
Total				245,435	5.63

The project will be constructed in phases as summarized in Table 2.

Table 2 SLO CAL Roots Proposed Phasing	
Phase	Proposed Cannabis Activity / Use
I	2 Acres Outdoor Cultivation (canopy) Sea Train Storage equipment & tools (320 sf)
II	1 Acre Outdoor Cultivation (canopy) 3 Ancillary Nursery Greenhouses (40' x 90' each) Ag Pond

Initial Study – Environmental Checklist

III	Processing Building (6,000 sf)
IV	27,500 sf Greenhouse - Indoor Cultivation (22,000 sf canopy)
V	24,000 sf Ancillary Nursery greenhouses (2@12,000 sf)

Baseline Conditions. The site is located east of the city of Paso Robles in a rural area where the predominant land uses are ranches with single family residences, vineyards, and wineries. Topography of the project site ranges from gently to moderately sloping terrain. Huerhuero Creek traverses the western portion of the project site and an unnamed tributary is located along the site's northern boundary. Vegetation consists of non-native annual grassland, eucalyptus trees, ornamental and planted trees, scattered oak trees and non-native grassland. The project site is within the designated critical habitat for vernal pool fairy shrimp and is located within the habitat mitigation area for San Joaquin kit fox.

Existing development includes two residences, a shed, a carport, paddock, 3,772 sq building, and 11,360 sq arena; the 3,772 sq building and arena would be removed as part of the project. An existing interior driveway (16 feet wide, decomposed granite surface) would provide access to the existing and proposed cannabis uses/activities. Secondary access to the site is available from a road easement located along the southern property line; this access will be used for cannabis activities. Water is provided by one on-site well. Current water storage consists of one 5,000 gallon water tank. A high voltage electrical transmission line passes through the center of the property; there are two electrical towers onsite. An existing septic system and leach field would serve current and proposed uses onsite.

Ordinance Modifications: The project includes a request for two ordinance modifications.

Parking. The County's parking standards are set forth in LUO Section 22.18.050 C. The type of uses that are most similar to the proposed cannabis activities are "Ag Processing" and "Nursery Specialties". The parking requirement for agricultural processing is one parking space per 1,000 square feet of floor area; for nursery specialties the parking requirement is 1 space per 500 sf of floor area. As shown in Table 3, the project would require 131 parking spaces. The project proposes a modification to reduce the required number of spaces from 131 to a total of 21 spaces with all-weather surface (decomposed granite) including one paved space meeting Americans with Disabilities Act [ADA] standards. Up to 11 employees could be on-site at any time during peak harvest times; therefore, the 21 proposed parking spaces would be sufficient to meet the parking demands of the project.

Table 3 SLO CAL Roots MUP Estimated Parking Requirements			
Cannabis Activity	Proposed SF Gross	Parking Req. Title 22	Parking Spaces Required
Indoor Cultivation	27,500	1:500	55
Ancillary Nursery	34,800	1:500	70
Processing	6,000	1:1,000	6
Total Parking Required			131

Fencing. The fencing and screening requirements for cannabis activities are set forth in LUO Section 22.40.050 D 6 (Cultivation Standards) and 22.40.060 D 6 (Nursery Standards). These standards require

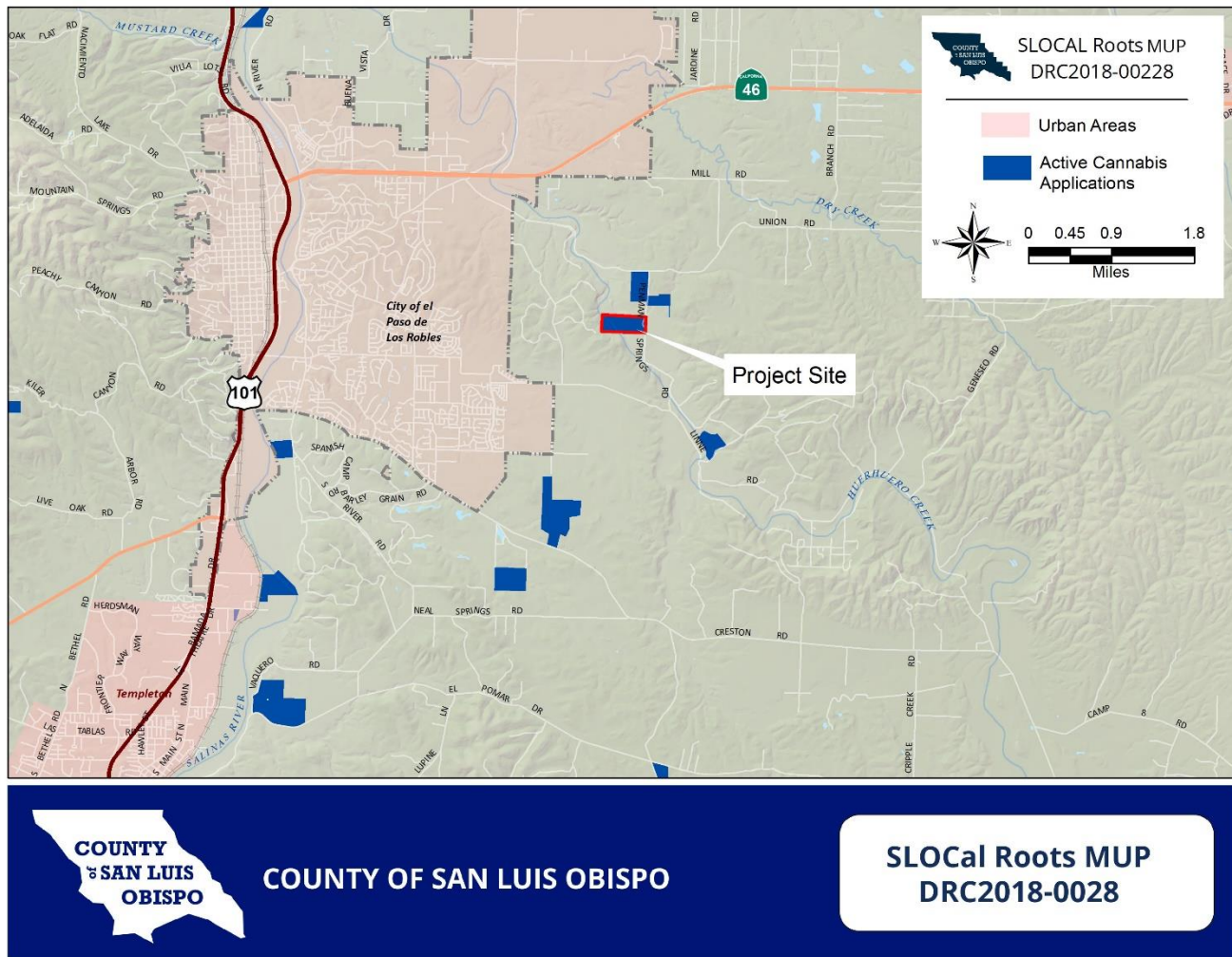
Initial Study – Environmental Checklist

cultivation/nursery areas to be completely enclosed within a secure, opaque fence of at least six (6) feet in height and designed to prevent easy access and to prevent cannabis plants from being readily visible from offsite. Fencing must include lockable gate(s) and be constructed of durable and solid screening materials.

To meet these requirements, the applicant is proposing an 8' foot tall chain link fence along Penman Springs Road (the east property line) and around the perimeter of the site. However, no fencing is proposed around the greenhouses. Accordingly, the applicant has applied for a modification of the fencing requirements as allowed by LUO Section 22.40.050 D.6.f. which allows the review authority to waive the fencing requirements for indoor cultivation areas upon finding that specifically identified characteristics of the project site or vicinity would make the required fencing or screening unnecessary or ineffective.

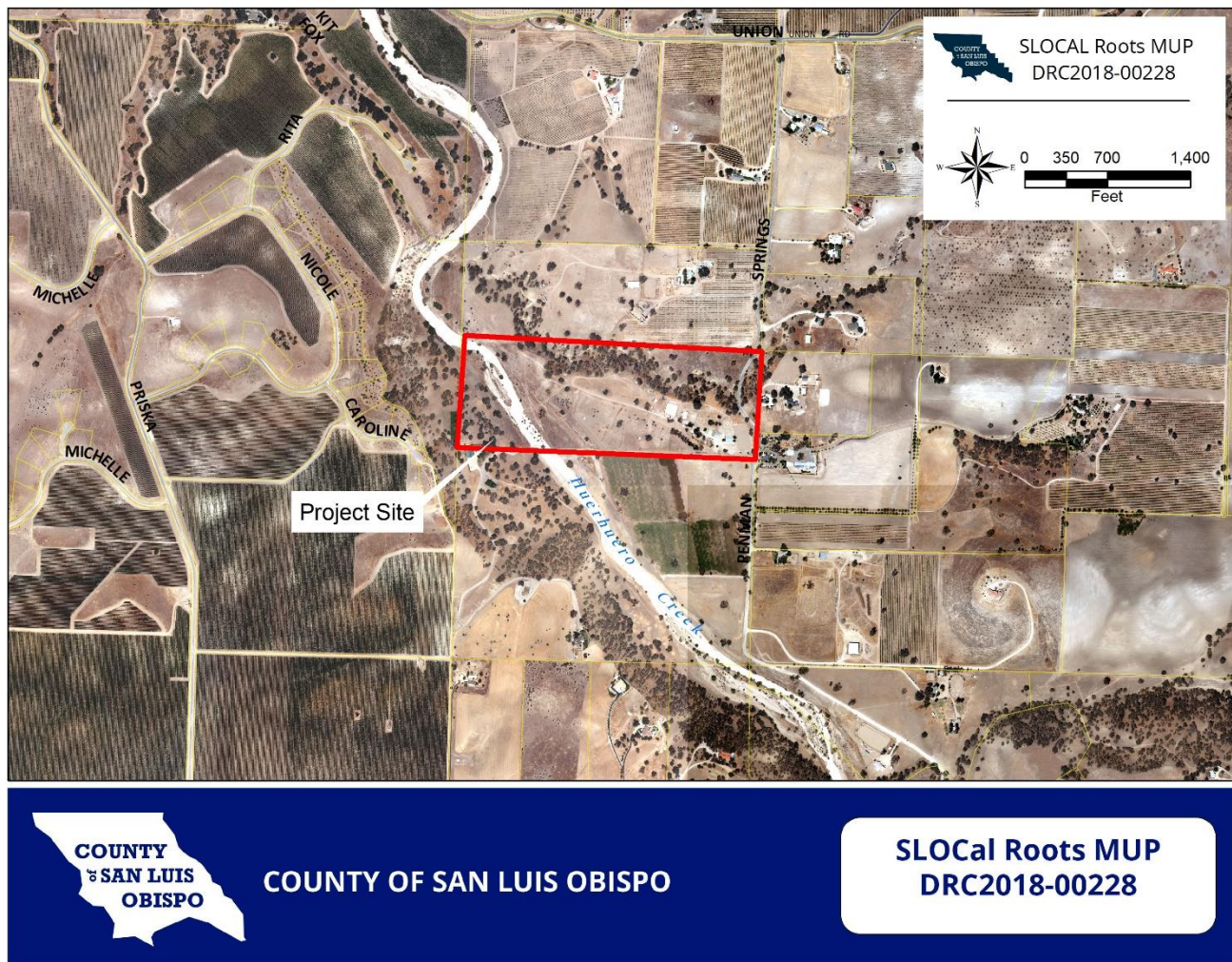
In this case the combination of structures and perimeter fencing are designed to provide the functional equivalent of the required security and screening normally required for cultivation activities.

Figure 1 – Project Location



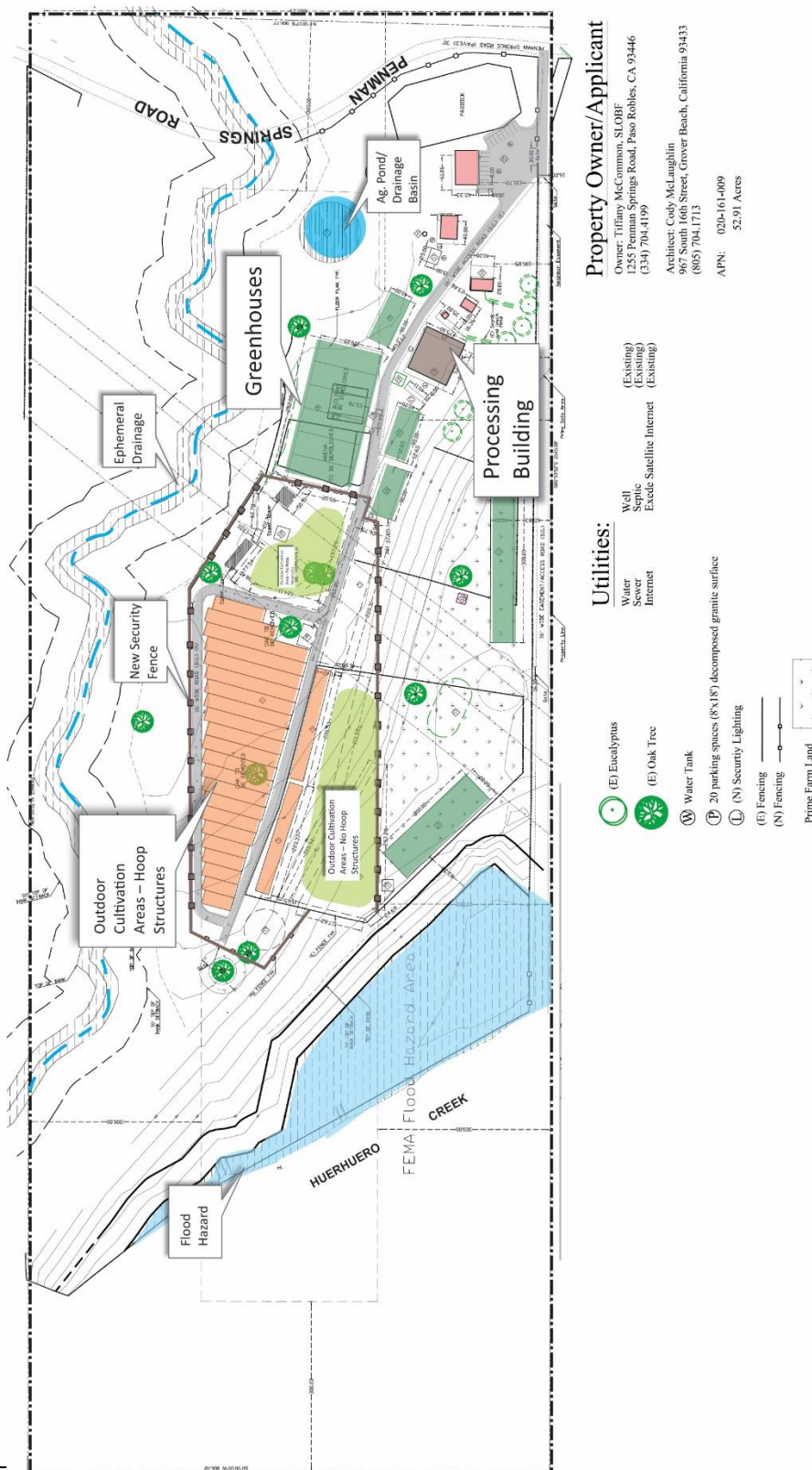
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Figure 2 – Project Vicinity



Initial Study – Environmental Checklist

Figure 3 – Site Plan



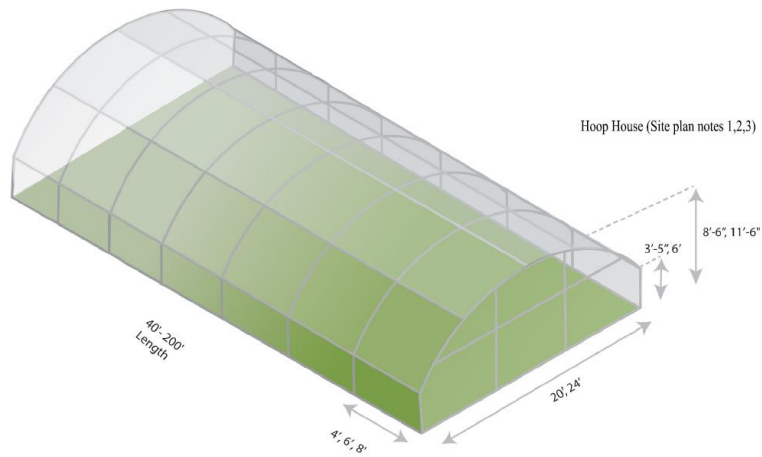
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Figure 4 -- Existing Buildings/Structures



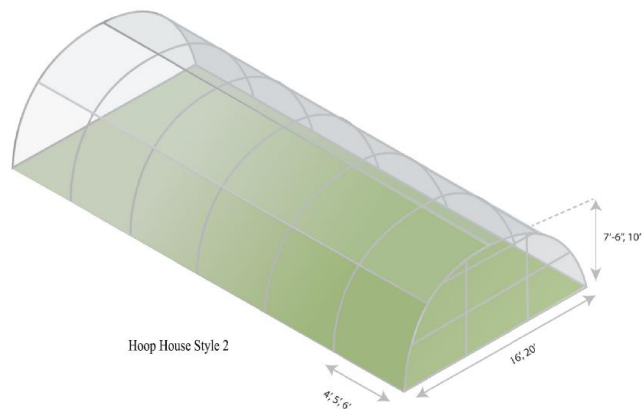
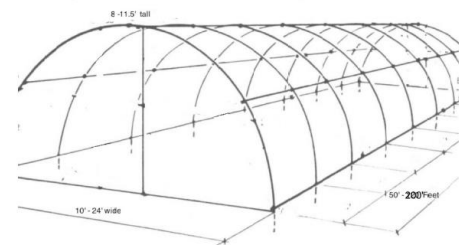
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Figure 5 -- Hoop Structures



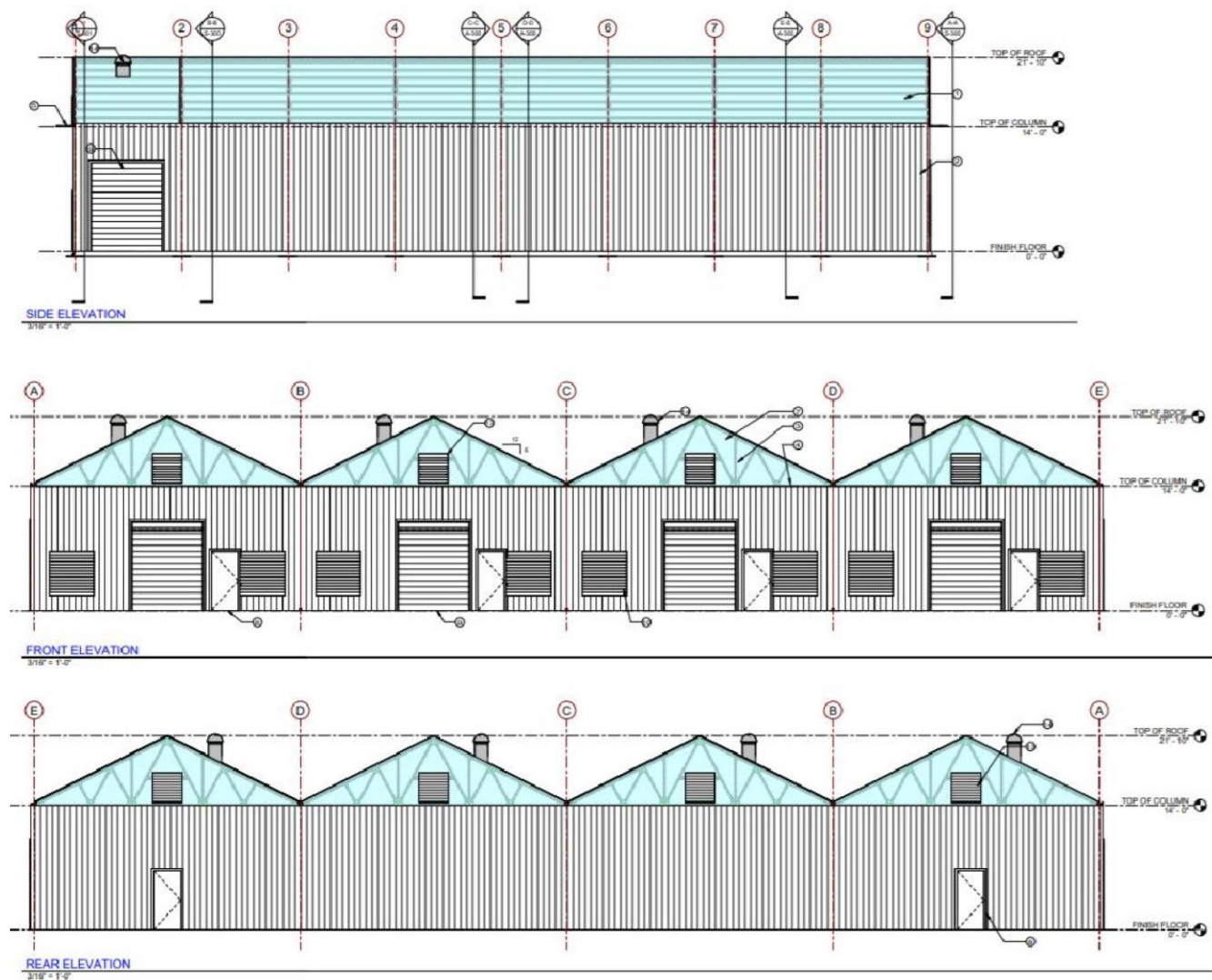
BLOOMFIELD FARMS GREENHOUSE PLANS/ EXAMPLE PHOTOS

PVC STYLE



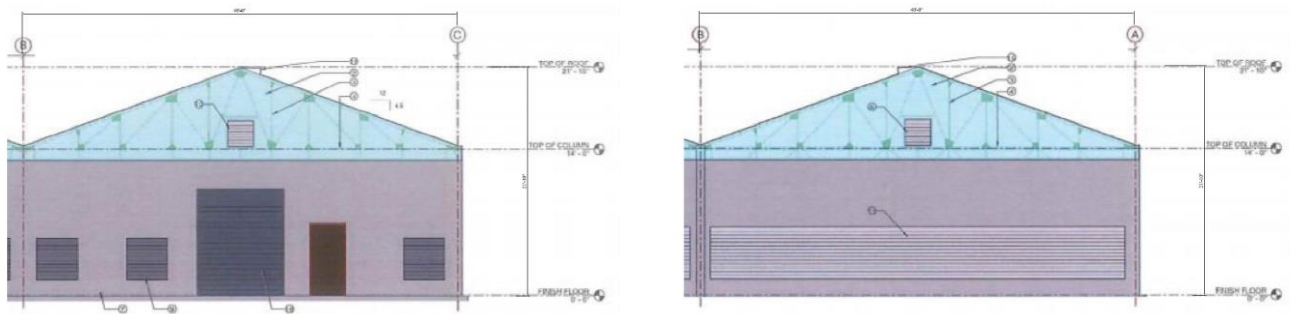
Initial Study – Environmental Checklist

Figure 6 – Greenhouses for Flowering Plants



Initial Study – Environmental Checklist

Figure 7 -- Nursery Greenhouse



Initial Study – Environmental Checklist

Figure 8 --- Processing Building

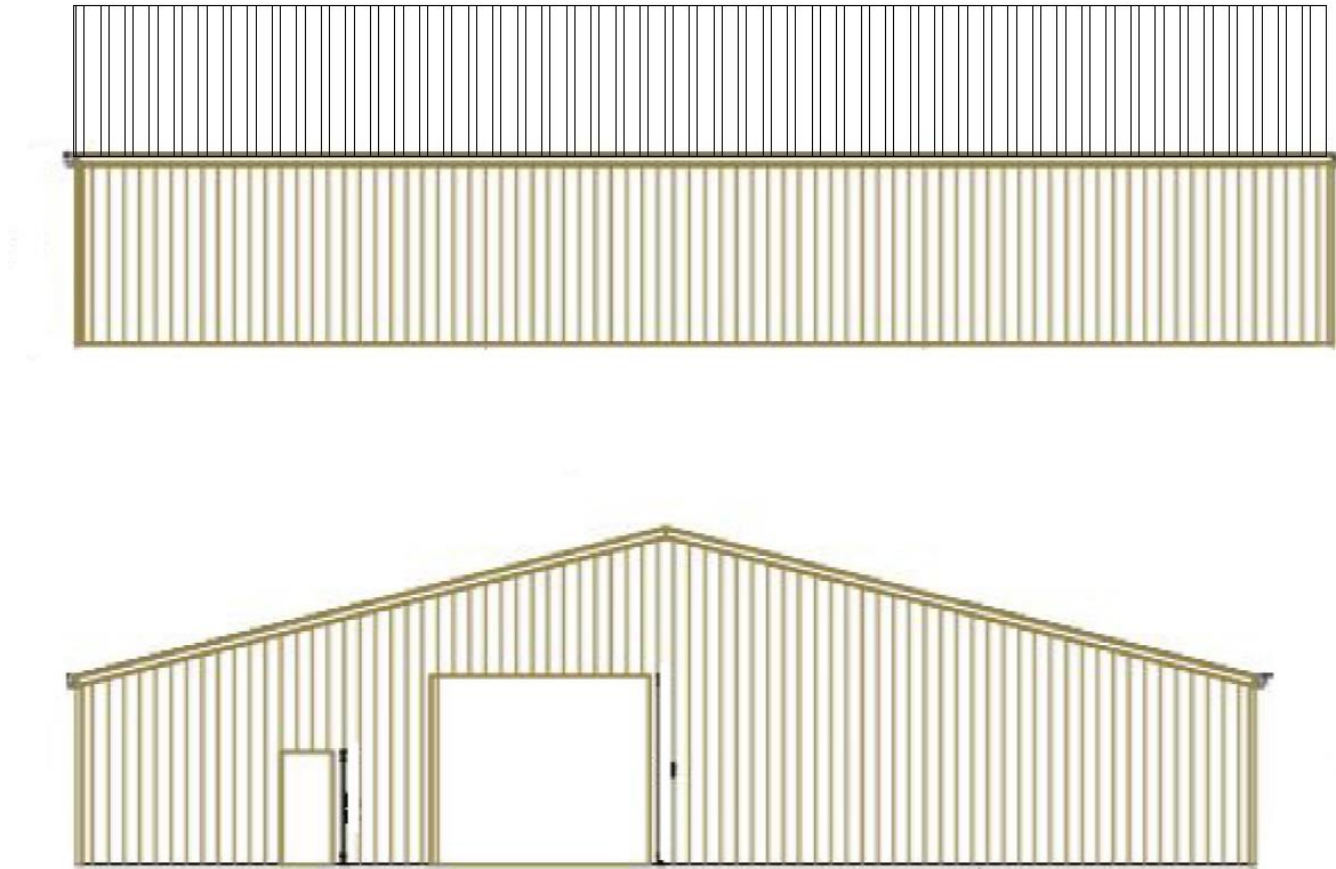
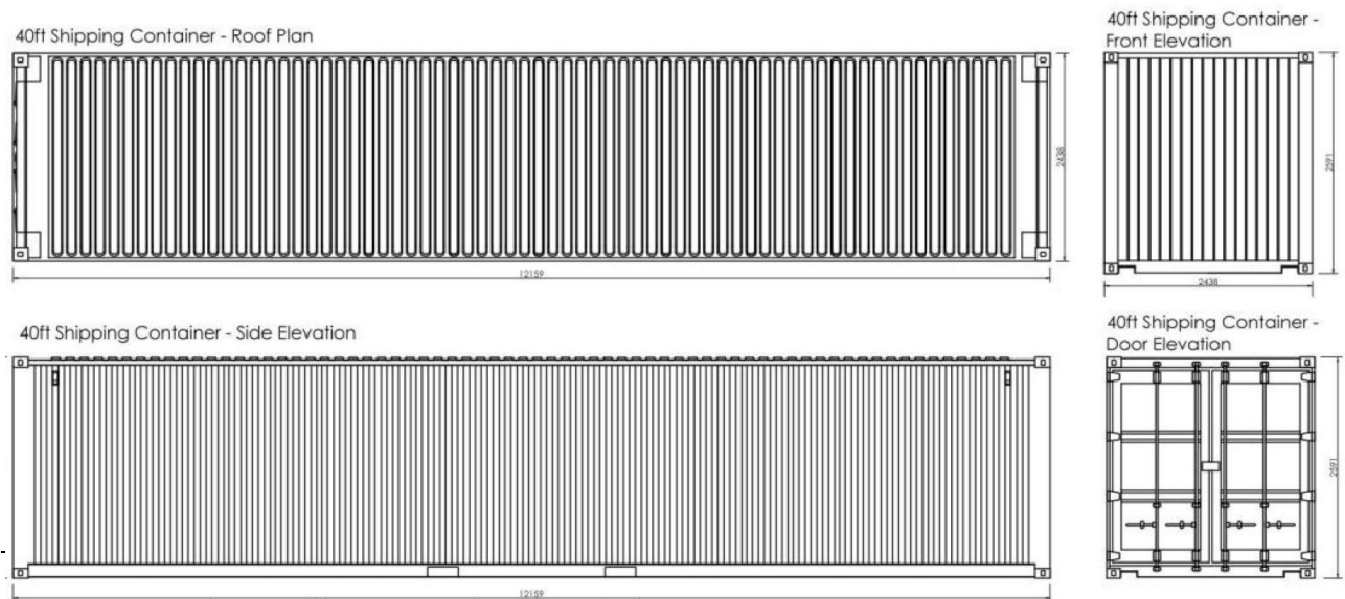


Figure 9 -- Shipping Containers



Initial Study – Environmental Checklist

ASSESSOR PARCEL NUMBER(S): 020-161-009

Latitude: 120° 37' 7.46" N **Longitude:** 35° 37' 17.58" W **SUPERVISORIAL DISTRICT #** 1

B. Existing Setting

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

Land Use Category: Agriculture

Combining Designation: Flood Hazard

Parcel Size: 54.04 acres

Topography: Gently rolling to moderately sloping

Vegetation: Oak woodland Ornamental landscaping

Existing Uses: Single family residence; ag accessory structures

Surrounding Land Use Categories and Uses:

North: Agriculture; agricultural uses

East: Agriculture; single-family residence(s)

South: Agriculture; agricultural uses

West: Agriculture; agricultural uses

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.

Other Approvals That May Be Required to Implement the Project

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

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

Initial Study – Environmental Checklist

I. AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Except as provided in Public Resources Code Section 21099, would the project:</i>				
(a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
(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?	☐	☐	☒	☐
(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☒	☐	☐

Setting

The project site is located on Penman Springs Road about 1.2 miles east of the City of Paso Robles. The primary land use in the area is agriculture (vineyards and orchards) on parcels ranging in size from 40 acres to over 300 acres. Topography of the project site is gently rolling to moderately sloping; the proposed cannabis activities will be located on relatively level areas west of Penman Springs Road and just east of the floodplain of Huerhuero Creek (Figure 3). Penman Springs Road is a two-lane rural collector that extends south from State Route 46 and serves the ranchlands, vineyards and orchards in the area. Traffic counts taken on Penman Springs Road north of Harvest Ridge Way in 2016 revealed an afternoon peak hour volume of 30 vehicles. Penman Springs Road is not an Officially Designated Scenic Highway and is not listed as a "Suggested Scenic Corridor" on Table VR-2 of the Conservation and Open Space Element. Development along Penman Springs Road is not subject to the County's Scenic Protection Standards.

Penman Springs Road follows a relatively straight route south from State Route 41 through gently to moderately sloping hillsides covered with grape vines and scattered oaks until it reaches the project site where it dips down toward an ephemeral drainage that crosses the project site east to west. The hillsides above the drainage are covered with a moderately dense stand of oak trees. The combining patterns of rolling topography, vineyards and occasional stands of oak trees create a landscape with a moderate degree of visual interest and memorability.

Initial Study – Environmental Checklist

Huerhuero Creek, an ephemeral creek, serves as the main drainage for the area and crosses the western portion of the project site from northwest to southeast. The creek is largely devoid of riparian vegetation.

As discussed in the project description, the baseline visual components include two residences, a shed, a carport, paddock, 3,772 sq ft building, and 11,360 sq ft equestrian arena. The 3,772 sq ft building and arena would be removed as part of the project. Views of the project site from Penman Springs Road to motorists approaching from the north are largely screened by the intervening topography and stands of trees along the right of way (Figure 10). Motorists approaching the project site from the south are afforded views of the existing residence and accessory buildings (Figure 11).

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

Goal VR 1: The natural and agricultural landscape will continue to be the dominant view in rural parts of the county.

Goal VR 2: The natural and historic character and identity of rural areas will be preserved.

Goal VR 3: The visual identities of communities will be preserved by maintaining rural separation between them.

Goal VR 7: Views of the night sky and its constellation of stars will be maintained.

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

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

Objective RU-5: Fences and screening should reflect an area's rural quality.

Objective RU-7: Landscaping should be consistent with the type of plants naturally occurring in the County and should limit the need for irrigation.

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

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

The only Officially Designated State Scenic Highway in San Luis Obispo County is Highway 1. The project site is not visible from Highway 1. In addition, Section 22.30.310 of the LUO requires that greenhouses are screened at least 50 percent from public roads. Lastly, the project site is located in a rural area of the County with little development and associated light pollution.

Initial Study – Environmental Checklist

Discussion

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

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

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

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

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

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

The project will result in the construction of 8 greenhouses, a 6,000 sq.ft. processing building, as well as hoop structures, fencing and parking areas, five (5) new water storage tanks and two drainage basins. The site plan shows cannabis activities concentrated on a relatively level area of the project site west of the existing residence and accessory buildings and south of the ephemeral drainage that crosses the project site from east to west. The buildings will be arranged along an all-weather access road extending west from Penman Springs Road. Two of the greenhouse buildings will be located near the southern property line and setback a minimum of 65 feet. The outdoor cultivation area/hoop structures will be enclosed by a six-foot high fence.

The scale and character of the proposed structures is shown in Figures 5 through 9 and summarized in Table 4.

Table 4 -- New Structures

Project Component	Quantity	Dimensions	Description
Hoop Structures	22	20' x 200' x 8'	Metal frame with transparent plastic covering
Greenhouses	8	40' x 300' x 22'	Metal exterior; gable roof extending along the long axis of the buildings; roll-up doors and vents on the gable ends.
Nursery Building	1	21' x 40' x 100'	Metal exterior; gable roof extending along the long axis of the building;

Initial Study – Environmental Checklist

			roll-up doors and vents on the gable ends.
Processing Building	1	22' x 80' x 75"	Metal exterior; gable roof extending along the long axis of the building; roll-up door and entry door.
Shipping Container	1	25' x 121' x 25'	Metal exterior; plat roof.

The project will also result in the removal of four mature oak trees of less than 48 inches at breast height.

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

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

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

For the purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. The project site is adjacent to Penman Springs Road, a two-lane rural collector that connects Union Road on the north with Linne Road to the South. According to traffic counts taken by the County in 2016, Penman Springs Road carried an average daily traffic volume of 211 and a PM peak hour volume of 30 (one vehicle every two minutes). Traffic speeds in the vicinity of the project site vary but are generally 30 - 40 miles per hour which means that travelers on Penman Springs Road would pass by the project site in a few seconds.

Figure 12 shows areas (in green) in the vicinity with a direct line-of-site view of the project site which includes segments of Penman Springs Rancho Road as well as residences on surrounding properties to the west and east. As shown in Figure 11 motorists travelling north on Penman Springs Rancho Road will have brief, but relatively unobstructed views of the project site and the location of the proposed greenhouse buildings and other improvements. Views of the site from vehicles travelling south (Figure 10) would be brief and largely screened by the existing topography and trees. Thus, although components of the project will be readily visible from public vantage points, the potential and frequency to view the site are low because of the speed of passing traffic and the low traffic volumes.

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

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

The project site is located about two miles east of the City of Paso Robles urban reserve in an area where agricultural operations are the most prevalent land use. Accordingly, the visual character of the vicinity is dominated by intensive agricultural operations with irrigated orchards and vineyards. The project site is developed with a residence and several agriculture accessory structures which are typical of agricultural operations in the area. Thus, the visual qualities of the project site are not unique within the area east of the city. The scale and character of the proposed new construction will not significantly detract from the integrity or uniqueness of the larger landscape.

- *The magnitude of the change.*

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

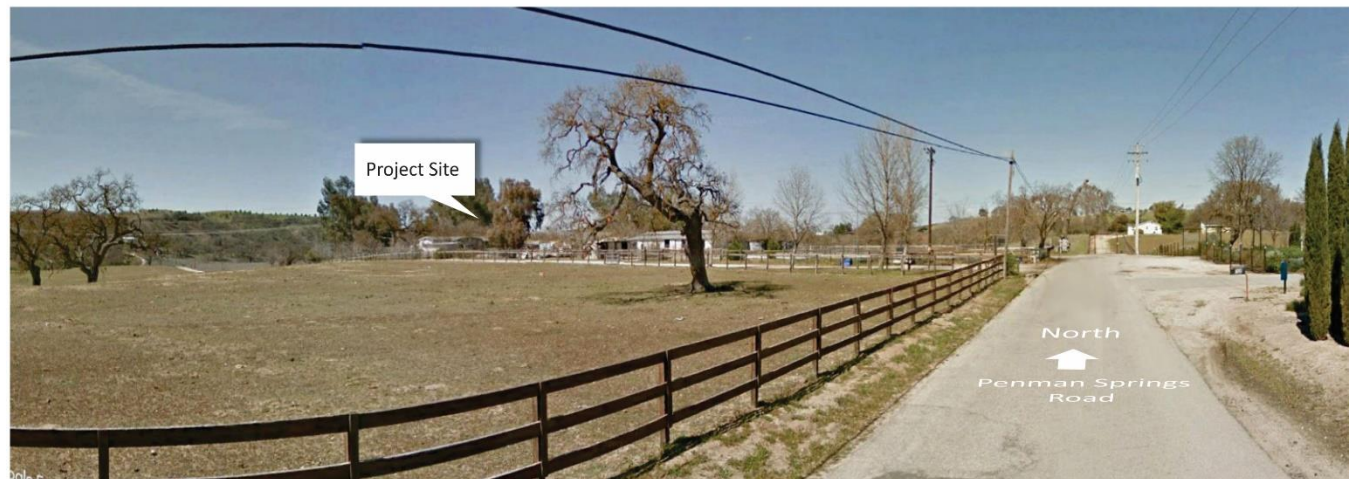
As discussed above, the project site is developed with two residences and several agriculture accessory structures. One of the accessory structures will be removed and replaced by greenhouses. The proposed greenhouses and processing building will be located on a relatively level area in the center of the site west of one of the existing residences. Two greenhouse buildings will be located along the south property line and oriented with the long axis of the buildings generally east-west.

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Figure 10 -- View Looking South From Penman Springs Road

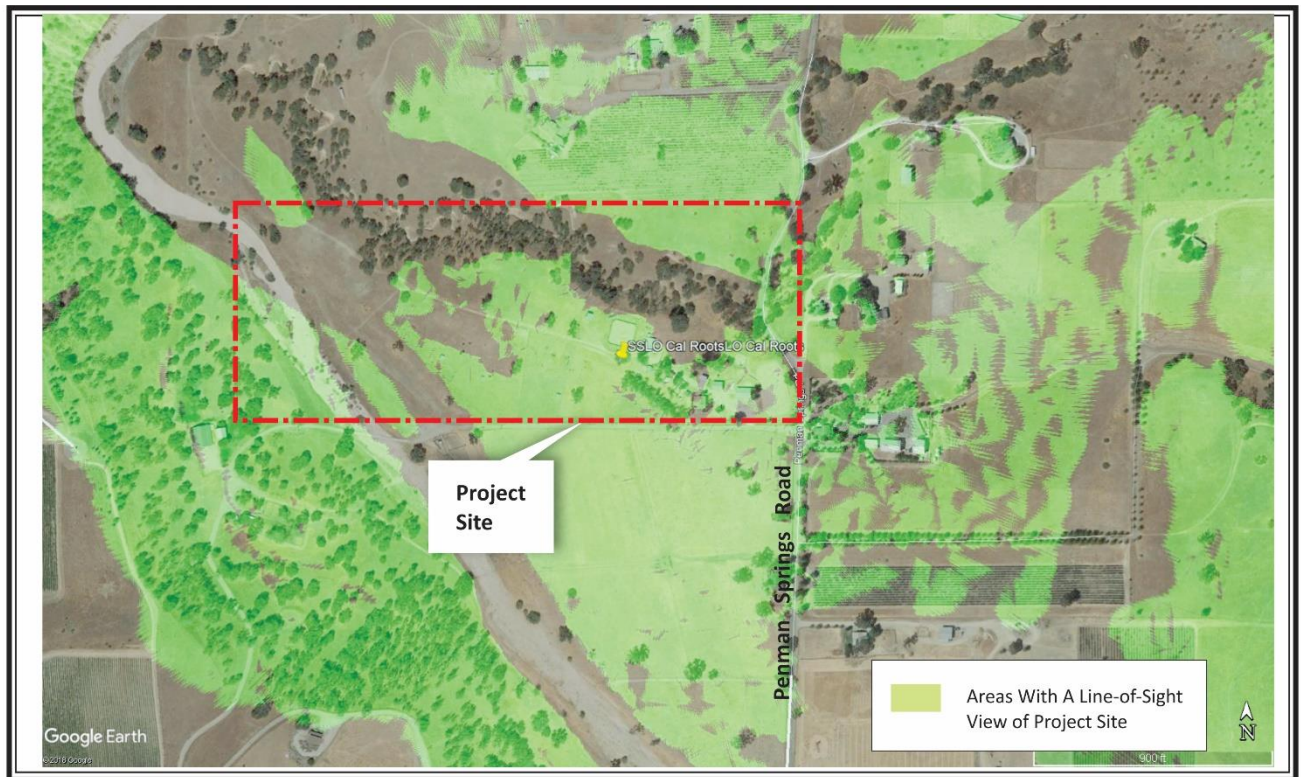


Figure 11 -- View Looking North From Penman Springs Road



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Figure 12 – Areas with a Line of Sight View of the Project Site (shown in green)



Large metal greenhouses are fairly common in the vineyards east of Paso Robles. The magnitude of change is considered less than significant within the context of the larger visual landscape.

The preceding discussion indicates that the project will have a *less than significant impact* on scenic vistas, scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway, and will not substantially degrade the existing visual character or quality of public views of the site and its surroundings.

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

Due to the rural nature of the area, artificial lighting that escapes the facilities could have the potential to impact offsite residents. The greenhouses, metal building and hoop structures will be equipped with outdoor security lighting, activated by motion sensor. The lighting would be placed at eave or roof ridgeline height (approximately 10–12 feet above grade) with down-focused flood beams. As discussed under item a) above, the nearest offsite residence is over 1,200 feet away and others on surrounding properties are over 2,500 feet distant. Given the sparsity of development and the distance to the Paso

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Robles urban area, the project site and vicinity experience relatively little non-natural lighting which contributes to the rural character of the area. Therefore, the potential for new light and glare to adversely impact surrounding properties is considered significant unless mitigated.

Conclusion

The preceding discussion indicates that the project will have a less than significant impact on scenic vistas, scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway, and will not substantially degrade the existing visual character or quality of public views of the site and its surroundings because:

- The design, scale and character of the new construction proposed for the project site (greenhouses and processing building) are consistent with the size, scale, and character of existing development on the project site and vicinity;
- When considering the size, location and visual character of the proposed new development within the context of the surrounding rural landscape, the magnitude of the change to the visual quality of the site and vicinity is small.
- Although the greenhouses and processing building will be briefly visible from portions of Penman Springs Road, it will be partially screened from view by existing vegetation and existing structures;
- Traffic volumes on Penman Springs Road are low and the opportunity for the public to view the facilities will be correspondingly low.
- The main cluster of greenhouses will be attached and divided into adjoining bays with a pitched roof over each; the repeating roof line will help reduce the apparent mass of the structure when viewed from Penman Springs Road.
- The visual quality, integrity and uniqueness of the project site and vicinity will be preserved by locating the new development in proximity to existing structures on the project site, leaving the remaining areas of the site open and available for other uses. Accordingly, the proposed greenhouses, processing building and other development associated with cannabis activities will largely complement the setting consistent with the visual character of the surrounding agricultural lands.
- Outdoor cultivation will take place within hoop houses that will be enclosed by a solid fence. Accordingly, the plants will not be visible from off site.
- The project will not require extensive grading or significant cut and fill on steep slopes.
- The General Plan does not designate any scenic resources associated with the project site and vicinity.
- The majority of cannabis activities will occur within buildings and within hoop structures that will prevent cannabis plants from being readily visible from offsite as required by LUO Section 22.40.050 D.6.
- Mitigation is recommended to ensure that lighting fixtures are designed to prevent light from shining off-site. In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8304 (c) states: All outdoor lighting used for security purposes shall be shielded and downward facing. Section 8304 (g) states: mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare. Compliance with the recommended

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mitigation measures as well as Section 8304 (c) and (g) will reduce potential impacts to less than significant.

Mitigation

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

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

Sources

See Exhibit A.

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II. AGRICULTURE AND FORESTRY RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<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?	☐	☐	☒	☐
(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☒	☐
(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))?	☐	☐	☐	☒
(d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
(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 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

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designations include Urban and Built-up Land, Other Land, and Water. Based on the FMMP, soils at the project site are within the Grazing Land designation (CDOC 2016).

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

The project site is located within the Agriculture land use category and is currently used residential and equestrian activities. The project site is located in the El Pomar Agricultural Preserve and is not subject to an active Land Conservation Act (LCA) contract.

Based on the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (NRCS 2019) and the Soil Survey of San Luis Obispo County, California – Coastal Area (USDA 1983), soil type(s) and characteristics on project site include the following:

Arbuckle-Positas complex (9 - 15 % slope)

Arbuckle. This gently to moderately sloping coarse loamy soil is considered moderately drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation.

Positas. This gently to moderately sloping coarse loamy soil is considered very poorly drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation.

Arbuckle-San Ysidro complex (2 - 9% slope)

Arbuckle. This gently sloping coarse loamy soil is considered moderately drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation.

San Ysidro. This gently sloping coarse loamy soil is considered moderately to well drained. The soil has high erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation.

Hanford and Greenfield soils, 0 to 2 percent slopes

Hanford. This component is on terraces. The parent material consists of alluvium derived from mixed rock sources. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 1 percent.

Greenfield. Slopes are 0 to 2 percent. This component is on terraces. The parent material consists of alluvium derived from mixed rock sources. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is low. This soil is

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not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria. There are no saline horizons within 30 inches of the soil surface.

Nacimiento-Los Osos complex, 50 to 75 percent slopes

Nacimiento. Slopes are 50 to 75 percent. This component is on mountains. The parent material consists of residuum weathered from calcareous shale and/or sandstone. Depth to a root restrictive layer, bedrock, paralithic, is 20 to 40 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40 inches, typically, does not exceed 8 percent. There are no saline horizons within 30 inches of the soil surface.

Los Osos. The Los Osos component makes up 20 percent of the map unit. Slopes are 50 to 75 percent. This component is on mountains. The parent material consists of residuum weathered from shale and/or sandstone. Depth to a root restrictive layer, bedrock, paralithic, is 20 to 40 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria. There are no saline horizons within 30 inches of the soil surface.

Xerofluvents

Slopes are 0 to 5 percent. This component is on alluvial plains, flood plains. The parent material consists of mixed alluvium derived from igneous and sedimentary rock. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is somewhat excessively drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is low. This soil is occasionally flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. Nonirrigated land capability classification is 6e. This soil does not meet hydric criteria.

Table 5 -- Soils of the Project Site

Soil Name	Acres	Conservation/Open Space Classification	Erodibility	Acres Of Important Farmland Impacted
Arbuckle-Positas 9-15% slopes	22.48	Prime Farmland	Moderate	2.30
Arbuckle-San Ysidro, 2 to 9% slopes	3.14	Prime Farmland	Moderate	0.57
Hanford and greenfield Soils, 0 to 2% slopes	4.28	Prime Farmland	Moderate	0.44
Nacimiento-Los Osos Complex, 50 to 75% slopes	1.40	Not Classified	Moderate	0.00
Xerofluvents-Riverwash association	10.57	Nor Classified	No Date	0.00
Not Mapped	7.17	Not Classified	No Date	0.00
Total:	54.04			3.31

Source: Conservation and Open Space Element, Table SL-2

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Table 6 – Important Farmland Based on the Farmland Mapping and Monitoring Program

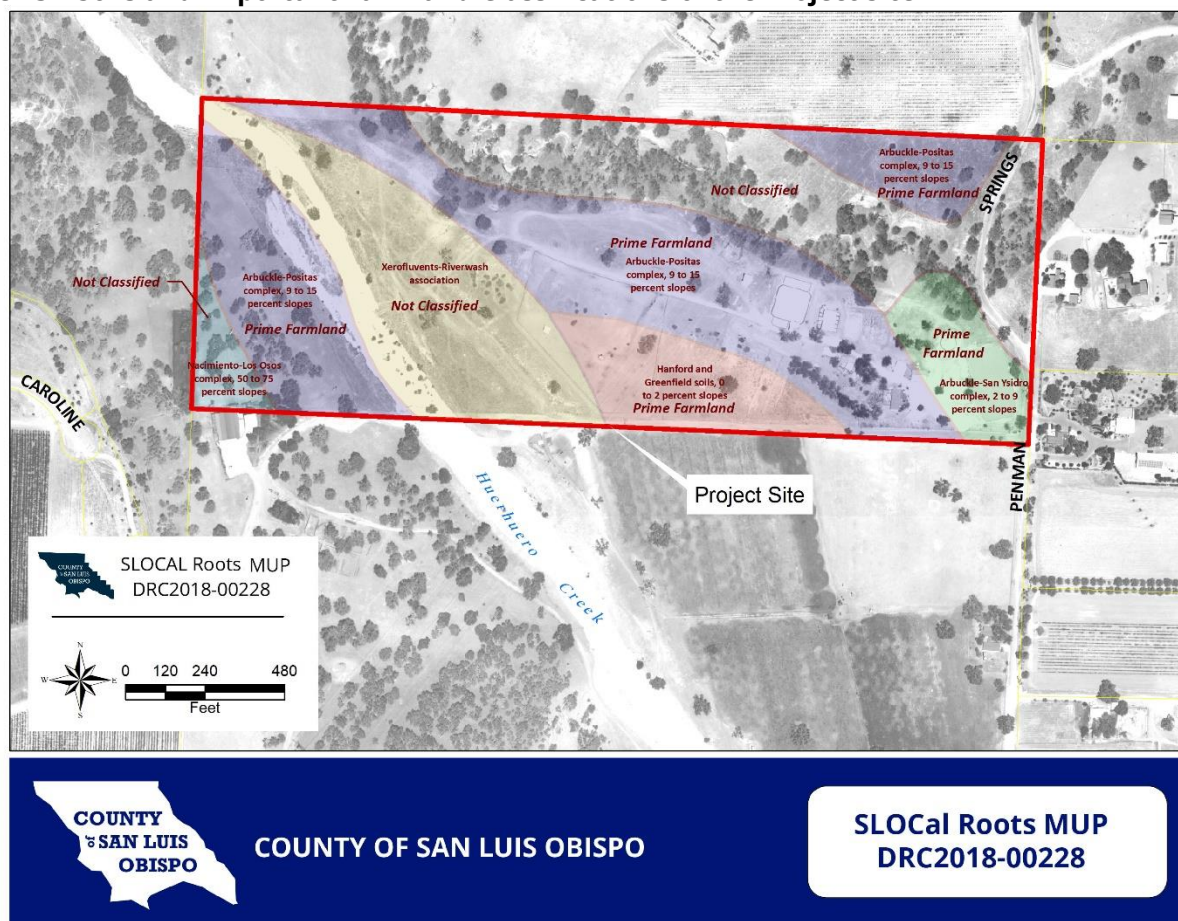
FMMP Classification	Acres	Acres Impacted By Project
Farmland of Local Potential	4.55	0.55
Grazing	41.92	1.76
Prime Farmland	8.10	0.00
Other Land	7.37	01.0
Total:	54.04	3.31

Source: Farmland Mapping and Monitoring Program 2016

Notes:

1. Local Potential: lands having the potential for farmland, which have Prime or Statewide characteristics and are not cultivated.
2. Other Land: Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than forty acres.

Figure 13 – Soils and Important Farmland Classifications of the Project Site



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Discussion

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

Table 7 provides a summary of the changes in the acreage of important farmland in San Luis Obispo County from 2006 to 2016 (the most recent year for which data are available) as determined by the California Department of Conservation, Farmland Mapping and Monitoring Program. As shown in Table 7, over the ten-year period between 2006 and 2016 the County experienced a net increase in the acreage of important farmland of about 126,781 acres, including a net increase of 1,466 acres of prime farmland.

Table 7 – Acreage of Important Farmland in San Luis Obispo County, 2006 – 2016

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

The project will involve total site disturbance of about 6.2 acres and will include the construction of eight metal greenhouse buildings with a total floor area of 62,300, a 6,000 sq.ft. metal processing building, two retention basins, five, 5000 gallon water storage tanks as well as parking and driveway/access improvements. The new greenhouse and processing buildings will be placed on concrete slabs. The areas of disturbance are located in the center of the project site near the existing residence and accessory buildings.

As shown in Table 6, the project will impact 0.55 acres of Farmland of Local Potential, as mapped by the FMMP. However, Project impacts to important farmlands are considered less than significant because:

- As shown in Table 6., the project will not result in the conversion of Prime Farmland or Unique Farmland, as mapped by the FMMP.
- As shown in Table 7, the total acreage of important farmland impacted by the project (about 0.55 acres) is less than 0.002 percent of the Farmland of Statewide Importance mapped in the county in 2016 (the most recent data). Moreover, the county has seen a net increase in the acreage of Farmland of Statewide Importance every year since 2006.
- Almost all of the new construction will be located primarily on the least productive farmland on the project site.

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- The project is consistent with the following policies of the Agriculture Element with regard to the protection and preservation of productive agricultural land:

AGP8: Intensive Agricultural Facilities.

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

AGP18: Location of Improvements.

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

Discussion: Cannabis cultivation is not considered agricultural crop production. The project locates the majority of facilities on the least productive soils on the project site, as determined by the FMMP.

AGP14: Agricultural Preserve Program.

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

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

AGP24: Conversion of Agricultural Land.

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

Discussion: The project site is located about three miles outside the urban reserve and urban fringe of the City of Paso Robles.

- Establish clear criteria in this plan and the Land Use Element for changing the designation of land from Agriculture to non-agricultural designations.*
- Avoid land redesignation (rezoning) that would create new rural residential development outside the urban and village reserve lines.*
- Avoid locating new public facilities outside urban and village reserve lines unless they serve a rural function or there is no feasible alternative location within the urban and village reserve lines.*

Discussion: The project is consistent with the allowable land uses in the Agriculture land use category and does not propose a change in the land use designation.

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

Cannabis activities are a conditionally allowable use within the Agriculture land use category. Therefore, the project will not conflict with existing zoning for agricultural use.

The project site is not subject to an active Williamson Act contract.

(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 site contains scattered oak trees. Project construction activities and improvements to the access road and irrigation system may require compaction or other impacts within the critical root zone of any oak trees. Based on current project plans, four oak trees will be removed. However, the existing oak trees do not meet the definition of ‘forest land’ as defined by Public Resources Code section 12220(g). Therefore, potential impacts to oak trees would not result in the loss or conversion of forest land as defined by the Public Resources Code and there would be *no impact*.

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

The project site is generally surrounded by active agricultural operations including row crops (vineyards), dry farming, and grazing. Surrounding agricultural uses would be temporarily affected by noise and dust generated during the construction phase of the project. These impacts would be temporary in nature and would not result in the direct impairment or conversion of agricultural land to other uses. As discussed in threshold b) above, cannabis cultivation activities are allowed uses within the property’s Agriculture land use designation (LUO Section 22.06.030, 22.40.070). Based on the limited existing agricultural operations on the property and overall compatibility with surrounding agricultural activities, the project would not involve other changes in the environment that would result in conversion of farmland to non-agricultural use or forest land to non-forest use; therefore, potential impacts would be *less than significant*.

Conclusion

No significant impacts to agricultural resources would occur.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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III. AIR QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:</i>				
(a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
(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?	☐	☒	☐	☐
(c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
(d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Setting

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

The APCD has developed and updated their CEQA Air Quality Handbook (2012) to evaluate project-specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, the SLOAPCD prepared and adopted a Clean Air Plan.

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

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The project site is developed with two single-family residences and agricultural accessory structures and has been used periodically for equestrian activities. Therefore, the project site currently generates a level of emissions associated motor vehicle trips typical of a rural residence.

Thresholds of Significance for Construction Activities. The APCD's CEQA Handbook establishes thresholds of significance for construction activities (Table 8). According to the Handbook, a project with grading in excess of 4.0 acres and/or a project that will move 1,200 cubic yards of earth per day can exceed the construction threshold for respirable particulate matter (PM₁₀). In addition, a project with the potential to generate 137 lbs per day of ozone precursors (ROG + NOx) or diesel particulates in excess of 7 lbs per day can result in a significant impact.

Table 8 – Thresholds of Significance for Construction

Pollutant	Threshold ¹		
	Daily	Quarterly Tier 1	Quarterly Tier 2
ROG+NOx (combined)	137 lbs	2.5 tons	6.3 tons
Diesel Particulate Matter	7 lbs	0.13 tons	0.32 tons
Fugitive Particulate Matter (PM ₁₀), Dust ₂		2.5 tons	
Greenhouse Gases (CO ₂ , CH ₄ , N ₂ O, HFC, CFC, F ₆ S)	Amortized and Combined with Operational Emissions		

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

Notes:

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

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

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

The prevailing winds in the project vicinity are from the north and west (onshore) during the daylight hours and are slightly offshore at night. The nearest offsite residences are upwind to the west.

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Discussion

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

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

Adopted transportation control measures include, but are not limited to, a voluntary commute options program, local and regional transit system improvements, bikeway enhancements, and telecommuting programs. The voluntary commute options program targets employers in the county with more than 20 full time employees; because the project would employ up to a maximum of 9 employees, this program would generally not be applicable to the project. The project would not conflict with regional plans for transit system or bikeway improvements. Project employees would generally be performing manual tasks such as planting, harvesting, and monitoring the irrigation equipment; therefore, the project would not be a feasible candidate for participation in a telecommuting program.

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

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

Construction Related Emissions. Based on the project description, the project will have an area of disturbance of about 6.2 acres and will involve grading and excavation to create two retention basins as well as terraces for the placement of greenhouses and outdoor cultivation areas. Grading will require the movement of about 10,000 cubic yards of cut and fill which will be balanced on site. Accordingly, the project could result in the movement of more than 1,200 cubic yards/day of material and will result in an area of disturbance that exceeds four acres. Therefore, construction related emissions will exceed the general thresholds triggering construction-related mitigation and are considered *significant unless mitigated*.

As proposed, the project will result in approximately 6.2 acres of ground disturbance, including 10,000 cubic yards of cut fill (net total of 20,000 cubic yards of earthwork) to be balanced on-site. This will result in the creation of construction dust, as well as short-term construction vehicle emissions. Based on the SLOAPCD's CEQA Air Quality Handbook (2012) and Clarification Memorandum (2017), estimated construction-related emissions were calculated and are shown in Table 9 below.

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Table 9 -- Estimated Construction-Related Emissions

Pollutant	Total Estimated Project Emissions	APCD Emissions Threshold	Mitigation Required?
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO _x) (combined)	2,260 lbs. (1.1 tons) ¹	137 lbs./day 2.5 tons/quarter	Yes
Diesel Particulate Matter (DPM)	98 lbs. (0.05 tons) ²	7 lbs./day 0.13 tons/quarter	Yes
Fugitive Particulate Matter (PM ₁₀)	4.71 tons ³	2.5 tons/quarter	Yes

Notes:

1. Based on 20,000 cubic yards of material moved and 0.113 pounds of combined ROG and NO_x emissions per cubic yard of material moved.
2. Based 20,000 cubic yards of material moved and 0.0049 pounds of diesel particulate emissions per cubic yard of material moved.
3. Based on 6.29 acres of disturbance and 0.75 tons of PM₁₀ generated per acre of disturbance per month and 22 days of construction.

Operation-Related Emissions. According to the project application materials, the project is expected to generate up to 5 average daily motor vehicle trips. As discussed above, a project that generates less than 99 average daily motor vehicle trips will likely generate emissions that fall below the threshold of significance for ozone precursors and greenhouse gas emissions.

LUO Section 22.40.050.D.4 states that Cannabis cultivation sites located on an unpaved road shall incorporate measures to mitigate the air pollution (i.e. dust) effects created by the use. Motor vehicle access to the project site is provided from Penman Springs Road, which is a paved, county maintained roadway. Therefore, the provisions of LUO 22.40.050.D.4 do not apply.

Overall, impacts related to exceedance of federal, state, or SLOAPCD ambient air quality standards due to operational activities would be *less than significant and less than cumulatively considerable*.

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

Sensitive receptors are people or other organisms that may have a significantly increased sensitivity to exposure to air pollution by virtue of their age and health (e.g. schools, day care centers, hospitals, nursing homes), regulatory status (e.g. federal or state listing as a sensitive or endangered species), or proximity to the source. The nearest offsite residences are about 50 feet to the east on the east side of Penman Springs Road. Residences may be occupied by sensitive receptors who could be exposed to diesel particulates and fugitive dust from construction activities. Grading for the construction of greenhouses, the processing and retention basins can require the use of large diesel-powered construction equipment or grading that would exceed APCD construction thresholds. Therefore, potential impacts to sensitive receptors are considered significant unless mitigated.

According to the APCD CEQA Air Quality Handbook, Naturally Occurring Asbestos (NOA) has been identified as a toxic air contaminant by the California Air Resources Board (CARB). Under the CARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities a geologic evaluation should be conducted to determine if NOA is present

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within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Based on the APCD on-line map of potential NOA occurrence, the project site does not lie in the area where a geologic study for the presence of NOA is required.

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

The project includes indoor and outdoor cannabis cultivation as well as drying and processing of cannabis grown on-site. These activities can produce potentially objectionable odors during the flowering, harvest, drying, and processing phases and these odors could disperse through the air and be sensed by surrounding receptors. Accordingly, Section 22.40.050 of the LUO requires the following:

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

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

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

The Project incorporates the following features to address odors:

- The Operations Plan required by LUO Section 22.40.040.A.3. sets forth operating procedures to be followed to help ensure odors associated with cannabis related activities do not leave the project site.
- The project will be required to operate in a manner that ensures odors associated with cannabis activities are contained on the project site.
- The project will be conditioned to participate in an ongoing cannabis monitoring program. Once implemented by the County, the project site will be inspected four times per year to ensure ongoing compliance with conditions of approval, including those relating to odor management.
- As required by LUO Section 22.40.050 D. 8., all structures for indoor cannabis cultivation are required to be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite. Accordingly, the facility will employ air scrubbing technology on the greenhouses and processing building. Carbon scrubbers, for example, have been demonstrated to be an effective odor abatement method for indoor cannabis facilities (County of Santa Barbara 2017) and work by pulling odors from the air into an exhaust system and absorbing any odors that pass through via activated/deactivated carbon (granular, pelletized, or powdered).

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

Conclusion

The project is expected to generate construction related emissions that would exceed SLO APCD thresholds and could adversely impact sensitive receptors on surrounding properties. With recommended mitigation measures, potential impacts will be less than significant.

Mitigation

- AQ-1 Dust Control.** The project proposes grading areas that are greater than 4 acres in size and within 1,000 feet of a sensitive receptor. The following measures shall be implemented to minimize nuisance impacts and to significantly reduce fugitive dust emissions:
- Reduce the amount of the disturbed area where possible;
 - Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. When drought conditions exist and water use is a concern, the contractor or builder should consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. Please refer to the San Joaquin Valley Air District for a list of potential dust suppressants;
 - All dirt stockpile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
 - Permanent dust control measures identified in the approved project plans (e.g., revegetation and landscape plans, etc.) shall be implemented as soon as possible following completion of any soil disturbing activities;
 - Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
 - All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Air Pollution Control District (APCD) (*project manager add following as applicable – “and for applications within close proximity to sensitive habitats, CA Department of Fish and Wildlife (CDFW)-compliant stabilizing methods shall be used”*);
 - All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
 - Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
 - All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CA Vehicle Code Section 23114;

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- j. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in CVC Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
- l. All PM₁₀ mitigation measures required should be shown on grading and building plans; and
- m. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition (Contact Tim Fuhs at 805-781-5912).

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

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

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- i. Electrify equipment when feasible;
- j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

AQ-3 Developmental Burning. As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).

Sources

See Exhibit A.

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IV. BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
(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?	☐	☐	☒	☐
(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?	☐	☐	☒	☐
(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?	☐	☒	☐	☐
(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐
(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?	☐	☐	☒	☐

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Setting

The following information is based on a Biological Resource Assessment (BRA) prepared for the project site by Kevin Merk Associates LLC in April 2019.

For purposes of the BRA, special-status species are those plants and animals listed, or are Candidates For Listing, as Threatened or Endangered by the US Fish and Wildlife Service (USFWS) under the federal Endangered Species Act (FESA); those listed as Threatened or Endangered under the California Endangered Species Act (CESA); and, animals designated as "Species of Special Concern," "Fully Protected," or "Watch List" by the California Department of Fish and Wildlife (CDFW; 2018a).

FESA provisions protect federally listed species and their habitats from unlawful take, which is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any of the specifically enumerated conduct." Under these regulations, "harm" may include significant habitat modification or degradation that kills or injures wildlife. Candidate species are not afforded legal protections under FESA; however, Candidate species typically receive special attention during the CEQA environmental review process. CESA provides for protection and preservation of native species of plants and animals that are experiencing a significant decline which if not halted would lead to a threatened or endangered designation. Habitat degradation or modification is not expressly included in the definition of take under CESA.

CDFW maintains a list of Species of Special Concern for those species in which declining population levels, limited ranges, and/ or continuing threats have made them vulnerable to extinction. The goal of designating species as special concern is to halt or reverse their decline early enough to secure their long-term viability. Species of Special Concern may receive special attention during environmental review, but do not have statutory protection. FESA and CESA emphasize early consultation to avoid impacts on Threatened and Endangered species. As part of the consultation process, project proponents are directed to develop appropriate mitigation plans to offset project effects on listed species and their habitats.

Critical habitat is designated for species listed under FESA, and are areas that contain the physical or biological features which are essential to the conservation of those species and may need special management or protection. Critical habitat designations affect only federal agency actions or federally funded or permitted activities. Activities by private landowners are not affected if there is no federal nexus.

Rare plants are those defined as occurring on California Rare Plant Rank (CRPR) I, 2, 3 and 4 developed by the CDFW working in concert with the California Native Plant Society (CDFW 2019b). Rank 4 species are a watch list, and typically do not meet CEQA's rarity definition (Section 15380), but are included here because they may be of local concern. The CRPR definitions are as follows:

- *Rank 1A = Presumed extirpated in California and either rare or extinct elsewhere;*
- *Rank 1B.1 = Rare or endangered in California and elsewhere; seriously threatened in California (over 80% of occurrences threatened/high degree and immediacy of threat);*
- *Rank 1B.2 = Rare or endangered in California and elsewhere; moderately threatened in California (20-80% occurrences threatened);*
- *Rank 1B.3 = Rare or endangered in California and elsewhere, not very threatened in California «20% of occurrences threatened or no current threats known);*
- *Rank 2A = Presumed extirpated in California, but more common elsewhere;*

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- *Rank 2B = Rare or endangered in California, but more common elsewhere;*
- *Rank 3 = Plants needing more information (most are species that are taxonomically unresolved; some species on this list meet the definitions of rarity under CNPS and CESA); and*
- *Rank 4.2 = Plants of limited distribution (watch list), fairly threatened in California (20-80% occurrences threatened).*
- *Rank 4.3= Plants of limited distribution (watch list), not very threatened in California.*

Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both federal and state regulations. Birds of prey are protected in California under the California Fish and Game Code Section 3503.5. Disturbance that causes nest abandonment or loss of reproductive effort is considered take by CDFW. Eagles are protected under the Bald and Golden Eagle Protection Act. The federal Migratory Bird Treaty Act (MBTA) applies to many bird species, including common species, and prohibits killing, possessing, or trading in migratory birds, including whole birds, parts of birds, bird nests, and eggs. The act restricts construction disturbance during the nesting season that could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment.

Sensitive natural communities are those native plant communities listed in the California Natural Diversity Database (CNDDDB; CDFW 2019a) as rare or of limited distribution. They are evaluated using NatureServe's Heritage Methodology to assign global and state ranks based on rarity and threat, and these ranks are reviewed and adopted by CDFW's (2019b) Vegetation Classification and Mapping Program (VegCAMP). Evaluation with the state (S) level results in ranks ranging from 1 (very rare or threatened) to 5 (demonstrably secure). Those with ranks of S1 to S3 are to be addressed in the environmental review process under CEQA (CDFW 2019b).

Methodology

The methodology used in the BRA followed the County's (2016) guidelines. Google Earth aerial imagery was employed in coordination with the field surveys to define the current extent of onsite plant communities and assist in identifying potential habitat for special-status species. The "project site" was defined as the boundaries of the legal lot, as shown on the project plans (Figure 3). The "study area" included the proposed project impact area plus a buffer of approximately 500 feet. On February 7, 2019, Kevin Merk attended a site visit with representatives of the County and SLOCAL Roots Farms, and also conducted field survey to assess on site conditions. A subsequent site survey was conducted on April 4, 2019 to search for special status plants known to occur in the area.

The site was accessed via Penman Springs Road and existing private roads on the site, and the study area was surveyed on foot. A list of dominant plant species in each plant community was made, and all plant and animal species observed were noted (Appendix B of the BRA). Plant taxonomy followed the Jepson Flora Project (2019), and nomenclature for animals is reported as it appears in the CNDDDB (CDFW 2019a) or as updates are available (California Herps 2019). Plant communities and other site features were mapped on ESRI USDA Farm Service Agency aerial imagery. Classification of the onsite plant communities was based on the CDFW's (2019b) *Vegetation Classification and Mapping Program* which generally follows Sawyer et al.'s (2009) *Manual of California Vegetation*. Holland's (1986) *Preliminary Descriptions of the Terrestrial Natural Communities of California* was also referenced as the sensitive natural communities listed in the CNDDDB follows the Holland community names. *A Guide to Wildlife Habitats in California*, which is updated through the California Wildlife Habitat Relations System (CDFW 2019c), was also cross-referenced. Representative photos of each of the habitat types onsite and the proposed project area were taken, and a photo plate is included as Appendix C.

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The Web Soil Survey was used to identify the soil mapping units present within the project site (Natural Resources Conservation Service 2019). The National Wetlands Inventory (NWI) was also reviewed to evaluate the extent of identified wetlands on the site and in the vicinity (USFWS 2019a). USGS topographic maps were also reviewed for information on hydrologic features. Designated critical habitat for species listed under FESA was mapped according to information provided in USFWS (2019b).

The CNDDDB (CDFW 2019a) was queried for special-status plant and animal species occurrences and sensitive natural communities within the following USGS 7.5-minute quadrangles: Creston, Paso Robles, Estrella, Shandon, Shedd Canyon, Wilson Corner, Santa Margarita, Atascadero, and Templeton. CNDDDB records of special-status plant and animal occurrences and sensitive natural communities within a five-mile buffer of the project site were mapped. From the list of all special-status species within the nine-quadrangle search, local distribution and ecological information was obtained from a variety of online and published sources (Hoover 1970, Jennings and Hayes 1994, Bolster 1998, Lanoo 2005, Calflora 2019, California Native Plant Society 2019, California Herps 2019, The Cornell Lab of Ornithology 2019a, 2019b; CDFW 2019c). Those species that occur in the Salinas River valley from Santa Margarita to north of San Miguel and east to Shandon were considered to be within the project vicinity. Species that are restricted to other biogeographical settings, such as occurring only from mountainous areas of the Santa Lucia or La Panza ranges, were excluded. Based upon knowledge of the local area, additional special-status biological resources that have been documented in the project vicinity were included.

From the list of all special-status species known from the project vicinity, an evaluation of those with potential to occur onsite was conducted based upon the suitability of habitat conditions on the property, and the local distribution (geographical and elevational ranges) and specific requirements (plant communities and soils) of the species considered. The April survey was sufficient to determine if special status plants were present on the site, but definitive surveys for the presence or absence of special-status animal species were not conducted. For the special status wildlife analysis, the biologists relied on existing information and known occurrence records in the region coupled with site-specific observations to make determinations for the probability of occurrence in the study area. Those species listed as "Potential" in Appendix D met the following requirements: records in the site vicinity, appropriate plant community and soil associations onsite, and within the known range of the species. If anyone of these elements was not met or considered to be marginal for the site, but the other elements were present, that species was considered "Unlikely". If environmental conditions were clearly inappropriate onsite, or the species is of very limited distribution that does not overlap the site, those species were considered "Not Expected". If any species had been observed during the survey, they would have been listed as "Present"; however, no special-status species were seen during the surveys. If any life stage or particular life history use (i.e., foraging) fit the requirements of the onsite conditions, even while other aspects were inappropriate for certain functions (i.e., breeding), these species were still considered to have "Potential" to occur onsite and a description of this assessment is provided in the special-status species table (Appendix D of the BRA) as well as a more in-depth analysis in the text.

The biologists determined whether special-status plant and animal species, sensitive natural communities, wetlands or other waters under state or federal jurisdiction, and designated critical habitat could occur on the site or nearby. Pursuant to County (2016) guidelines, they then evaluated the potential impacts of the proposed project on each of these biological resource issues, including the six additional impacts in CEQA Appendix G. An evaluation of significance as defined under CEQA is provided for each potential impact, and mitigation is proposed to reduce impacts to a level below the significance threshold.

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Additionally, a SJKF Habitat Evaluation was prepared to characterize the extent of onsite habitat for SJKF affected by the implementation of the proposed project, and confirm the accuracy of the standard mitigation ratio developed by the County for the area in which the project site occurs.

Existing Conditions

The project site is located in an area above Huerhuero Creek east of Paso Robles at the transition between the Salinas River floodplain and low rolling hills below the La Panza and Temblor ranges. The project site is surrounded by rural residential development and agriculture. Penman Springs Road passes through the eastern edge of the property, and Huerhuero Creek passes through the western portion. An unnamed tributary meanders through the northern portion of the site, and an easement road runs along the southern boundary of the property. The property has been developed for rural residential and equestrian uses, with the grasslands onsite having been grazed for many years. Structures consist of a house, trailer, barn, arenas, sheds, and horse shelters. Mature eucalyptus (*Eucalyptus* spp.) occur around the developed areas, and other planted trees include pine (*Pinus* sp.), fruit trees (*Prunus* spp.) and ornamental species such as rosemary (*Rosmarinus officinales*).

A high-voltage electrical transmission line passes through the center of the property, and there are two electrical towers on the site. All grassland areas on the property have been fenced for use as equine pasture or paddocks. At the time of the survey, the property was unoccupied and no grazing was taking place. Areas that had formerly been grazed and seasonally disked or mowed were reverting to Non-native Grassland, with a predominance of non- native forbs in the more heavily disturbed areas. Elevations on the property range from 775 to 860 feet (236 to 262 meters) above sea level. The site generally slopes to the west toward Huerhuero Creek, to the north toward the unnamed tributary, and to the south where there is an area of floodplain along Huerhuero Creek.

Habitats of the Project Site

Five plant community or land use types were observed in the study area and included: 1) Non-native Grassland; 2) Blue Oak Woodland; 3) Riverine, 4) Riparian Scrub, and 5) Developed/Ruderal (Figure 14). These habitat types are described below.

Non-native Grassland

Non-native Grassland (Holland 1986) or annual grassland (CDFW 2019c) occurs throughout the majority of the site. Depending on the intensity of past use for equestrian pasture or paddock, these areas varied from being dominated by non-native grass species, to areas with a mixture of grasses and non-native forbs. At the highest level of disturbance in corrals/pens, etc. would be considered to be ruderal (described below). The species representative of this plant community include ripgut brome (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), redstem filaree (*Erodium cicutarium*), summer mustard (*Hirschfeldia incana*), black mustard (*Brassica nigra*), slender wild oats (*Avena barbata*), English plantain (*Plantago lanceolata*), white horehound (*Marrubium vulgare*), and dwarf mallow (*Malva neglecta*). The species composition is consistent with "wild oats and annual brome grasslands" (CDFW 2019b) or "annual brome grasslands" (Sawyer et al. 2009), which are semi- natural alliances. Several native species were also present and included common fiddleneck (*Amsinckia intermedia*), purple owl's clover (*Castilleja exserta* ssp. *exserta*) and blue dicks (*Dichelostemma capitatum*). The southern portion of the project site also has several valley oaks (*Quercus lobata*) scattered within this habitat type, and oaks under the transmission corridor had been pruned repeatedly and appeared to be in poor to moderate health. Other areas also had infrequent coyote brush (*Baccharis pilularis*) shrubs. The valley oaks and coyote brush did not occur at great enough density to warrant a separate habitat type for these areas.

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Blue Oak Woodland

A stand of blue oak (*Quercus douglasii*) trees and saplings occurs along the unnamed drainage in the northern part of the property. The understory is primarily Non-native Grassland, and there were occasional occurrences of native species such as yarrow (*Achillea millefolium*) and shrubs of common snowberry (*Symphoricarpos albus*) and yellow yarrow (*Eriophyllum confertiflorum*). This plant community falls under the Blue Oak Woodland alliance described by Sawyer et al. (2009), CDFW (2019b) and Holland (1986).

Riverine

Riverine areas are the stream channels of Huerhuero Creek and the unnamed tributary onsite. Because these features are mostly lacking vegetation and are not dominated by trees, shrubs or wetland vegetation, the extent of the riverine habitat is bounded by the lower channel banks. The riverine habitats onsite are intermittent, in that flow is not present year-long, and have unconsolidated bottom (Cowardin et al. 1992). Huerhuero Creek had substrate of fine loose sand that is redistributed when the creek flows and can wash out instream vegetation. It also had a braided channel with islands vegetated by Non-native Grassland and patches of Riparian Scrub. The top of banks associated with these two features were mapped in the field and are shown on Figure 14.

Riparian Scrub

Riparian Scrub within the Huerhuero Creek channel consisted of scattered occurrences of riparian scrub plant species that did not have a continuous canopy. The scarcity of riparian vegetation was likely due to both scouring flows that remove plants as well as wide intra-annual and inter-annual variation in the amount of available water, preventing dense growth of wetland species. Fremont cottonwood (*Populus fremontii*) existed as stunted or dwarf forms. There were also scattered mulefat (*Baccharis salicifolia*), coyote brush, and narrowleafwillow (*Salix exigua*). This habitat type is similar to mulefat thicket or Fremont cottonwood forest (Sawyer et al. 2009; CDFW 2019b), but the vegetation onsite was of much lower density than described for these alliances. It falls under Central Coast riparian scrub, which can vary from open to dense, and dominated by any of several willow species (Holland 1986). This community can also be described most precisely as mulefat scrub, which occurs in intermittent stream channels is maintained at an early seral stage by frequent flooding and could succeed to cottonwood- or sycamore-dominated riparian forests or woodlands in the absence of flooding that removes vegetation (Holland 1986).

Developed Ruderal

Developed areas on the property consisted of houses, trailers, arenas, paddocks, a gravel driveway, outbuildings, barn, and other structures for equestrian use. Along the southern edge of the property is an easement driveway providing access to a residence to the west, and has an offsite improved crossing over Huerhuero Creek consisting of a raised concrete roadway and bridge over the low flow channel. Surrounding the developed portions were ruderal areas consisting of areas with high impacts from horses or grounds maintenance. Additionally, areas surrounding the electrical transmission towers were also considered ruderal. Ruderal areas were vegetated by non-native weedy species such as horehound, black mustard and summer mustard. Some of the ruderal areas were converting back to non-native grassland but were still characterized primarily by disturbance. Ruderal habitats also included planted species such as blue gum eucalyptus, pines, fruit trees, and ornamental shrubs.

Hydrologic Features

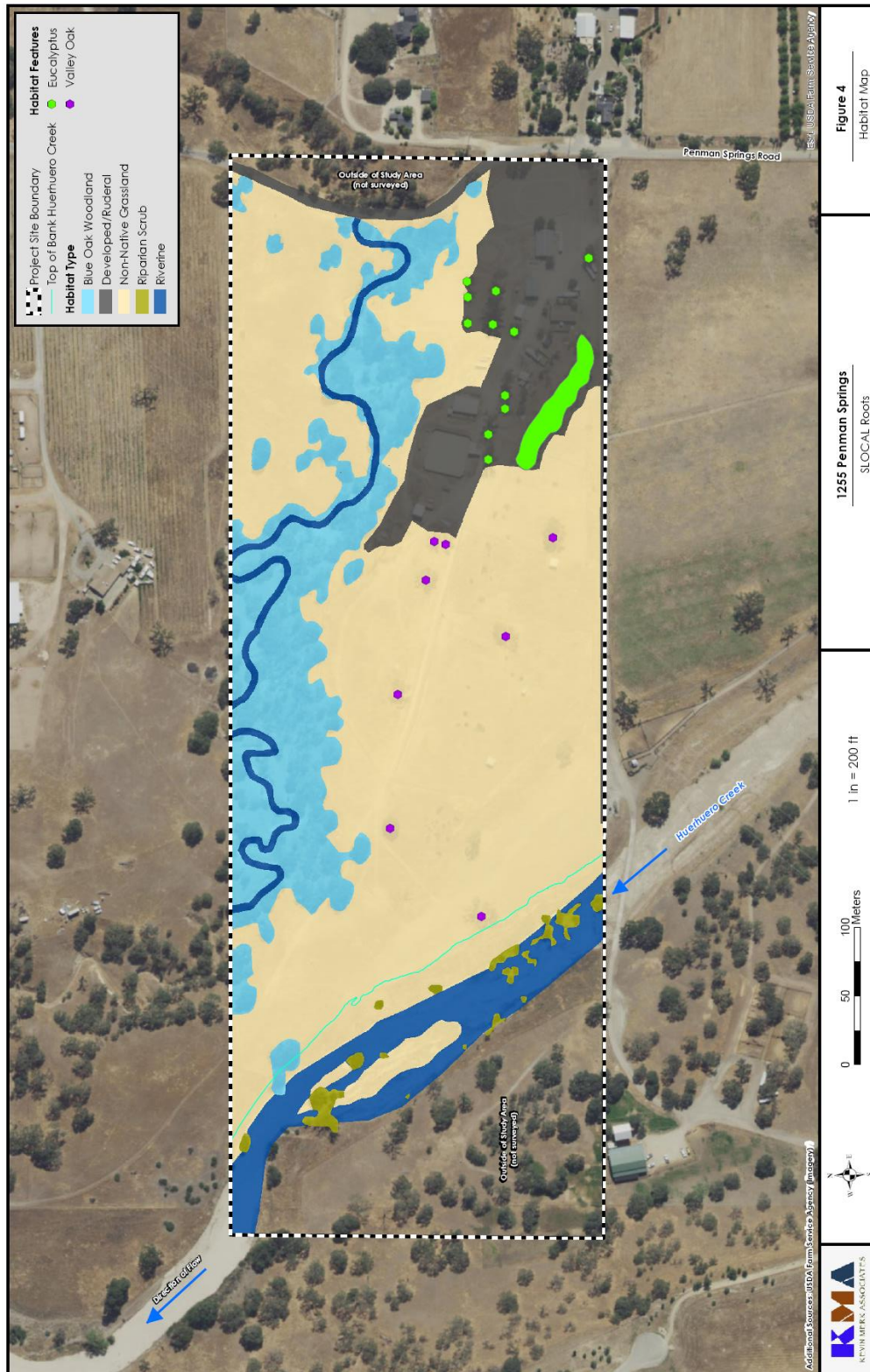
Huerhuero Creek and the unnamed tributary in the northern portion of the site are shown as Riverine wetland habitat by the NWI. Both of these features are shown as intermittent streams on the USGS topographic quadrangle. Huerhuero Creek originates in the western slope of the La Panza Range, and flows

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in a northwesterly direction, joining Salinas River north of Paso Robles. All except the uppermost branches of Huerhuero Creek can be characterized as a sandy wash with limited patches of riparian scrub. Flows generally do not last long following rain, and little to no pooling occurs. The unnamed tributary originates a short distance upstream from the project site in the relatively flat plain surrounding Union Road, flows under Penman Springs Road in a culvert, and joins Huerhuero Creek just upstream from the project site. Salinas River flows north and discharges in the Pacific Ocean south of Castroville. Both of these features are likely to meet the definitions as Waters of the U.S. and of the State of California. As such, they would be subject to the regulatory permitting requirements of the Clean Water Act (Sections 401 and 404) and California Fish and Game Code (Section 1600 et seq.) if any impacts to these features was proposed.

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Figure 14 -- Habitats of the Project Site



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Special-Status Species

Special-Status Plants. Based on the presence of Non-native Grassland and Blue Oak Woodland habitat types, several special status plants were identified as having potential to occur onsite. These species were put on the target list of species to search for during the April survey, and include:

- Dwarf calycadenia (*Calycadenia villosa*) - CRPR 18.1
- San Luis Obispo owl's clover (*Castilleja densiflora* var. *obispoensis*) - CRPR IB.2
- Lemmon's jewelflower (*Caulanthus lemmonii*) - CRPR IB.2
- Yellow-flowered eriastrum (*Eriastrum luteum*) - CRPR IB.2
- Shining navarretia (*Navarretia nigellijormis* ssp. *radians*) - CRPR IB.2

None of these species are federally or state listed as Threatened or Endangered or are Candidates for listing, but instead are California Rare Plants with CRPR IB status. Surveys in February and April 2019 did not locate any special-status plant species. Furthermore, rare perennial species including several species of manzanita and horkelia, would have been in observable condition during the surveys. No perennial special status plants were observed, and therefore, they are not expected to occur.

Special-Status Animals.

The listing status, habitat associations and evaluation of occurrence for special status species known to occur in the region are summarized in Appendix D of the BRA, and additional information for species analyzed as having potential to occur onsite is provided below.

Amphibians and Reptiles. There is potential for two special-status amphibian or reptile species to occur on site.

The **northern California legless lizard** (*Anniella pulchra*) is a CDFW Species of Special Concern that occurs in a wide variety of habitat types, but is associated with moist loose soils that it buries into and lives underground. They can be found under surface objects or in leaf litter near the surface when these areas are damp. Suitable habitat for the species is present in the Riparian Scrub and adjacent Riverine habitat onsite outside inundation areas, where they may be present in leaf litter or vegetative debris that has collected around shrubs, and bury into the soft sand. They may also occur in the Blue Oak Woodland onsite, where they can be found under logs and large fallen branches, and during the dry summer they would bury further underground. Northern California legless lizards also occur under artificial objects such as lumber, metal or cardboard sheeting, and other materials that provide a moist environment near the soil surface and although less likely, could occur in the landscaped areas within the Developed/Ruderal areas onsite.

The **western spadefoot** (*Spea hammondi*) is a CDFW Species of Special Concern that was petitioned for listing under the FESA, and in 2015 the USFWS issued a finding that listing may be warranted and currently this species is under review (USFWS 2019b). This amphibian is primarily a terrestrial species that spends most of its life in burrows underground within grassland and open woodland or oak savanna habitats most typically in vernal pool regions. During years with sufficient rainfall to fill the temporary pools where they breed, they emerge in large numbers and complete their reproductive period within a few months. The types of aquatic habitats used for breeding include vernal pools, ephemeral ponds (natural or man-made), stock ponds lacking fish, and streams that dry to isolated pools but may have flow earlier in the winter.

The CNDDDB contains a record of two adult spadefoots observed in 2002 along Huerhuero Creek in close proximity to the project site. They are also known to inhabit many farm ponds along the upper reaches of Huerhuero Creek (Christopher 2018), and are probably more widely distributed in the lowlands east of Paso

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Robles than have been documented owing to the scarcity of years in which conditions are appropriate for breeding and they are detectable. It is not known whether the pools in Huerhuero Creek would have sufficient hydroperiod for their larval period, which is at minimum 30 days but is generally 8 to 16 weeks (Morey 1998, Christopher 2018). Review of aerial imagery is insufficient to determine whether breeding ponds may be located near the site because most photos of this area were taken during the dry time of year. Therefore, there is a possibility that the western spadefoot may breed in Huerhuero Creek on or adjacent to the project site, and/ or may breed in temporary ponds adjacent to the site, and if suitable breeding habitat is located nearby they may also use upland habitats on site for burrowing during periods of inactivity. The sandy soils along Huerhuero Creek and the sandy loam in the Blue Oak Woodland habitat are potentially suitable for spadefoot burrows.

Mammals.

The **pallid bat** (*Antrozous pallidus*) is a CDFW Species of Special Concern. They could forage in any of the habitats onsite. Potential roosting habitat could be present in cavities of large valley oaks or blue gum eucalyptus. Night roosting could occur in the agricultural buildings onsite.

The **San Joaquin pocket mouse** (*Perognathus inornatus*) is listed in the CNDDB but does not have specific listing status (CDFW 2018a). This species occurs in dry open grasslands with sandy soils, such as are present onsite. This species was documented nearby in 1999, at the Estrella River wash (CDFW 2019a). It could occur in the Non-native Grassland, Blue Oak Woodland and Riverine habitats onsite.

The **American badger** (*Taxidea tax us*) is a CDFW Species of Special Concern that occupies open grassland, fields, and the edges of scrub or woodland habitats. They are associated with friable soils in which they dig burrows. Suitable habitat is present in all of the habitats onsite, including the ruderal areas because they tolerate some degree of human disturbance (CDFW 2019c). The sandy loam soils onsite are suitable for burrows, and the Huerhuero Creek portion of the site may provide a suitable habitat corridor for movements through the area.

The **San Joaquin kit fox** (*Vulpes macrotis mutica*; SJKF) is federally Endangered and state Threatened. This species was documented at two locations between the site and Paso Robles in the early 1990s. In 2014, there were several detections in the Whitley Gardens area, suggesting continued use of the corridor between the Carrizo Plain Core Area and the Salinas and Pajaro river watersheds (Camp Roberts/Fort Hunter Liggett) satellite area (USFWS 1998,2010). This corridor could include the vicinity of the project site. The SJKF has not been recorded in the project vicinity for many years and it is unlikely that this species could occur onsite at the present time. More information about the potential for the SJKF to occur onsite is discussed in Section 4.0 SJKF Habitat Evaluation below.

Invertebrates. Although the federally Threatened vernal pool fairy shrimp (*Branchinecta lynchi*) has been recorded within five miles of the project site, and the site falls within designated critical habitat for the species, the site did not have any topographic depressions capable of holding water. In addition, the site visit was conducted during a particularly wet period when soils in the Paso Robles region were at peak saturation, and no ponded water was seen outside of stream channels.

Crotch Bumble Bee (*Bombus crotchii*) is considered a Special Animal and is tracked by the CNDDB. Crotch bumble bee is known from California and western Nevada and inhabits open grassland and scrub habitats. In general, bumble bees forage from a diversity of plants, although individual species can vary greatly in their plant preferences, largely due to differences in tongue length (Hatfield et al. 2015). Crotch bumble bees are classified as a short-tongued species, whose food plants include *Asclepias*, *Chaenactis*, *Lupinus*, *Medicago*,

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Phacelia, and *Salvia* (Williams et al. 2014). The species is primarily active in the spring and summer. Nesting occurs underground, often in abandoned rodent burrows.

The BRA assessed the suitability of habitats on the project site to support CBB. The closest reported occurrence of Crotch bumble bee is approximately 5.3 miles east of the Property, within the Los Padres National Forest (CNDDDB #82). No bumble bees were observed during the site survey, however suitable grassland and scrub habitat with available pollen and nectar sources is available on the Property; therefore, the species may occur.

Avian Species. While the nesting potential for special-status bird species was determined to be low, a number of birds both rare and common could forage or fly over the site. The large trees onsite were inspected and no nest sites were observed, but still could provide nesting opportunities for a variety of birds.

The **tricolored blackbird** (*Agelaius tricolor*) is a Candidate for state Endangered status and is a CDFW Species of Special Concern. This species nests and roosts colonially in freshwater marshes with dense tules, cattails, or blackberry thickets and forages in pastures and other agricultural areas. Nesting colonies have been documented in agricultural ponds surrounding Paso Robles (CDFW 2019a), and there are sightings from the vicinity during the non-breeding period (The Cornell Lab of Ornithology 2019a). Potentially suitable foraging habitat is present onsite in grassland areas onsite, but no nesting or roosting habitat is present on or immediately adjacent to the site.

The **golden eagle** (*Aquila chrysaetos*) is a CDFW Fully Protected species and is also on the CDFW Watch List, which is listed for nesting and wintering habitat, and potentially could fly over and forage onsite. This species forages in open terrain and nests on cliffs, large trees, or structures such as electrical towers. Suitable foraging habitat is present in Non-native Grassland habitat onsite, and while no nest sites were observed, they could potentially nest in the large valley oaks or blue gum eucalyptus as well as on the electrical transmission towers. There are numerous sightings in the surrounding Paso Robles, Creston and Shandon area of golden eagles observed during the winter and breeding season (The Cornell Lab of Ornithology 2019a).

The **great blue heron** (*Ardea herodias*) is listed in the CNDDDB for nesting colonies, but does not have a specific listing status (CDFW 2018a). This species is associated with wetland habitats, but it is occasionally seen foraging in grasslands or agricultural fields away from water. Nesting colonies are near aquatic habitats, where they nest mainly in large trees. Individuals could occur onsite periodically while foraging, but nesting colonies would not utilize the site due to the distance from any lakes, ponds or wetlands.

The **ferruginous hawk** (*Buteo regalis*) occurs in this area only during winter, and has been recorded in the Paso Robles area (The Cornell Lab of Ornithology 2019a). It is on the CDFW Watch List for wintering habitat. This species forages in open areas such as the Non-native Grassland habitat onsite, and the site could be part of its overwintering and foraging habitat.

The **Swainson's hawk** (*Buteo swainsoni*) is state listed as Threatened for nesting, and only occurs in this area during the spring and summer breeding season. There are records from west of Shandon and Templeton, but otherwise it is rare in the Paso Robles area (The Cornell Lab of Ornithology 2019a). It forages in grassland habitats and nests in grasslands with scattered trees. No large stick nests representative of raptors such as the Swainson's hawk were observed on site. Therefore, it does not appear that nesting habitat is present onsite for this species, but potential foraging habitat is present in Non-native Grassland onsite.

The **northern harrier** (*Circus cyaneus*) is listed by CDFW as a Species of Special Concern for nesting. While this species is somewhat associated with wetland or coastal areas, there are numerous observations from

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inland areas, including several in close proximity to the project site (The Cornell Lab of Ornithology 2019a). Potential foraging and nesting habitat is present in Non- native Grassland habitat onsite, especially considering the expanses of open country surrounding the site. They nest on the ground in dense clumps of vegetation, and given the long history of human occupation onsite and equestrian uses, it appears unlikely that this species would nest onsite.

The **white-tailed kite** (*Elan us leucurus*) is considered a Fully Protected species by CDFW for nesting. It has been observed at numerous locations in the site vicinity (The Cornell Lab of Ornithology 2019a). Suitable foraging habitat is present in the Non-native Grassland and Blue Oak Woodland habitats onsite. During the non-breeding season, they roost communally in trees or tall shrubs at the edges of grasslands (The Cornell Lab of Ornithology 2018b); since they occur in this area year-round, roosting could occur in the large trees onsite. Nesting could also occur in the blue oak woodland.

The **prairie falcon** (*Falco mexican us*) is on the CDFW Watch List for nesting. It has been recorded at numerous locations in the site vicinity (The Cornell Lab of Ornithology 2019a). Suitable foraging habitat is present in Non-native Grassland habitat onsite. Nesting could occur in the large valley oaks or blue gum eucalyptus, as well as the electrical transmission towers.

The **purple martin** (*Progne subis*) is a CDFW Species of Special Concern for nesting. This species is rare in the county, but a nesting colony has been documented in Atascadero Creek for at least the past 20 years (CDFW 2019a). Individuals of this species could potentially forage in the Non-native Grassland, Blue Oak Woodland, and Riverine habitats onsite. Potential nesting habitat is present in the large valley oaks and blue gum eucalyptus, electrical transmission towers or agricultural structures; however, nesting onsite is unlikely due to the rarity of nesting in the vicinity.

Discussion

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

The project will result in the disturbance of 6.2 acres of non-native grassland habitat. Some listed species have the potential to forage or roost in developed/ruderal habitat. However, Developed/Ruderal areas will not change via project implementation in a way that would affect these wildlife uses of the property - the rural residential nature of the property with non-native planted trees and outbuildings will essentially remain the same, and the minor additions or changes planned for this area would have no effect on the special-status wildlife species that potentially use this area. The loss of approximately 6.2 acres of non-native grassland habitat that supports a low prey base would not be considered a significant impact, especially considering the amount of habitat that will remain within the property and in surrounding areas.

Special-Status Plants

Given that the majority of the site has been disturbed for many years from rural residential development and the equestrian facilities, the areas proposed for cannabis cultivation are not expected to support any special status plants. The grassland areas were dominated by non-native weedy species and contained dense thatch that was determined to be not suitable for special status plants. The April survey covered the bloom period of these species, with the exception of dwarf calycadenia, which typically blooms from May through October. As stated above, the Cannabis cultivation project is proposed in grassland habitat that is dominated by non-native species and is not expected to impact rare plants. It is possible that dwarf calycadenia could occur in the blue oak

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woodland area, albeit a low potential due to the predominance of non-native grasses creating dense thatch. However, no project activities or components are proposed in this area.

Special-Status Animals

California Legless Lizard and Western Spadefoot

The northern California legless lizard and western spadefoot primarily occur underground, and could be within any of the impact area habitats in which ground disturbing activities could cause injury or mortality. The pallid bat could roost in buildings or cavities in trees that are within, or adjacent to, areas where construction activities would occur and their roosting activities could be disrupted or the structures they use for roosting could be disturbed.

Small Mammals

The San Joaquin pocket mouse, American badger and San Joaquin kit fox could occur in burrows within ground disturbance areas, and individuals could be injured or killed during construction.

Crotch Bumblebee

The BRA concludes that suitable habitat for CBB is present on the project site. In response to recent consultations regarding this species, CDFW has recommended pre-construction surveys and the implementation of avoidance and minimization measures where a project may adversely impact areas of grasslands and upland scrub that contain requisite habitat elements, such as small mammal burrows. Accordingly, preconstruction surveys and avoidance measures are recommended for CBB (BIO-19).

Potential impacts to these species is considered *significant unless mitigated*.

San Joaquin Kit Fox

The project site is within the mitigation area for the San Joaquin Kit Fox (SJKF). Accordingly, a SJKF habitat evaluation was prepared to characterize the extent of potential SJKF habitat that would be affected by the implementation of the proposed project. The SJKF Habitat Evaluation form is included as Appendix E of the BRA. The habitat evaluation process is also used to confirm whether the standard mitigation ratio developed by the County is appropriate for this project, and as a basis for coordination with CDFW to determine the final mitigation ratio for the in-lieu fees. The project plans developed by Cody McLaughlin (April 1, 2019; Appendix A of the BRA) were the basis for this analysis.

Methods. This evaluation followed the County's (2002) Guidelines. We also incorporated our knowledge of other SJKF Early Evaluation and Northern Range Protocol Surveys in the area (including Entrada de Paso Robles, Continental Vineyards/Whitley Gardens, and San Miguel Ranch). The CNDDDB was queried for SJKF occurrences within three and ten miles of the site (CDFW 2019a). Kevin Merk conducted field work for this investigation on February 7 and April 4, 2019. The methods for the survey and classification of onsite habitat types are as described above in Section 2.0.

Results and Discussion. The project site lies within an agricultural area of northern San Luis Obispo County with a variety of fields planted in Vineyards, dry-farmed grains, irrigated annual crops, and old walnut orchards. Wine grapes are the primary agricultural crop in the surrounding area, and there is associated winery development including tasting rooms, processing buildings, and distribution centers. Rural residential development is dispersed throughout the area. Other dominant habitat types within a ten-mile radius of the project site included Non-native Grassland

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with patches of Coyote Brush Scrub; Blue Oak Woodland primarily occurring on north and east facing slopes of steeper rolling hills; patchy willow-cottonwood Riparian Scrub along Huerhuero Creek; and Ruderal (disturbed) areas dominated by weedy vegetation along road edges, adjacent to agricultural fields, within pastures, and surrounding residential and vineyard development. Therefore, contiguous kit fox habitat surrounds the project site.

The immediate area proposed for the cannabis cultivation project is composed of Non-native Grassland with scattered mature valley oaks, and Developed/Ruderal areas consisting of rural residential development, equestrian facilities, electrical transmission corridor, mature blue gum eucalyptus rows and other ornamental trees, unpaved roads, and other site infrastructure. Other habitats on the property consist of Blue Oak Woodland and Riverine habitat with scattered patches of Riparian Scrub along Huerhuero Creek. During the site survey, evidence of California ground-squirrels (*Otospermophilus beecheyi*), which is a prey species of SJKF, was noted. The fencing currently present along the property boundary is not a barrier to SJKF.

The property is situated approximately two miles east of Paso Robles (measured from existing residential development along Golden Hills Road), within the southern limits of the historic SJKF movement corridor linking a core population on the Carrizo Plain and a satellite population in the Salinas and Pajaro river watersheds (Camp Roberts/Fort Hunter Liggett) (USFWS 1998,2010). While the Carrizo Plain population remains at sustaining levels, the Camp Roberts population severely declined likely as a result of rabies (White et al. 2000). Considerable habitat has been lost in the corridor area as a result of vineyard development and associated fencing that can be a barrier to SJKF movement.

The current status of SJKF in the corridor area is not well understood. There are two records of SJKF from the early 1990s on Chandler Ranch, approximately 1.5 miles west of the project site. Prior to 2014, the only other records within 10 miles of the site were from previous to the early-1990s. In 2014, SJKF scat was confirmed present at four locations in the Whitley Gardens area in which bait stations were erected at former known SJKF locations, and scat was collected and identified to species using DNA analysis. In these situations, SJKF dens and other sign had been documented in the early 1990s, but there were no other detections since then. The bait station/DNA study suggests that SJKF may be present at other locations in the area in which they have not recently been detected by conventional methods. In addition, it also suggests that the eastern Paso Robles corridor may still be in use as a linkage between the Carrizo Plain Core Area and the Camp Roberts satellite area, and the project site falls within this general area. The most recent observation from Camp Roberts is from 2007 (Figure 6 of the BRA). This population declined drastically from 1988 to 1991 and was been thought to possibly be extirpated (White et al. 2000). However, considerable habitat remains in the Salinas and Pajaro river satellite area and infrequent sightings have been reported following that decline; therefore, it is likely that the population remains extant.

The project fencing may restrict SJKF movement through the site, resulting in a reduction of potential migration, foraging and/or denning habitat on portions of the property. The remainder of the property would be free of SJKF barriers and provide potential movement and foraging opportunities for kit fox should they be present in the area. No long-term effects on mortality of SJKF are expected as a result of this project. Implementation of measures to avoid impacts to SJKF such as those detailed in USFWS (2011) *Standardized Recommendations For Protection of the Endangered San Joaquin Kit Fox Prior To Or During Ground Disturbance* and County (2019) *County Guide to San Joaquin Kit Fox Mitigation Procedures under California Environmental Quality Act (CEQA)* included as recommended mitigation measures BIO-7, BIO-8, BIO-9, BIO-13, BIO-14 and BIO-15. would be

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sufficient to ensure that no take of SJKF occurs pursuant to the FESA or CEQA, and are included as recommended mitigation measures.

Based on the completion of the SJKF Habitat Evaluation form, the proposed project as shown on the site plans would impact about 6.2 acres of SJKF habitat with a score of 76 points out of 100. This equates to a 3:1 mitigation ratio since the score is from 70-79 points, and is consistent with the 3:1 mitigation ratio shown on the current San Joaquin Kit Fox Standard Mitigation Ratio Areas map produced by the County (2007). The County will review the information contained herein, and may consult with the CDFW to determine the appropriate amount for the in-lieu fee project. Following the County's review, if an in-lieu fee is required, payment arrangements (\$2,500/acre for the 3:1 mitigation ratio for a total of \$7,500 per acre of impact to grasslands) can be made through the County with either an approved in-lieu fee program or by purchasing credits from an approved conservation bank.

- (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?*
- (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 CNDDDB search did not produce any sensitive natural communities occurring on the project site or in the vicinity, but according to the biologists, there are six sensitive natural communities known to occur locally (Appendix D of the BRA). The NWI map shows Riverine habitat as occurring along Huerhuero Creek and the unnamed tributary onsite (Figure 2 of the BRA). As described in Section 3.3.3 of the BRA, the riverine habitats onsite are intermittent, in that flow is not present year-long, and have unconsolidated bottom (Cowardin et al. 1992). No wetland habitats are mapped in the NWI as occurring in Huerhuero Creek, but the patches of riparian scrub present may be considered Freshwater Forested/Shrub Wetland. Because these patches are small and appear to change in location due to flooding that removes vegetation, the NWI considered the wetland type to be composed only of Riverine. No Freshwater emergent Wetland vegetation was present in either drainage onsite, and there was no ponded water, seeps or swales with wetland vegetation.

The Riverine habitat onsite as described in this report is devoid of vegetation, but within the riverine habitat of Huerhuero Creek are patchy occurrences of Riparian Scrub. The Riparian Scrub onsite is similar to mulefat thicket (S4) or Fremont cottonwood forest (S3) (Sawyer et al. 2009; CDFW 2019b), but was of much lower density than described for these alliances. Due to its patchy nature, which is maintained by flooding that removes vegetation and prevents Fremont cottonwood forest from developing, this community is best described as mulefat scrub which is not considered sensitive (CDFG 2003).

No wetland habitat is present on the property, and there are no basins or swales that would collect water and could potentially support wetland vegetation during years with normal to above-average rainfall. Project impact areas are buffered from the Riverine habitat in Huerhuero Creek by roughly 300 feet with 250 feet measured from top of bank. The unnamed tributary will be buffered by at least 50 feet. With the incorporation of BMPs described in mitigation measures BIO-13 and BIO-14, there would be no impacts to stream habitats where wetlands could potentially occur in the future, including those potentially occurring in offsite areas. Because there will be no impact on wetlands or other jurisdictional habitats, no mitigation is required.

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Project elements have generally been planned away from the valley oaks, but there are four trees planned for removal within the proposed footprint of the outdoor cultivation area. While other trees are within the fenced impact area, their functions for wildlife habitat will remain. They will continue to produce acorns as a source of food, and provide structure for roosting and nesting. Additionally, the outdoor cultivation areas, hoop houses and greenhouses are temporary structures that could easily be removed if the site were no longer to be used for cannabis cultivation. Therefore, there would be no impact on Riparian habitat or sensitive natural communities.

Non-native Grassland habitat onsite corresponds to "wild oats and annual brome grasslands" (CDFW 2019b) or "annual brome grasslands" (Sawyer et al. 2009), and as listed in CDFW (2019b) these are semi-natural alliances with no state rarity rank. Semi-natural stands or alliances are strongly dominated by non-native plants that have become naturalized in the state. Blue Oak Woodland has a state rarity rank of S4, and therefore is not considered sensitive under CEQA.

- (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 numerous species of birds with potential to occur onsite that build nests in trees or on the ground and could occur within or adjacent to project impact areas. In addition to the special-status bird species described above, avian species that could nest onsite also include raptors protected under California Fish and Game Code and common species that are protected under the MBTA. These species could occur in any of the habitats onsite, including the Ruderal/Developed areas. For example, house finches (*Haemorrhous mexicanus*) commonly nest in anthropogenic structures, and could nest in the onsite agricultural buildings, and their nests and young are protected under the MBTA. House finches were observed during the April survey around the existing house.

Up to four oak trees will be removed as part of the project. Considering the number of valley oaks, eucalyptus, and blue oak trees that will remain on the property, the loss of habitat represented by several trees that have already been pruned excessively due to their proximity in the transmission powerline corridor is negligible. Removal of oak trees would require replanting at a 4:1 mitigation ratio in an area to be preserved in perpetuity. Blue Oak Woodland habitat overlaps small areas of the fence line along the northern part of the impact area (Figure 7 of the BRA), but it is not expected that any blue oaks will be removed. The fence would be constructed under the edge of the canopy of these trees. Additionally, Blue Oak Woodland has a state rarity rank of S4 and therefore is not evaluated under CEQA. The loss of a relatively small amount of common Non-native Grassland habitat would be considered a *less than significant* impact pursuant to CEQA, and no mitigation would be required.

Nesting birds and raptors protected under the MBTA and/or California Fish and Game Code could nest in the valley oaks, eucalyptus, agricultural structures and electrical transmission towers. If construction activities took place during the nesting season (February 1 to August 31), nesting behavior could be disrupted or construction disturbance could cause adults to abandon an active nest.

A number of birds could potentially occur on a transitory basis and forage in the Non-native Grassland habitat in which the hoop houses, greenhouses and shade structure would be constructed.

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Similarly, the pallid bat and American badger could also occur in the grassland habitat while moving through the area and foraging. The fencing required to be installed around the outdoor cannabis cultivation areas is expected to be a barrier to medium-sized mammals, such as the American badger.

The two streams onsite are too ephemeral to support fish, and no project elements would be conducted within or near these watercourses. With the incorporation of BMPs described in mitigation measure BIO-13 and BIO-14, there would be no impacts of sedimentation on streams that could affect fish movement, including those potentially occurring in offsite areas. Because there will be no impact on movement of native fish, no mitigation is required.

No wildlife nursery sites are expected to occur within project impact areas, which are primarily Non-native Grassland and Developed/Ruderal. The majority of the site will be undisturbed and retain current wildlife uses for movement or nursery sites. Implementation of recommended mitigation measures that require pre-construction surveys for wildlife and nesting birds and compensation for the loss of SJKF habitat and the removal of oak trees will reduce potential impacts associated with the movement of wildlife species to *less than significant with mitigation*.

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

Section 21083.4 of the CEQA statutes requires the County to assess whether a project may result in the conversion of oak woodlands that will have a significant effect on the environment. If the County determines that there may be a significant effect to oak woodlands with trees with a diameter of 5 inches at breast height, the County must require one or more oak woodlands mitigation alternatives. Accordingly, oak trees are considered a sensitive resource because they are protected by the County. The County requires mitigation for impacts to or removal of native oak trees with a diameter at breast height (DBH) of five inches or greater, as measured at a height of four feet six inches above ground. Impacts include any ground disturbance within the critical root zone of one and one-half times the canopy/ dripline, trunk damage, or any pruning of branches three inches in diameter or greater.

No Blue Oak Woodland is proposed to be removed. However, the project proposes to remove up to four valley oak trees that are more than five inches in diameter at breast height but appear to be less than 48 inches DBH. The project may also require some trimming of oaks trees to provide the required access improvements and for the construction of greenhouses. This is considered a *significant impact unless mitigated*.

- (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 site is not in an area subject to a Habitat Conservation Plan, Natural Community Conservation Plan or other such habitat conservation plan; therefore, no conflict would occur. Because there would be no conflicts with local, regional or state conservation plans, no mitigation is required.

Conclusion

The project has the potential to result in adverse impacts to the habitat of special-status wildlife species, water quality in ephemeral drainages, nesting and migratory birds, and the loss of valley oaks. With the recommended mitigation measures that require pre-construction surveys for listed wildlife species,

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migratory and nesting birds, replacement of oak trees to be removed, and the payment of the required mitigation fee for San Joaquin kit fox, impacts to biological resources are expected to be less than significant.

In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Sections 8304 (a) and (b) require cannabis projects to:

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

Mitigation

BIO-1: 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-2 Pre-construction survey and burrow mapping for special-status small mammals. A qualified biologist shall complete a pre-construction survey for special-status small mammal species (e.g., San Joaquin pocket mouse) no more than two weeks prior to the start of initial project activities to determine if special-status small mammal species are present within proposed work areas. The survey will include mapping of all potentially active special-status small mammal burrows within the proposed work areas, access routes, and staging areas, plus a 50-foot buffer.

- All potentially active small mammal burrows will be mapped and flagged, and a 50-foot exclusion zone shall be established around the burrows. The exclusion zone shall encircle the burrows and have a radius of 50 feet from the burrow entrance or the outside border of a cluster of burrows (e.g. precinct). All foot and vehicle traffic, as well as all project activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
- If avoidance of the burrows by 50 feet is not feasible and the species using the burrow is unknown, the burrows will be monitored for 3 days and 3 nights with an infra-red, motion-

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triggered camera. If it is determined that no special-status species are using the burrow, no avoidance of the burrow is required.

- If it is determined that special-status small mammal burrows are present and cannot be avoided by 50 feet by all project activities, work in that area will not begin and the County shall be contacted. The County will coordinate with appropriate resource agencies.

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

- BIO-3 Pre-construction survey for Special-status Reptiles and Amphibians.** A qualified biologist shall conduct a pre-construction survey for western spadefoot 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 including tree 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 on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact. If any additional ground- or vegetation-disturbing activities occur on the project site, the above surveys and monitoring shall be repeated. A monitoring report summarizing results of the monitoring shall be submitted to the County Department of Planning and Building within one week of completing monitoring work for this species.
- BIO-4 Silvery Legless Lizard Avoidance and Minimization.** Within 30 days prior to initiation of ground disturbance areas in sandy soils and areas of oak canopy within the impact footprint, a qualified biologist shall conduct a raking survey to search for legless lizards. Any individuals found shall be relocated to appropriate habitat at least 50 feet outside the development footprint. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing survey. A qualified biologist shall monitor initial vegetation clearing and ground disturbance in areas of suitable habitat, primarily associated with oak canopy near the drainage crossing, to salvage and relocate individuals. A monitoring report summarizing results of the monitoring shall be submitted to the County Department of Planning and Building within one week of completing monitoring work for this species.
- BIO-5 Pallid Bat and Bat Roost Avoidance.** A qualified biologist shall conduct a survey before any grading or removal of trees, particularly trees 12 inches in diameter or greater at 4.5 feet above grade with loose bark or other cavities within 48 hours prior to removal of trees. If no active roosts are found, no further action shall be required. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing surveys.
- If active maternity roosts or hibernacula are found, the structure or tree occupied by the roost shall be fully avoided and not removed or otherwise impacted by project activities during the maternity season. A minimum 100-foot ESA avoidance buffer shall be demarcated by highly visible orange construction fencing around active maternity roosts. No construction equipment, vehicles, or personnel shall enter the ESA without clear permission from the qualified biologist. ESA fencing shall be maintained in good condition for the duration of the maternity season. The

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roost shall be removed only after the maternity season has ended, and shall be removed under the direction of a qualified biologist.

If active non-maternity bat roosts (e.g., day roosts, hibernacula) are found in trees scheduled to be removed, the individuals shall be safely evicted (e.g., through installation of one-way doors) under the direction of a qualified bat biologist in consultation with the CDFW. In situations requiring one-way doors, a minimum of one week shall pass after doors are installed to allow all bats to leave the roost. Temperatures need to be sufficiently warm for bats to exit the roost, because bats do not typically leave their roost daily during winter months in coastal California. Eviction shall be scheduled to allow bats to leave during nighttime hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight.

BIO-6: 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.

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

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

BIO-7 San Joaquin Kit Fox (*Vulpes macrotis mutica*; SJKF) Habitat Mitigation Measures - Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County and CDFW that one or a combination of the following three SJKF mitigation measures for loss of SJKF habitat has been implemented:

- Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of **18.6 acres** of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), either on site or off site, and provide for a non-wasting endowment to provide for management and monitoring of the property in

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perpetuity. Lands to be conserved shall be subject to the review and approval of the CDFW and the County.

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

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

Mitigation alternative (b.) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-unit of \$2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to “The Nature Conservancy”, would total **\$46,500** (6.2 acres impacted x 3 mitigation acres per acre impacted x \$2,500 per acre).

- c. Purchase **18.6** credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c.) can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total **\$46,500** (6.2 acres impacted x 3 mitigation acres per acre impacted x \$2,500 per acre). This fee is calculated based on the current cost-per-credit of \$2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground-disturbing activities.

BIO-8 SJKF Protection Measures. Prior to issuance of grading and/or construction permits, all SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

BIO-9 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

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

- If the qualified biologist identifies potential SJKF den(s), the den(s) will be monitored for 3 consecutive nights with an infra-red camera, prior to any project activities, to determine if the den is being used by SJKF. If no SJKF activity is observed during the 3 consecutive nights of camera placement then project work can begin with the Standard SJKF Avoidance and Protection Measures and the SJKF Protection Measures if SJKF are observed.
- If a known den is identified within 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 (e.g., vegetation trimming and the start of grading), where no or minimal work activity occurs, the SJKF survey shall be updated.

BIO-10 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:

- 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.
- 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.
- 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).
- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
- 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.
- 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.

Standard SJKF Avoidance and Protection Measures

- 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.
- 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.
- All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.

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- 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.
- 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.
- 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.
- No deliberate feeding of wildlife shall be allowed.
- 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.
- Trash will be disposed of into containers rather than stockpiling on site prior to removal.
- 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.
- 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.
- Permanent fences shall allow for SJKF passage through or underneath by providing frequent openings (8-inch x 12-inch) or an approximately 4-inch or greater passage gap between the ground and the bottom of the fence. Any fencing constructed after issuance of a final permit shall follow the above guidelines.
- During project activities and/or the operation phase, any contractor or employee that inadvertently kills or injures a SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead SJKF, the applicant shall immediately notify the USFWS, CDFW, and the County by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident.

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- 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 Nighttime 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:
- Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;
 - All facilities using artificial lighting shall include shielding and/or blackout tarps that are in place between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping;
 - Exterior path lighting shall conform to LUO Section 22.10.060, be designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off site. Exterior path lighting shall be “warm-white” or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions; and
 - Exterior lighting used for security purposes shall be motion activated, be designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off site and shall be of the lowest lumen necessary to address security issues.
- BIO-12 Annual Surveys.** Annual Pre-activity Survey for SJKF, Special-status Small Mammals, and Burrow Mapping Applicant or project proponent must hire a qualified biologist to complete an annual pre-activity survey for SJKF and special-status small mammal species (e.g., giant kangaroo rat and Nelson’s [San Joaquin] antelope squirrel) no more than 14 days prior to the start of initial ground disturbance associated with the outdoor grow sites to ensure SJKF and special-status small mammal species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active SJKF and special-status mammal burrows within the grow site areas plus a 50-foot buffer for small mammals and 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-13 Site Restoration Following End of Operations.** Upon revocation of a use permit or abandonment of a licensed cultivation or nursery site, the permittee and/or property owner shall remove all materials, equipment, and improvements on the site that were devoted to cannabis use, including but not limited to concrete foundation and slabs; bags, pots, or other containers; tools; fertilizers; pesticides; fuels; hoop house frames and coverings; irrigation pipes; water bladders or tanks; pond liners; electrical lighting fixtures; wiring and related equipment; fencing; cannabis or cannabis waste products; imported soils or soils amendments not incorporated into native soil; generators; pumps; or structures not adaptable to non-cannabis

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permitted use of the site. If any of the above described or related material or equipment is to remain, the permittee and/or property owner shall prepare a plan and description of the non-cannabis continued use of such material or equipment on the site. The property owner shall be responsible for execution of the restoration plan that will re-establish the previous natural conditions of the site, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the County.

BIO-14 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 and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

- A 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.
- If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
- The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

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

BIO-15 Native Trees (Oaks) – Minimizing Impacts. When trees are proposed for removal or to be impacted within their driplines/canopies, the following measures shall be completed to minimize native tree (oak) impacts:

- a. Grading and/or construction plans shall provide a 'Native Tree (Oak) Inventory' and show locations of all native trees within 25 feet of the proposed project limits (including ancillary elements, such as trenching); For each of the trees shown, they shall be marked with one of the following 1) to be removed, 2) to be impacted, or 3) to remain intact/protected. This should be noted as the "Native Tree Impact Plan".
- b. For trees identified as 'impacted' or 'to remain protected' they shall be marked in the field as such and protected to the extent possible. Protective measures shall be visible to work crews

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- and be able to remain in good working order for the duration of the construction work. Waterproof signage at protective edge is recommended (e.g., “TREE PROTECTION AREA – STAY OUT”). Grading, trenching, compaction of soil, construction material/equipment storage, or placement of fill shall not occur within these protected areas.
- c. To minimize impacts from tree trimming, the following approach shall be used:
 - i. Removal of larger lower branches shall be minimized to 1) avoid making tree top heavy and more susceptible to “blow-overs” (due to wind), 2) reduce number of large limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retain shade to keep summer temperatures cooler (retains higher soil moisture, creates greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree.
 - ii. If trimming is unavoidable, no more than 10% of the oak canopy shall be removed.
 - iii. If trimming is done, either a skilled certified arborist will be used, or trimming techniques accepted by the International Society of Arboriculture will be used. Unless a hazardous or unsafe situation exists, trimming will be done only during the winter for deciduous species.
 - d. Smaller native trees (smaller than 5 inches in diameter at four feet six inches above the ground) within the project area are considered to be of high importance, and where possible, will be protected. A monitoring report summarizing results of the monitoring shall be submitted to the County Department of Planning and Building within one week of completing monitoring work for this species.

BIO-16 **Prior to building permit issuance**, a Compensatory Mitigation Plan shall be prepared for direct (permanent) and indirect (temporary) impacts to oak trees with a DBH of 4 inches or greater. Mitigation will include replacing in kind at a 4:1 ratio and 2:1 ratio for direct (permanent) and indirect (temporary) impacts, respectively. All plantings will be of at least 5-gallon container stock size trees and of the same species removed. All plantings shall be maintained for five years with the last 2 years without supplemental watering. Mitigation plantings will include protection from above and below ground herbivory (e.g., tree shelters, gopher cages), regular weeding of at least a three foot radius, and adequate watering (e.g., drip-irrigation system). Hand removal of weeds shall be kept up on a regular basis at least once in late spring (April) and once in early winter (December).

BIO-17 **Construction Best Management Practices.** Best Management Practices, which may include, but are not limited to, installation of straw wattles, Environmental Sensitive Area/exclusion fencing, gravel bags, silt fencing, etc., or other measures that may be required by an erosions and sedimentation control plan approved by the County, shall be installed prior to ground disturbing activities to avoid direct and indirect impacts to the drainages on the project site.

BIO-18 **Pesticide Use.** The use of herbicides, rodenticides, pesticides and fertilizers shall be limited to those approved by the US Environmental Protection Agency and the California Department of Pesticide Regulation and shall be used 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 such species depend.

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- BIO-19 Pre-construction surveys for Crotch Bumblebee (CBB).** The following actions shall be undertaken to avoid and minimize potential impacts to CBB:
- a. CBB Surveys - The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for CBB within suitable habitat (i.e. small mammal burrows, grassland areas, upland scrubs) on the project site. Survey(s) can be conducted over an extended period of time to document and establish the presence of the bees within the areas of disturbance.
 - b. CBB Take Avoidance - If the survey(s) establish the presence of CBB within the areas of disturbance, the applicant shall retain a qualified biologist to prepare a Biological Resources Management Plan (Management Plan) subject to review and approval of the Department in consultation with CDFW. The Management Plan shall include at least the following:
 - i. Avoidance measures to include a minimum 50-foot no-disturbance buffer to avoid take and potentially significant impacts.
 - ii. If ground-disturbing activities will occur during the overwintering period (October through February), the applicant, in coordination with the Department, shall consult with CDFW to identify specific measures to be undertaken to avoid take as defined by the California Endangered Species Act (CESA).
 - iii. CBB Take Authorization - If CBB are detected prior to, or during project implementation, the applicant shall consult with CDFW to avoid take and/ or to obtain applicable take authorization.

Sources

See Exhibit A.

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V. CULTURAL RESOURCES

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

Setting

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

As defined by CEQA, a historical resource includes:

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

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

The Project is located within an area of moderate archaeological sensitivity.

In accordance with AB 52 cultural resources requirements, outreach to numerous Native American tribes has been conducted. See Section XVII – Tribal Cultural Resources for discussion.

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

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Discussion

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

A Phase I archaeological survey was prepared (Cultural Resources Survey of the SLOCal Roots Farms Penman Springs Cultivation, Central Coast Archaeological Research Consultants, December, 2018). The report is incorporated by reference and is available for review at the County Department of Planning and Building, 970 Osos Street, Suite 200, San Luis Obispo, CA. Based on the results of the field survey and literature searches, project site does not contain, nor is it located near, any historic resources identified in the National Register of Historic Places or California Register of Historic Resources. The project site does not contain a site under the Historic Site (H) combining designation and does not contain other structures of historic age (50 years or older) that could be potentially significant as a historical resource. Therefore, the project would not result in an adverse change in the significance of a historical resources and *no impacts* would occur.

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

Due to the potential sensitivity of the project site for cultural resources, a Phase I archaeological survey was prepared (Cultural Resources Survey of the SLOCal Roots Farms Penman Springs Cultivation, Central Coast Archaeological Research Consultants, December, 2018). The report is incorporated by reference and is available for review at the County Department of Planning and Building, 970 Osos Street, Suite 200, San Luis Obispo, CA.

The author conducted an in-house records search that included information on all studies and prehistoric and historic resources within a 0.25-mile radius of the current project. To identify previously recorded archaeological and historical sites, the author reviewed archaeological site records, site location base maps, GIS layers, and cultural resources survey and excavation reports on file at the Central Coast Information Center (CCIC), University of California, Santa Barbara. The records search revealed that the current project area has not been surveyed for cultural resources, and two prehistoric or historic sites are located within the 0.25-mile radius study area or immediate vicinity.

In addition to this research effort, the author consulted the National Register of Historic Places (NRHP) via the National Register Information Service (NRIS), the official on-line database of the NRHP; *California Points of Historical Interest*; the *California Inventory of Historic Resources* (California 1976); and the *California Historical Landmarks* (California 1995). The comprehensive records search revealed the current study area has not been surveyed, and no cultural resources are within or in the immediate vicinity of current study survey area.

On 1 December 2018, the author conducted an intensive survey of the project site. The pedestrian survey included west sloping upper river terrace and south sloping slope east and above Huerhuero Creek. The approximately 22.1 acre survey area was intensively walked in 10-meter parallel west-east transects. A hand-held Silva Ranger compass was used to maintain transect spacing during the survey. Extensive gopher burrows and back dirt were inspected for evidence of subsurface cultural remains and boots scrapes were used to expose the ground surface at 10-meter intervals in areas. The removal of native topsoil in the central study area for construction of structures and horse facilities demonstrates the historic cultivation of the study area that has been disturbed to at least 60 centimeters.

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The field investigation identified no prehistoric or historic cultural materials or historic structures. Although in an area characterized with moderate archaeological sensitivity, the upper landform has been severely altered during previous agricultural practices, and maintenance, grading, and construction of fencing, in addition to the adjacent road construction, and utility installation. Along the lower terrace, adjacent to Huerhuero Creek, expansive pip pens for horse pasture have altered the ground surface and subsurface. The area within and in the vicinity of the landform is known to be under agricultural cultivation since the 1800s. The potential for intact archaeological deposits existing on the property is low. The current survey thus confirms the records search conducted at the Central Coast Information Center, and the previous archaeological study immediately north (Joslin 2018) that found no evidence of archaeological material in the same environmental context. Therefore, potential impacts to the significance of an archaeological resource pursuant to § 15064.5 are *less than significant*.

As a result, no further archaeological work is required or recommended within the acreage investigated during this study. In the unlikely event that buried cultural materials are encountered during construction, all ground disturbances will cease until a qualified archaeologist is contacted to evaluate the nature, integrity, and significance of the deposit.

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

The nearest dedicated cemetery is the Atascadero Pine Mountain Cemetery, located approximately 8 miles to the southwest. The record and literature search of the project area did not identify any known burial sites within the vicinity of the proposed project. Additionally, consultation with the Native American tribes did not result in identification of known burials. (See Section XVIII. Tribal Cultural Resources.) However, project excavations have the potential to encounter previously unidentified human remains in the form of burials or isolated bones and bone fragments.

If human remains are exposed during construction, construction shall halt around the discovery of human remains, the area shall be protected, and consultation and treatment shall occur as prescribed by State law. The County's Coroner and Sheriff Department shall be notified immediately to comply with State Health and Safety Code Section 7050.5, which states that no further disturbance shall occur until the County Coroner has been notified and can make the necessary findings as to origin and disposition of the remains. If the remains are determined to be Native American, the Coroner will notify the NAHC and the remains will be treated in accordance with Public Resources Code Section 5097.98. With adherence to State Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98, impacts related to the disturbance of human remains would be reduced to *less than significant*.

Conclusion

No significant impacts to archaeological, historical, or paleontological resources are expected, and no mitigation measures beyond compliance with the LUO are necessary to mitigate for the unlikely discovery of archaeological, historic, prehistoric, or human burials. In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8304 (d) requires the project to Immediately halt cultivation activities and implement section 7050.5 of the Health and Safety Code if human remains are discovered.

Mitigation

None are required.

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Sources

See Exhibit A.

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VI. ENERGY

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

Setting

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

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

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

Local Energy Plans and Policies

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

State Building Code Requirements

The California Building Code (CBC) contains standards that regulate the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or

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

Vehicle Fuel Economy Standards

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

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

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

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

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global warming gases and 75 percent fewer smog-forming emissions than the statewide fleet in 2016 (CARB 2016).

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

Energy Use in Cannabis Operations

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

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

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

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

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Discussion

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

Construction-related Impacts. During construction, fossil fuels, electricity, and natural gas would be used by construction vehicles and equipment. The energy consumed during construction would be temporary in nature and would be typical of other similar construction activities in the County. Based on the size and scope of proposed earthwork and building construction, the project would have the potential to result in adverse environmental impacts through its use of diesel fuel for construction equipment. Mitigation measures AQ-1 and AQ-2 have been identified to reduce potentially significant air quality impacts associated with use of diesel fuel equipment and would require the project contractor to avoid wasteful, inefficient, or unnecessary consumption of energy resources, such as idling. State and federal regulations in place require fuel-efficient equipment and vehicles and prohibit wasteful activities, such as diesel idling. Construction contractors, in an effort to ensure cost efficiency, would not be expected to engage in wasteful or unnecessary energy and fuel practices. Energy consumption during construction would not conflict with a state or local plan for renewable energy and would not be wasteful, unnecessary, or inefficient, and therefore would be *less than significant*.

Operational Impacts

Electricity and Natural Gas. The project's operational electricity needs would be met by a connection to existing PG&E infrastructure. Current energy demand associated with the project site is estimated Table 10.

Table 10 -- Estimated Existing Electricity Demand

Use	Quantity	Demand Factor	Total Demand (kWhr/year)
Single Family Dwellings	2	18,000 kWhr/year ¹	36,000
Accessory Buildings ²	3,772 sq.ft.	5.35 kWhr/sq/ft/year ³	21,802
Total:			56,180

Sources:

1. Southern California Edison 2007; 6,000 kWhr/year electricity + 12,000 kWhr/sq.ft. natural gas equivalent.
2. To be removed as part of project.
3. Itron, Inc. March 2006; 4.45 kWhr/sq.ft. year electricity + 0.90 kWhr/sq.ft. natural gas equivalent.

The CBC 2019 Building Energy Efficiency Standards include mandatory energy efficiency standards. The project's proposed 20,000-square-foot ancillary processing and nursery cloning building would be subject to the CBC 2019 Building Energy Efficiency Standards; therefore, the energy demand of these uses would not be wasteful, inefficient, or unnecessary.

U-occupancy structures, such as greenhouses used for nursery cultivation activities, are exempt from CBC standards and therefore would not be subject to state-mandated energy efficiency design

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requirements or practices. As a result, these uses have the potential to result in wasteful, inefficient, or unnecessary energy consumption.

Proposed indoor cannabis cultivation activities would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during operation if it utilizes significantly more energy (greater than 20%) than a typical commercial building of the same size. Based on a study prepared for California Energy Commission prepared by Itron, Inc. (March 2006), commercial buildings utilize an average of 21.25 kWh per square foot (kWh/sf) annually (13.63 kWh from electricity and 7.62 kWh from natural gas). Therefore, a project that generates more than 25.5 kWh per square foot per year of energy demand is considered to have energy use that is wasteful, inefficient and unnecessary.

To determine whether a project has the potential to exceed this threshold, the County applies energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form (County of Santa Barbara 2018 which contains energy demand factors for different types of cannabis related activities. For indoor cultivation (in a greenhouse), the form assumes an energy demand of 200 kWh/sf of building floor area annually.

The project includes 62,300 sf of indoor cultivation and ancillary nursery floor area. A preliminary estimate of the project's energy demand, based on the energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form ([County of Santa Barbara 2018](#)), is provided in Table 11.

Table 11 -- Project's Projected Operational Energy Use

Project Component	Size (sf)	Rate (kWh/year-sf)	Projected Energy (kWh/year)
Typical Commercial Building of Comparable Size	62,300	21.25	1,323,875
Indoor Cultivation And Ancillary Nursery		200	12,460,000
Percent In Excess of Typical Commercial Building			841%

Sources:

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

As shown in Table 11, it is expected the project's indoor cultivation activities could potentially use up to 841% more energy than a typical non-cannabis commercial building of the same square footage. This amount of energy use would potentially be wasteful and inefficient when compared to a comparable sized building implementing energy efficiency measures and depending on the project's proposed energy sources.

Mitigation Measures ENG-1 and ENG-2 are recommended which would reduce the project's individual and cumulative impacts associated with wasteful and inefficient energy use to a less than significant level through the preparation and implementation of an Energy Conservation Plan which would identify measures to be incorporated into the project to reduce or offset project energy demand that exceeds the demand associated with a typical commercial building of comparable floor

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area. ENG-1 requires the applicant to implement one or more of the measures identified in the Energy Conservation Plan until the project's energy demand is reduced and/or offset to within 20% of the energy use of a typical commercial building of the same size (1,588,650 kWh/year). This may be accomplished by enrollment in one of PG&E's renewable energy programs such as Solar Choice and Regional Renewable Choice. Under the Solar Choice Program, a customer may purchase electricity from a pool of solar generating projects within the PG&E service area. A customer may enroll by phone or by way of the internet. As of the date of this MND, there are a total of six dedicated solar generation facilities in this program with a combined generating capacity of 50.25 megawatts, plus one additional 1.5 MW facility under development.

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

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

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

Fuel Use. Construction activities will result in fuel use for worker and delivery trips and the operation of construction equipment. Ongoing operation of the project would result in fuel use associated with employee motor vehicle trips and deliveries. The project would employ up to 11 employees (8 full-time and 3 seasonal). All vehicles used by employees and deliveries during operation would be subject to applicable state and federal fuel economy standards and State-mandated smog inspections. Based on adherence to applicable state and federal vehicle fuel regulations and the size and scope of proposed activities, project fuel use would not result in a potentially significant environmental impact and would not be wasteful, inefficient, or unnecessary.

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

Conclusion

The project would result in a potentially significant energy demand during long-term operations and would potentially conflict with state or local renewable energy or energy efficiency plans. Compliance with the provisions of Code of Regulations together with recommended mitigation measures ENG-1 and ENG-2 will reduce potential impacts to less than significant.

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

Beginning January 1, 2023, all indoor, tier 2 mixed-light license types of all sizes, and nurseries using indoor or tier 2 mixed-light techniques, shall ensure that electrical power used for commercial cannabis activity meets the average electricity greenhouse gas emissions intensity required by their local utility provider pursuant to the

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California Renewables Portfolio Standard Program, division 1, part 1, chapter 2.3, article 16 (commencing with section 399.11) of the Public Utilities Code.

Mitigation

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

- a. A detailed inventory of energy demand prepared by a Certified Energy Analyst. The inventory shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities including, but not limited to, lighting, odor management, processing, manufacturing, and climate control equipment. The quantification of demand associated with electricity shall be expressed in total kilowatt hours (kWh) per year; demand associated with natural gas shall be converted to kWh per year.
- b. A program for providing a reduction or offset of all energy demand that is 20% or more than a generic commercial building of the same size. In this case, the estimated reduction or offset would be at least: $12,460,000 \text{ kWh/yr} - 1,588,650 \text{ kWh/yr} = 10,871,350 \text{ kWh/yr}$; and the amount of energy not otherwise reduced or offset must not exceed 1,588,650 kWh/yr. Such a program (or programs) may include, but is not limited to, the following:
 - i. Evidence that the project will permanently source project energy demands from renewable energy sources (i.e. solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.
 - ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include, but is not limited to, the following:
 1. Participating in an annual energy audit.
 2. Upgrading and maintaining efficient heating/ cooling/ dehumidification systems.
 3. Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
 4. Implementing automated lighting systems.
 5. Utilizing natural light when possible.
 6. Utilizing an efficient circulation system.
 7. Ensuring that energy use is below or in-line with industry benchmarks.
 8. Implementing phase-out plans for the replacement of inefficient equipment.
 9. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.
 - iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]

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

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

Sources

See Exhibit A.

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VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☒	☐
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
(ii) Strong seismic ground shaking?	☐	☐	☒	☐
(iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
(iv) Landslides?	☐	☐	☒	☐
(b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
(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?	☐	☐	☐	☒
(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?	☐	☐	☒	☐
(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?	☐	☐	☒	☐

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒

Setting

The project site is located on relatively flat to gently rolling topography east of the City of Paso Robles.

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

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

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

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

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.*
- (a-ii) *Strong seismic ground shaking?*
- (a-iii) *Seismic-related ground failure, including liquefaction?*
- (a-iv) *Landslides?*

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The project site is not located within an Alquist-Priolo Fault Hazard Zone, and the nearest potentially capable fault line is located approximately 6 miles to the west of the project site based on the County Land Use View mapping tool. The project site is not within a Geologic Study area designation and exhibits a low to moderate potential for liquefaction; landslide risk is considered low. Slopes on the project site and surrounding properties are gently-to-moderately sloping.

All structures will be constructed in accordance with relevant provisions of the California Building Code; the design may be informed by a soils engineering analysis as determined by the Building Division. The project site does not present any dangers associated with seismic activity, ground failure or liquefaction that cannot be addressed through the application of appropriate building codes.

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

According to the preliminary grading and drainage plan submitted with the application, the project will result in an area of disturbance of about 6.2 acres; construction of the greenhouses and processing building, and the excavation of the two retention basins, will require 10,000 cubic yards of cut and fill which will be balanced on site. The grading plan shows that runoff will be collected in two retention basins which are sized and located to capture runoff from the proposed greenhouse buildings and to retain the runoff on-site where it will percolate into the ground, thereby avoiding erosion of surface material.

In accordance with LUO Section 22.05.036, the project will be conditioned to provide a final erosion and sedimentation control plan to be reviewed and approved prior to building permit issuance. Implementation of the erosion and sedimentation control plan required by the LUO will ensure potential impacts associated with erosion and the loss of topsoil will be *less than significant*.

(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?

As discussed in the setting, the project site is not located in an area subject to unstable geologic conditions. In accordance with LUO Sections 22.52.100 and 22.52.110, the areas to be graded will be subject to an approved grading and drainage plan and erosion and sedimentation control plan. Compliance with relevant provisions of the California Building Code will ensure potential impacts associated with site landslide, lateral spreading, subsidence, liquefaction or collapse will 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?

According to the NRCS Web Soil Survey, soils that underly the area proposed for development are not considered expansive as defined by Table 18-1-B of the Uniform Building Code. Given the type of building construction (metal frame and walls on a concrete slab), compliance with the relevant provisions of the Building Code will minimize the risk to life or property associated with expansive slopes.

(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?

According to the NRCS Web Soil Survey, soils of the project site present significant limitations for the use of septic leach fields. However, with proper site specific engineering, the soils appear capable of accommodating a septic system to serve the proposed level of development. The project will be

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conditioned to demonstrate that the proposed septic leach field can accommodate the level of development anticipated.

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

The project site is not located in an area of the County known to support significant paleontological resources.

Conclusion

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

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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VIII. GREENHOUSE GAS EMISSIONS

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

Setting

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

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

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

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

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

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

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

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

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

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

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

- No-net Increase: The 2017 Scoping Plan states that no-net increase in GHG emissions relative to baseline conditions "*is an appropriate overall objective for new development*" and consistent with the Court's direction provided by the Newhall Ranch case. Although a desirable goal, the application of this threshold may not be appropriate for small projects where it can be clearly shown that it will not generate significant GHG emissions.

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- **Lead Agency Adopted Defensible GHG CEQA Thresholds:** Under this approach, a lead agency may establish SB 32-based local operational thresholds. According to an update of the County's EnergyWise Plan prepared in 2016, overall GHG emissions in San Luis Obispo County decreased by approximately seven percent between 2006 and 2013, or about one-half of the year 2020 target of reducing greenhouse gas emissions by 15% relative to the 2006 baseline. According to the *California Greenhouse Gas Emissions for 2000 to 2017, Trends of Emissions and Other Indicators*, published in 2019 by the California Air Resources Board, in 2017, emissions from GHG emitting activities statewide were 424 million MMTCO₂e, which is 7 million MTCO₂e below the 2020 GHG Limit of 431 MMTCO₂e established by AB 32. Therefore, application of the 1,150 MTCO₂e Bright Line Threshold in San Luis Obispo County, together with other local and State-wide efforts to reduce GHG emissions, proved to be an effective approach for achieving the reduction targets set forth by AB32 for the year 2020.

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

Discussion

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

(a-b) Energy inefficiency contributes to higher GHG emissions and would conflict with state and local plans for energy efficiency, including the policies of the COSE, the EWP goals, and the 2001 SLOAPCD CAP. The California Energy Emissions Model (CalEEMod) was used to determine the approximate GHG emissions per square foot associated with construction and operation of an indoor cultivation operation based on an energy use factor of 200 kWh/sf per year. These emission factors were then multiplied by the total floor area of the building proposed for indoor cultivation and ancillary nursery to estimate the project's construction-related and annual operational carbon dioxide equivalent emissions in metric tons (MTCO₂e; Table 12).

Table 12 -- Projected Project GHG Emissions Without Mitigation

Project Component	Quantity	Emissions Rate (Annual MTCO ₂ e/sf)		Estimated Projected Annual CO ₂ Emissions (MT/year) Without Mitigation
		Construction ¹	Operation	
Existing single family residences	2 dwellings	n/a	4.2 ³	8.40
Ag Accessory Building	3,772	n/a	0.0069	26.02
Existing/Baseline GHG Emissions				34.42

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Indoor cultivation and nursery greenhouses	62,300 sf	0.0022	0.062 ²	3,999.66
Net Change (Increase)				4,0008.06

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

1. Total construction related GHG emissions divided by the floor area of a typical indoor cannabis cultivation building (22,000 sq.ft.). Assumes 34 total construction days including site preparation, grading and building construction, 13 vehicle miles travelled per construction day for workers and 1,000 cubic yards of cut and fill.
2. Total operational emissions based on an energy use factor of 200 kWhr/sq.ft./year and energy provided by Pacific Gas and Electric Co.
3. Based on 18,000 kWhr/household/year.
4. An existing 3,770 sq.ft. accessory structure will be removed.

Table 13 provides an estimate of GHG emissions that accounts for the reduction/offset of estimated energy demand associated with implementation of mitigation measure ENG-1 in Section VI. Energy. This measure requires the project to reduce or offset estimated energy demand to within 20% of the demand associated with a typical commercial building of comparable floor area, which in this case is 1,588,650 kWhr/year.

Table 13 -- Estimate of Project Related GHG Emissions With Mitigation Measure ENG-1

Project Component	Quantity	Emissions Rate (Annual MTCO ₂ e/sf)		Estimated Projected Annual CO ₂ Emissions (MT/year) With Mitigation Measure ENG-1
		Construction ¹	Operation	
Existing single family residences	2 dwellings	n/a	4.20 ³	8.40
Ag Accessory Building	3,772	n/a	0.0069	26.02
Existing/Baseline GHG Emissions				34.42
Indoor cultivation and nursery greenhouses	62,300 sq.ft.	0.0022	0.0114 ²	847.28
Net Change (Increase)				847.28

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

Notes:

1. Total construction related GHG emissions divided by the floor area of a typical indoor cannabis cultivation building (22,000 sq.ft.). Assumes 34 total construction days including site preparation, grading and building construction, 13 vehicle miles travelled per construction day for workers and 1,000 cubic yards of cut and fill.
2. Total operational emissions based on an energy demand of 1,588,650 kWhr/year (See Section VI. Energy) and energy provided by Pacific Gas and Electric Co. Emission factor derived from CalEEMOD and includes emissions associated with energy use, vehicle miles traveled and water use.
3. Based on 18,000 kWhr/household/year.

As shown in Table 13, implementation of the energy conservation measures identified in ENG-1 will reduce project-related GHG emissions to about 847 MTCO₂e which is above the interim working threshold of 690 MTCO₂e. Accordingly, mitigation measure GHG-1 is recommended which requires the project to offset GHG

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emissions until they fall under the target threshold and into conformity with the reduction targets set forth by SB32. In addition, project-related GHG emissions are largely associated with the production of electricity and all electrical utilities in California will be subject to ongoing State-mandated GHG reduction requirements.

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

Conclusion

The project would result in potentially significant GHG emissions during long-term operations and would potentially conflict with plans adopted to reduce GHG emissions. Compliance with the provisions of the Code of Regulations together with recommended mitigation measures ENG-1 and ENG-2 will reduce potential impacts to less than significant.

Mitigation

Implement ENG-1, ENG-2 and GHG-1.

GHG-1 Greenhouse Gas Offset Requirements. At the time of building permit application, the applicant shall provide to the County Department of Planning and Building for review and approval a program for providing a reduction or offset of GHG emissions to below the working GHG threshold of 690 MTCO₂e. In this case, the estimated reduction or offset would be at least: 847 MTCO₂e – 690 MTCO₂e = 157 MTCO₂e; and the amount of energy not otherwise reduced or offset must not exceed 690_MTCO₂e. Such a program (or programs) may include, but is not limited to, the following:

- a. A detailed inventory of all project-related GHG emissions prepared by a qualified professional as determined by the Director of Planning and Building.
- b. Strategies for achieving No Net Increase in GHG emissions which may include, but is not limited to, the following:
 1. Purchase of GHG offset credits from any of the following recognized and reputable voluntary carbon registries:
 - i. American Carbon Registry;
 - ii. Climate Action Reserve; or
 - iii. Verified Carbon Standard Offsets purchased from any other source are subject to verification and approval by the County Department of Planning and Building.
 2. Installation of battery storage to offset nighttime energy use. Batteries may only be charged during daylight hours with a renewable energy source and shall be used as the sole energy supply during non-daylight hours.

Sources

See Exhibit A.

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IX. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
(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?	☐	☒	☐	☐
(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
(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?	☐	☐	☐	☒
(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?	☐	☐	☐	☒
(f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
(g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

To comply with Government Code Section 65962.5 (known as the "Cortese List") the following databases/lists were checked in September, 2019 for potential hazardous waste or substances occurring at the project site:

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

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

According to CalFire’s San Luis Obispo County Fire Hazard Severity Zone map, the project site is in a State Responsibility Area for fire service, and a ‘moderate’ fire severity risk area. The closest fire station to the project site is CalFire Station 21 located at the San Luis Obispo County Airport approximately three miles to the northeast. According to the General Plan Safety Element Emergency Response Map, the average emergency response time to the project site is 5 – 10 minutes (San Luis Obispo County 1999).

The project is not within an Airport Review Area for the County Airport.

Discussion

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

Construction activities may involve the use of oils, fuels, and solvents. In the event of a leak or spill, persons, soil, and vegetation down-slope from the site may be affected. The use, storage, and transport of hazardous materials is regulated by DTSC (22 Cal. Code of Regulations Section 66001, et seq.). The use of hazardous materials on the project site for construction and maintenance is required to be in compliance with local, state, and federal regulations. In addition, compliance with best management practices (BMPs) for the use and storage of hazardous materials would also address impacts. These BMPs may include, but are not limited to, the following:

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

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Project operations would involve the intermittent use of small amounts of hazardous materials such as fertilizer and pesticides that are not expected to be acutely hazardous. In accordance with LUO Section 22.40.050.C.3. all applications for cannabis cultivation must include a list of all pesticides, fertilizers and any other hazardous materials expected to be used, along with a storage and hazardous response plan. In addition, all approved cannabis cultivation operations employing the use of pesticides must obtain the appropriate pesticide use permitting from the Department of Agriculture / Weights and Measures. Accordingly, pesticide and fertilizer usage will be conducted according to the County of San Luis Obispo Department of Agriculture by obtaining an Operator Identification Number and complying with all application, reporting, and use requirements. Fertilizers and pesticides will be stored in separate, locked searain storage containers within the securely fenced area. Products used onsite will be stored in small containers within spill containment bins. In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8307 requires all State licensees to comply with all pesticide laws and regulations enforced by the California Department of Pesticide Regulation. With application of mitigation measures BIO-15 potential impacts associated with pesticide use is considered *less than significant*.

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

The project would be required to comply with all applicable CAL FIRE requirements as detailed in the referral response letter of July 7, 2020, (Dell Wells, Fire Captain), including, but not limited to, preparation of a fire safety plan. Compliance with the UC and the recommendations of CalFIRE will ensure that potential impacts associated with hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials would be *less than significant*.

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

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

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

Through required compliance with these standards, potential operational hazards associated with the use of ethanol onsite would be effectively minimized. Therefore, potential impacts associated with hazards to the public or the environment through reasonably foreseeable upset or accident conditions would be *less than significant with mitigation*.

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

Based on the project description, the project is not located within one-quarter mile of a school therefore, *no impacts* would occur.

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

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

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

The project is just outside the area governed by the Airport Land Use Plan (ALUP) for the Paso Robles Airport. Therefore, 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.

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

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

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

The project is located within a State Responsibility Area but is not located within a "very high" severity risk area which could present a significant fire safety risk. The proposed project was reviewed by CalFire. Per the letter from CalFIRE of July 7, 2020 (Dell Wells Fire Marshal), the applicant will be required to prepare a fire safety plan for review and approval prior to occupancy. The fire safety plan will address at least the following:

- Fire safety and evacuation;
- Site access;
- Fire sprinklers and water storage requirements;
- Storage of flammable materials;

With incorporation of the requirements of CalFIRE in their letter of July 7, 2020 as conditions of approval, the project will not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

Conclusion

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

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

Mitigation

- HAZ-1 Equipment Maintenance and Refueling.** During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.
- HAZ-2 Spill Response Protocol.** During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.

Sources

Provided in Exhibit A.

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X. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
(b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☒	☐	☐
(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;	☐	☐	☒	☐
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
(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	☐	☐	☒	☐
(iv) Impede or redirect flood flows?	☐	☐	☐	☒
(d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
(e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☒	☐	☐

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Setting

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

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

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

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

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

DRAINAGE – The project site consists of gently rolling to steeply sloping terrain. The areas of disturbance are located in the center of the project site on flat to moderately sloping terrain. As discussed in Section 3. Biological Resources, the project site is crossed by Huerhuero Creek and an ephemeral drainage; however, all project-related facilities will be located a minimum of 500 feet from the top of bank of the nearest drainage. According the Department of Public Works (David Grimm letter of July 21, 2020) the project is within a drainage review area and the applicant must ensure all proposed site grading and new impervious surfaces are constructed in compliance with the County drainage standards, Section 22.52.110 of the Land Use Ordinance and the Public Improvement Standards. This project appears to not meet the applicability

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criteria for Stormwater Management since it is located outside a Stormwater Management Area or is within but creates or replaces less than 2,500 sf of impervious area.

The areas proposed for cannabis activities are not located within a 100-year flood hazard area (Figure 15).

SEDIMENTATION AND EROSION – Soil type, amount of disturbance and slopes are key aspects to analyzing potential sedimentation and erosion issues. When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.110) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

WATER DEMAND – The project site is served by one existing well that has historically served the property for the residential and equestrian activities. A pump test was completed for the project in December 2018 and showed a sustained yield of 16 gallons per minute.

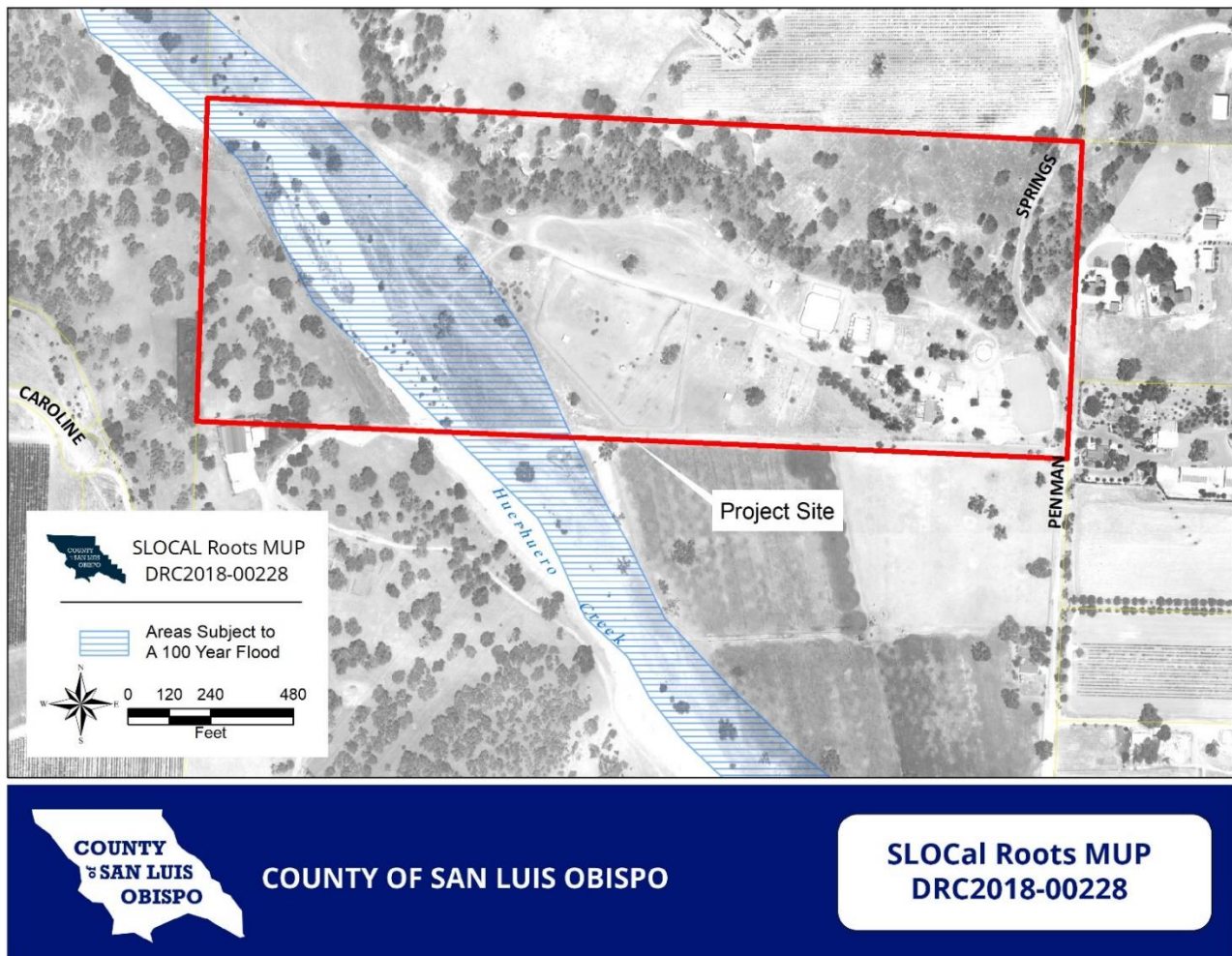
Statements of Diversion and Use for both sources were filed in June, 2017; Special Use filings for cannabis cultivation were included. The applicant has enrolled under the Cannabis General Order and Small Irrigation Use Registration Portal. No import of water is necessary or will occur in association with the proposed cannabis cultivation operations.

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

The project is within the Paso Robles Groundwater Basin which has been assigned a Level of Severity III; the project is also within the Area of Severe Decline. Therefore, water demand must be offset at a ratio of 2:1.

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Figure 15 – Portions of the Project Site Affected By A 100-Year Flood



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Discussion

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

According to the preliminary grading and drainage plan submitted with the application, the project will result in an area of disturbance of about 6.2 acres; construction of the greenhouses and processing building, and the excavation of the two retention basins, will require 10,000 cubic yards of cut and fill. The grading plan shows runoff will be collected in two retention basins which are sized and located to capture runoff from the proposed greenhouse buildings and to retain the runoff on-site where it will percolate into the ground, thereby avoiding erosion of surface material.

In accordance with LUO Section 22.05.036, the project will be conditioned to provide a final erosion and sedimentation control plan to be reviewed and approved prior to building permit issuance.

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

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

To satisfy LUO requirements, the project description includes a water offset study prepared by Civil Design Solutions. Baseline and future water demand is summarized in Table 14.

Table 14 – Projected Water Demand¹

Use	Water Demand Factor	Quantity/ Area	Days/Year	Gallons Per Year	Ace-Feet per Year
Outdoor Cultivation	0.03 ²	130,680 sq.ft.	220	862,488	2.64
Indoor Cultivation	0.1 ²	22,000 sq.ft.	260	572,000	1.76
Ancillary Indoor Nursery	0.1 ²	30,000 sq.ft.	260	780,000	2.39
Misc. (restroom, hose, cold storage, processing, office)	500 gal. per day	--	365	182,500	0.56
Demand Associated With Cannabis Activities:				2,396,988	7.35
Required 2:1 Water Offset					14.70

Notes:

- Source: Civil Design Solutions, September 12, 2020
- Gallons/day/sq.ft

The study provides an estimate of existing and projected water demand. Based on the estimate provided in Table 14, a water use offset of 14.70 AFY is required. To achieve the offset, mitigation measures W-1 and W-2 are recommended which require the implementation of water use

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reduction/efficiency measures within the Paso Robles Groundwater Basin equal to twice the projected water demand associated with cannabis activities.

According to the 2014 Integrated Water Management Plan, water demand from irrigated crops within the PRGWB is, on average, about 1.9 AFY per acre over about 33,000 acres of irrigated crop land. According to studies performed by the non-profit Pacific Institute and others (CALFED, 2000 and 2006; Cooley et al., 2009) the installation of water conserving fixtures such as drip irrigation can reduce agricultural water demand by up to 17 to 22 percent when compared with spraying or flood irrigation. If the per acre demand on a target retrofit site is reduced by 17 percent (from 1.9 AFY to 1.57 AFY) through the implementation of water use efficiencies, the project would need to retrofit about: 14.7 AFY offset divided by 0.33 AFY/acre reduction = 44.5 acres.

Water use is required to be metered and this data will be provided to the County every three months (quarterly). Should the metered water demand exceed the permitted quantity (7.35 AFY), the permittee will be required to undertake corrective measures to bring water demand back to within the permitted amount. In addition, the project will be conditioned to apply Best Management Practices for water conservation to maintain water use at or below the water analysis projections as described in the applicant's Water Management Plan. Such BMPs include, but are not limited to, the following:

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

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

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

According to the preliminary grading and drainage plan submitted with the application, the project will result in an area of disturbance of about 6.2 acres; construction of the greenhouses and processing building, and the excavation of the two retention basins, will require 10,000 cubic yards of cut and fill. The grading plan shows runoff will be collected in two retention basins which are sized and located downslope from the proposed greenhouse buildings and to retain the runoff on-site where it will percolate into the ground, thereby avoiding erosion of surface material.

The project will be conditioned to provide final grading, drainage, erosion and sedimentation control plans for review and approval prior to building permit issuance as required by LUO Section 22.52.100, 110 and 120.

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

The western portion of the project site is subject to inundation during a 100-year storm event along Huerhuero Creek (Figure 15). However, all of the proposed cannabis activities will be located outside the 100-year floodplain as mapped by the Federal Emergency Management Agency (FEMA). With implementation of the preliminary grading and drainage plan, the amount of increased impervious surfaces is not expected to exceed the capacity of stormwater conveyances or increase downslope flooding.

The project site is located approximately 25 miles inland from the Pacific Ocean and is not located in the Coastal Zone.

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

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

Conclusion

With implementation of the recommended mitigation measures W-1 and W-2 for water use offset, the project will result in less than significant impacts associated with water supply, water quality and hydrology.

Mitigation

W-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 Paso Robles Groundwater Basin ("Basin") shall provide to the Department of Planning and Building for review and approval a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by LUO Sections 22.40.050 D. 5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). The Water Conservation Plan shall include the following:

- a. A detailed inventory of net new water demand associated with all cannabis-related activities including cultivation, nursery activities, manufacturing, and processing as applicable. The inventory and estimate of water demand shall be prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of Planning and Building. The quantification of water demand shall be expressed in total acre-feet per year, and shall be consistent with the Water Management Plan required by LOU Sections 22.40.050 C. 1 and 22.40.060 C.1.
- b. A program for achieving a water demand offset of **14.70 AFY** as required by LUO Section 22.40.050.D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). The water demand offset for all cannabis-related activities shall be 2:1 within the Area of Severe Decline and 1:1 elsewhere within the Basin. Such a program may include, but is not limited to, the following:

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- 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:
 - Drip irrigation;
 - Smart controllers. Irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapo-transpiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.
 - Installation of float valves on water tanks to prevent tanks from overflowing;
 - Converting from using overhead sprinklers to wind machines for frost protection; [Note: The installation of wind machines shall be included in the project description for cannabis activities and subject to environmental review.]
 - Installation of rainwater catchment systems to reduce demand on groundwater. [Note: The installation of rainwater catchment facilities shall be included in the project description for cannabis activities and subject to environmental review.]
- ii. Participation in an approved water conservation program within the Paso Robles Groundwater Basin that is verifiable, results in a permanent reduction of water demand equal to, or exceeding, the required water demand offset, and has been subject to environmental review.
- iii. Any combination of the above or other qualifying strategies or programs that would achieve the required water demand offset.
- 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.

W-2 At the time of quarterly monitoring inspection, the applicant shall provide to the Department of Planning and Building for review, evidence that the water efficiency improvements associated with the approved Water Conservation Program remain in full effect and are continuing to achieve the required water demand offset associated with the approved cannabis activities of 7.35 AFY.

Sources

See Exhibit A.

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XI. LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Physically divide an established community?	☐	☐	☐	☒
(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?	☐	☐	☒	☐

Setting

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

1. LUO Chapter 22.94 – North County Planning Area
2. LUO Section 22.94.040 - El Pomar-Estrella Sub-area

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

Discussion

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

The project is surrounded by agricultural uses. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land uses (e.g., County LUO, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CalFire for Fire Code, California Fish and Wildlife for the Fish and Game Code, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used). The project is consistent and/or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

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

Mitigation

No mitigation measures are necessary

Sources

Exhibit A

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XII. MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
(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?	☐	☐	☐	☒

Setting/Discussion

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

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

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

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

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

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

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- (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?*
- (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?*

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

Conclusion

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

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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XIII. NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project result in:</i>				
(a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
(b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
(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?	☐	☐	☐	☒

Setting

The Noise Element of the County's General Plan includes projections for future noise levels from known stationery and vehicle-generated noise sources. Based on the Noise Element's projected future noise generation from known stationery and vehicle-generated noise sources, the project is within an acceptable threshold area. The nearest airport to the project site is the Paso Robles Municipal Airport, located approximately three miles to the north. The project site is located outside of the 55, 60, 65, 70, and 75 dBA contours, as identified on the Noise Contour Maps generated for the Paso Robles Airport (City of Paso Robles 2007).

The project is subject to the County's standards for exterior noise provided in LUO Section 22.10.120 (Table 15). Section 22.10.120 B. sets forth standards that apply to sensitive land uses that include (but are not limited to) residences.

Table 15 -- Maximum Allowed Exterior Noise Level Standards

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

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

The project site is located approximately 1.50 linear miles from the City of Paso Robles Urban Reserve and is bordered by agricultural lands to the north, south, and east and Huerhuero Creek to the west.

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Consequently, noise levels on the project site and in the vicinity are low and there are no sources of loud noises beyond those associated with home ownership, traffic on Penman Springs Road and agricultural operations. The nearest noise-sensitive land uses are single family residences located approximately 600 feet to the east.

Discussion

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

Construction Impacts

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

Operational Impacts

The project is not expected to generate loud noises or conflict with the surrounding uses. Based on equipment specifications provided by the applicant, noise resulting from the use of wall- or roof-mounted HVAC and odor mitigation equipment would be expected to generate noise levels of approximately 86 dBA at 25 feet from the source. In a “free field” noise environment (no reflections, etc.) noise dissipates about 6dB with doubling of distance from the source. Therefore, project related noise sources producing 86 dB at 25 feet will be perceived to produce about 84.4 dB at the southern property line nearest the greenhouses, assuming a distance of 30 feet. The resulting noise is expected to exceed the maximum allowable nighttime level (65 dB) and the nighttime average hourly equivalent noise level (45dB). This is considered a *significant impact unless mitigated*.

Noise generated by vehicular traffic on Penman Springs Road would be comparable to background noise levels generated by surrounding agricultural operations and existing vehicular traffic. Operation of the project would not expose people to significant increased groundborne noise levels or vibrations long term.

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

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

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

As discussed in the Setting, the project site is located approximately 9 miles south of the Paso Robles Airport, and is not located in any of the airports identified noise contours or located beneath any

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designated Aircraft Flight Paths. Due to the proximity of the site away from the Airport, the project would not subject workers to excessive aviation related noise levels.

Conclusion

With the recommended mitigation measure, potential impacts associated with operational noise will be less than significant.

Mitigation

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

Sources

See Exhibit A.

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XIV. POPULATION AND HOUSING

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

Setting

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

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

The project proposes cannabis activities that would employ up to 8 people full-time, and 3 additional people during the harvest. The small number of full-time workers and the seasonal nature of proposed cannabis activities are not expected to generate the need for new or additional housing. The general scope and scale of the proposed activities would not directly or indirectly induce substantial population growth in the area and would not result in a need for a significant amount of new housing nor displace any housing in the area. In addition, the project would be subject to inclusionary housing fees to offset any potential increased need for housing in the area. Therefore, impacts to housing and population would be *less than significant*.

Conclusion

No significant population and housing impacts would occur as a result of the proposed project.

Mitigation

None are required.

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Sources

See Exhibit A.

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?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☒	☐
Parks?	☐	☐	☒	☐
Other public facilities?	☐	☐	☐	☒

Setting

Fire protection services in unincorporated San Luis Obispo County are provided by CAL FIRE, which has been under contract with the County to provide full-service fire protection since 1930. Approximately 180 full-time state employees operate the County Fire Department, supplemented by as many as 100 state seasonal fire fighters, 300 County paid-call and reserve fire fighters, and 120 state inmate fire fighters. CAL FIRE responds to emergencies and other requests for assistance, plans for and takes action to prevent emergencies and reduce their impact, coordinates regional emergency response efforts, and provides public education and training in local communities. CAL FIRE has 24 fire stations located throughout the county, and the project would be served by CAL FIRE station #52, located approximately 6 miles north of the project site on SR46. Based on the referral response letter received from CAL FIRE regarding the proposed project, emergency personnel would be able to reach the site within 10 - 15 minutes of receiving a call.

Police protection and emergency services in the unincorporated portions of the county are provided by the San Luis Obispo County Sheriff's Office. The Sheriff's Office Patrol Division responds to calls for service, conducts proactive law enforcement activities, and performs initial investigations of crimes. Patrol personnel are deployed from three stations throughout the county, the Coast Station in Los Osos, the North

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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 5 miles south 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 San Miguel Joint Union 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 California Department of Forestry and Fire Protection (CalFire) provides mutual and automatic aid supporting the County of San Luis Obispo. The nearest CalFire station (Station 50) is located approximately 2.5 miles to the north at 6055 Webster Road and SR 46.

The project will be conditioned to comply with all fire safety rules and regulations including the California Fire Code and Public Resources Code prior to issuance of building permits. The project was reviewed by County Fire/CAL FIRE and a referral response letter was received (Dell Wells, Fire Marshal, July 7, 2020), which describes requirements for the applicant to implement to comply with County Fire/CAL FIRE standards. Based on the type of development and the limited number of employees, the project is not expected to result in a need for new or altered fire protection services. In addition, the project would be subject to development impact fees to offset the project's contribution to demand for fire protection services. Therefore, impacts would be *less than significant*. Additional information regarding fire hazard impacts is discussed in Section 7, Hazards and Hazardous Materials.

Police protection?

The project site is within the existing service range for the County Sheriff Department. A Security Plan has been prepared by the applicant in accordance with San Luis Obispo County Code 22.40.040 – 22.40.130 and the San Luis Obispo County Sheriff's Office Requirements. The Security Plan sets forth specific security measures and protocols for perimeter security, facility access, lighting, video surveillance, alarm systems, and fire security. The Security Plan is subject to review and approval by the San Luis Obispo County Sheriff's Office prior to issuance of a County business licenses. The project would be required to adhere to the security measures and protocols in the Security Plan as

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well as with any additional recommendation or requirements provided by the San Luis Obispo County Sheriff's Office. Therefore, the project would not induce the need for new police protection facilities of which could cause significant environmental impacts. Therefore, this impact would be insignificant.

Schools?

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

Parks?

As discussed in Section XIV, Population and Housing, the project does not include the construction of any habitable structures and would not increase population. As such, the project would not generate new demand for schools or parks of which could cause significant environmental impacts. Therefore, impacts would be less than significant.

Other public facilities?

No other public facilities would be impacted by the project.

Conclusion

Regarding cumulative effects, public facility (County) and school (State Government Code 65995 et seq.) fee programs have been adopted to address the project's contribution to cumulative impacts and will reduce potential cumulative impacts to less than significant levels. No significant public service impacts are anticipated, and no mitigation measures are necessary.

Sources

See Exhibit A.

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XVI. RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
(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?	☐	☐	☒	☐

Setting

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

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

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

Discussion

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

The proposed project is not a residential project or large-scale employer and would not result in a significant population increase. Construction and operation of the proposed project would not have any adverse effects on existing or planned recreational opportunities in the County. Impacts would be less than significant.

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- (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. In addition, the project would not induce population growth, thereby requiring the construction or expansion of recreational facilities elsewhere. Impacts would be less than significant.

Conclusion

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

Sources

See Exhibit A.

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XVII. TRANSPORTATION

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

Setting

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

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. Also in December, 2018, the Office of Planning and Research (OPR) published a Technical Advisory On the Evaluation of Transportation Impacts In CEQA to assist local governments in implementing the new VMT requirements. The 2018 Technical Advisory states that a development project that generates less than 110 average daily trips (ADT) will not have a project-specific or cumulatively considerable impact with respect to vehicle miles travelled.

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

The County has established Level of Service (LOS) "C" or better for rural roadways. The project site currently has two residences and generates a very low volume of traffic.

The project site is located on Penman Springs Road east of the City of Paso Robles and south of Union Road. Penman Springs Road is a two-lane rural collector that extends south from State Route 46 and serves the ranchlands, vineyards and orchards in the area. Traffic counts taken on Penman Springs Road north of Harvest Ridge Way in 2016 revealed an afternoon peak hour volumes of 30 vehicles. A referral was sent to Public Works to assess the project's traffic impacts and compliance with County standards.

Discussion

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

Construction: Construction related traffic will increase during the morning and afternoon peak hours on Rancho Road. Based on the project description, it is expected that as many as 3 workers may be arriving and leaving the project site on a typical construction work day. Assuming 3 PM peak hour trips on Jespersen Road, traffic will increase by less than 1% per day for a construction timeframe of one to two months. The temporary increase in traffic on Jespersen Road will not reduce the level of service which will remain within the standard set by the General Plan Circulation Element.

Operation:

Table 16 provides a summary of project trip generation using trip generation rates applied by the Department of Public Works.

Table 16 -- Average Daily Trip Generation

Project Component	Area	Trip Rate	Total Average Daily Trips
Indoor Cultivation	22,000	0.27 trips per 1,000 sq.ft.	5.94
Outdoor Cultivation	2.96	2 trips per acre	5.92
Ancillary Nursery	34,800	0.27 trips per 1,000 sq.ft.	9.39
Seasonal Employees	3	2 per employee	6.00
Total Average Daily Trips			27.25
PM Peak Hour Trips (10%)			2.72

Source: See Table 1

Notes:

1. Trip rates from the Department of Public Works

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The additional 2.72 PM peak hour trips on Penman Springs Road will increase the traffic volume by less than 1% per day. The increase in traffic will not reduce the level of service which will remain within the standard set by the General Plan Circulation Element.

(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. In addition, the 2018 Technical Advisory published by OPR states that a project that generates less than 110 average daily trips will not have a project-specific or cumulatively considerable impact with respect to vehicle miles travelled. According to the trip generation factors applied by the Department of Public Works, the project is expected to generate 27.2 ADT which is below the screening threshold of 110 ADT. In addition, the project site is within five miles of services, shopping and a major transportation corridor (HWY 101). Therefore, the project will not conflict with, or be inconsistent with, CEQA Guidelines Section 15064.3 and potential impacts are *less than significant*.

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

The project does not propose any features or incompatible uses that would delay, disrupt, or result in unsafe conditions. There is a clear line of sight in both directions at the Penman Springs Road project entrance. Impacts would be *less than significant*.

(d) *Result in inadequate emergency access?*

According to the Public Works Department (David Grimm, July 21, 2020), the existing grade and widths of the access roads and driveways are permissible per CalFire standards. Therefore, the project would not result in inadequate emergency access. Impacts would be *less than significant*.

Conclusion

The project would not conflict with applicable transportation plans or significantly increase vehicle trips to the circulation system. Therefore, the project's transportation impacts would be less than significant, and no mitigation measures are necessary.

Mitigation

None are required.

Sources

See Exhibit A.

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XVIII. TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☒	☐
(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.	☐	☐	☒	☐

Setting

In July, 2015, the legislature added the new requirements to the CEQA process regarding tribal cultural resources in Assembly Bill 52 (Gatto, 2014). By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and Tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources. By taking this proactive approach, the legislature also intended to reduce the potential for delay and conflicts in the environmental review process.

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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)?*
 - (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?*

There are no resources on the project site listed, or eligible for listing, in the California Register of Historic Resources, or in a local register of historical resources. Based on the Phase I archaeological investigation performed for the project site, there are no significant resources on the project site within the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

Lastly, In accordance with AB 52 cultural resources requirements, outreach to numerous Native American tribes has been conducted: Monterey Salinan, Xolon Salinan, yak titʷu titʷu yak tiłhini Northern Chumash, Coastal Chumash, and Northern Chumash Tribal Council. There were no responses and no significant resources within the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1 relating to the significance of the resource to a California Native American tribe were identified.

Conclusion

The project will have a less than significant impact on tribal cultural resources. No archaeological monitoring is recommended during grading activities unless previously undiscovered cultural materials are unearthed during project grading or construction. Per the County Land Use Ordinance, if during any future grading and excavation, buried or isolated cultural materials are unearthed, work in the area should be halted immediately within 10 feet of the find until the find can be examined by a qualified archaeologist and appropriate recommendations made. No significant impacts to cultural resources are expected to occur and no additional mitigation measures are necessary.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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XIX. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
(b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
(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?	☐	☐	☐	☒
(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?	☐	☐	☒	☐
(e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Setting

The setting for water supply is discussed in Section X. Hydrology. The project site is served by an on-site septic leach field.

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?*

Based on the project description, no significant new water supply or wastewater facilities will be required to serve the project. The project will provide 25,000 gallons of additional water storage; a well pump test performed in December, 2018 confirmed that the well can produce sufficient water to serve the project (see item b), below).

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

Future water demand associated with the project is quantified in Section X. Hydrology and Water Quality. A pump test conducted on the existing well in December 2018 showed a sustained yield of 16 gallons per minute. Assuming the well pumps 10 hours per day for 270 days per year it would produce 7.95 AFY which is more than sufficient to supply the water demand associated the proposed cannabis activities (7.35 AFY).

- (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?*

Not applicable. Wastewater disposal will be accomplished by an existing on-site septic system.

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

The nearest landfill to the site is the Chicago Grade Landfill, located approximately five miles to the south. The landfill has a remaining capacity of approximately four million cubic yards as of 2019. The incremental amount of green waste generated by the project that is not recycled/reused would be within the service capacity of the landfill. Operation of the project would generate solid waste that would be stored on-site until hauled. The cannabis waste would be composted or chipped and used as recyclable material. In addition, non-recyclable waste such as pesticide containers, fertilizer containers, packaging materials, and other solid non-toxic refuse waste, would be disposed of on-site and hauled to a landfill by an employee, once the waste has been made unrecognizable. Waste associated with the project would be routinely disposed of, and since operation of the project is not expected to generate a substantial amount of solid waste, impacts are considered less than significant.

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

The project will be operated consistent with applicable federal, state and local solid waste management and reduction regulations.

Conclusion

No significant impacts to utilities and service systems are expected.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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XX. WILDFIRE

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

Setting

The California Department of Forestry and Fire Protection (CalFire) provides mutual and automatic aid supporting the County of San Luis Obispo. The nearest CalFire station (Station 50) is located 2.5 miles to the northeast at 6055 Webster Road in the community of Creston. According to CalFire's San Luis Obispo County Fire Hazard Severity Zone map, the project site is located in a High Fire Hazard Severity Zone. According to the County's map of emergency response times, the response time to the project site is expected to be 5 – 10 minutes.

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

Based on the project description, the project is not expected to substantially impair an adopted emergency response plan or evacuation plan.

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- (b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*
- (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?*
- (d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

The project site is located in a rural area of the county where small-to-large scale agricultural operations are the predominant land uses. Topography of the project site is gently to steeply sloping and the existing structures are located in a relatively level area in the center of the project site. Daytime prevailing winds are generally from the northwest. Existing vegetation includes non-native grasses and forbs and moderately dense oak woodland along an ephemeral drainage. Accordingly, the fire hazard is considered High.

The project was reviewed by CalFire. In their letter of July 7, 2020 from Dell Wells Fire Marshal, CalFire recommends fire protection requirements relating to fire sprinklers, vehicular access, water storage, fire pumps and hydrants, emergency access and addressing. Compliance with the recommendations of CalFire is expected to reduce potential impacts relating to the exposure of people and structures to wildfires to a less than significant level.

Conclusion

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

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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XXI. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
(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)?	☐	☒	☐	☐
(c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Setting

The setting is provided in each of the topical sections of this Initial Study.

Discussion

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

The proposed project does not have the potential to substantially degrade the quality of the environment. Potential impacts to biological resources have been identified but would be mitigated to a level below significant. Compliance with all the mitigation measures identified in Section IV (Biological Resources) will ensure that project implementation will not substantially reduce the

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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, or reduce the number or restrict the range of a rare or endangered plant or animal. Implementation of the project will not eliminate important examples of the major periods of California history or pre-history.

Therefore, the anticipated project-related impacts are less than significant with incorporation of the mitigation measures included in Section IV.

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

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

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

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

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

Existing and Reasonably Foreseeable Cannabis Activities

In 2016, the County estimated that there were as many as 500 unpermitted (illegal) cannabis cultivation sites within the unincorporated county. Assuming one-half acre per site, the canopy associated with these activities could be as high as 250 acres.

Table 17 provides a summary of the total number of cannabis activities for which the County has either approved or has received an application as of the date of this initial study. As shown on Table 17, the County has received applications for a total of 114 cultivation sites (including indoor and outdoor) with a total canopy of 330 acres. Under the County's cannabis regulations (LUO Sections

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22.40. et seq. and CZLUO Section 22.80 et seq.), the number of cultivation sites allowed within the unincorporated county is limited to 141, and each site may have a maximum of 3 acres of outdoor canopy and 22,000 sq.ft. (0.5 acres) of indoor canopy. Therefore, if 141 cultivation sites are ultimately approved, the maximum total cannabis canopy allowable in the unincorporated county will be 493 acres (141 sites x 3.5 acres of canopy per site = 493 acres).

Table 17 -- Summary of Cannabis Activities for Unincorporated San Luis Obispo County¹

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

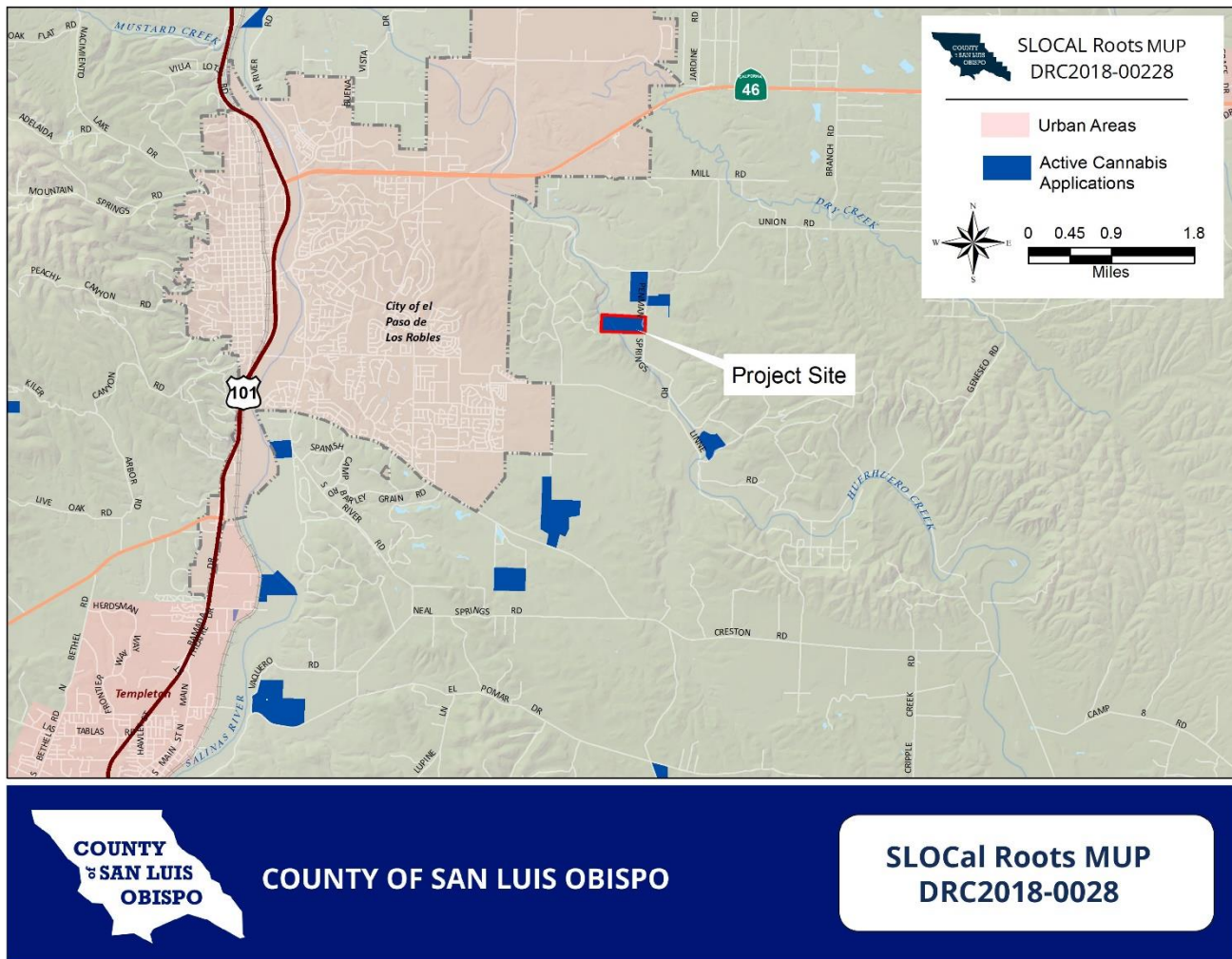
1. As of August, 2020

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

Figure 16 shows the project site along with other approved and proposed cannabis activities in the region.

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Figure 16 -- Project Site With Reasonably Foreseeable Cannabis Projects in the Vicinity



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

- All 114 cultivation sites will be approved and developed;
- Each cultivation site will be developed as follows:
 - 3 acres of outdoor cultivation;
 - 0.5 acres of indoor cultivation;
 - 19,000 sq.ft. of ancillary nursery;
 - A total area of disturbance of 6.0 acres to include the construction of one or more buildings to house the indoor cultivation, ancillary nursery and processing;
 - A total of 4 full-time employees and 4 seasonal employees;
 - A total of 25 average daily motor vehicle trips;

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- All sites will be served by a well and septic leach field;

Aesthetic and Visual Resources

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

Agricultural Resources

The analysis provided in Section II. Agricultural Resources, indicates that the project will not result in the permanent conversion of prime farmland but will result in the conversion of 0.55 acres of Farmland of Statewide Importance. However, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to potential impacts to important farmland is considered less than cumulatively considerable because:

- As shown in Table 6 of Section II, Agricultural Resources the total acreage of Farmland of Statewide Importance impacted by the project (about 0.55 acre) is less than 0.002 percent of the Farmland of Statewide Importance mapped in the county in 2016.
- The total acreage of prime farmland impacted by approved and reasonably foreseeable cannabis cultivation projects in the unincorporated county (about 98 acres) is less than the average annual increase in the total amount of prime farmland experienced each year in the County since 2006.

Air Quality

The analysis provided in Section III, Air Quality, concludes that the project's potential construction-related emissions would have the potential to exceed SLOAPCD thresholds of significance for construction emissions, resulting in a potentially cumulatively considerable contribution to the county's non-attainment status under state air quality standards for ozone and fugitive dust. With implementation of recommended mitigation measures AQ-1 through AQ-3, project construction, operational, and cumulative impacts would be less than significant.

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

The project site is located in an area with several reasonably foreseeable future cannabis cultivation facilities within 2 miles (as of August, 2020). The analysis provided in Section III, Air Quality, concludes that the project's potential other emissions (such as those leading to odor) would be less

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than significant based on the distance of proposed odor-emitting uses from the project property lines and proposed odor control technology to be implemented within proposed structures. All surrounding proposed cannabis development projects would be required to comply with County LUO ordinance cannabis odor control requirements, including preparation of an odor control plan, minimum setback distances, and installation of sufficient ventilation controls to prevent odors from being detected off-site.

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

Biological Resources

The analysis provided in Section IV., Biological Resources, concludes that the project will have a less than significant impact so long as the recommended avoidance and mitigation measures for pre-construction surveys for sensitive wildlife species and nesting birds, mitigation for the loss of SJKF habitat and oak trees are incorporated into the project description. Because project impacts will have a less than significant impact with mitigation, when considered with the potential impacts of other reasonably foreseeable development in the area, project impacts are considered less than cumulatively considerable.

Energy Use

Cannabis cultivation typically uses an insignificant amount of natural gas. Accordingly, this assessment of cumulative impacts is based on demand for electricity. The analysis provided in Section VI., Energy, states that the project could increase the demand for electricity by 12,460,000 kWh per year.

Table 18 provides a summary of total electricity demand associated with development of all 114 previously approved and currently-active cannabis cultivation projects. The summary was derived using the CalEEMOD computer model used by the California Air Resources Board and assumes all 115 sites are developed with the maximum allowable canopies: 3 acres for outdoor cultivation and 22,000 for indoor cultivation.

Table 18 – Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects

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

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Cultivation					
Total	323,215,200	323.2	1,765.9	2,089	18%

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

²Source: California Energy Commission 2019.

Table 18 indicates that electricity demand in San Luis Obispo County could increase by as much as 18% if all 114 cultivation projects are developed with 22,000 square feet of mixed-light cultivation and are approved. PG&E is required by state law (the Renewable Portfolio Standard) to derive at least 60% of their electricity from renewable sources by 2030. These sources are “bundled” and offered for sale to other Load Serving Entities (utility providers). Table 19 shows the percent increase in the projected 2030 demand for these bundled sources of electricity throughout PG&E’s service area for, assuming all 114 cultivation projects are developed with 22,000 square feet of mixed-light cultivation and approved.

Table 19 -- Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects Compared With Projected PG&E 2030 Available Service Load

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

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

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

The project’s contribution to the overall increased demand for electricity would have the potential to result in potentially cumulatively considerable environmental impacts the wasteful, inefficient and unnecessary use of energy. Mitigation measures ENG-1 and ENG-2 require the applicant to prepare and implement an Energy Conservation Plan to identify strategies to reduce or offset for cannabis-related electricity demand. In addition, all proposed cannabis cultivation projects within the county would be subject to discretionary review by County staff. Indoor and mixed-light cultivation projects that are determined to have the potential to result in potentially significant impacts from their proposed energy use would be required to implement mitigation measures to reduce their energy demand and use sources that result in less GHG emissions. It is also important to note that while many proposed cannabis cultivation projects would result in new permitted facilities, a portion of these facilities are being proposed in existing buildings previously used for unpermitted cannabis cultivation activities or other uses. Therefore, the estimated increases in energy demand provided in Tables 18 and 19 are assumed to be overestimations.

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

Geology and Soils

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As discussed in Section VII. Geology and Soils, the project is not located within an Alquist-Priolo Fault Hazard Zone and would be required to comply with the CBC and other applicable standards to ensure the effects of ground instability or a potential seismic event would be minimized through compliance with current engineering practices and techniques. Based on the volume and depth of proposed earthwork and potential sensitivity of the underlying geologic formation, the project's potential impacts to previously unknown paleontological resources would be less than significant.

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

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

Greenhouse Gas (GHG) Emissions

As discussed in Section VIII, Greenhouse Gas Emissions, the project is estimated to generate approximately 2,093.28 metric tons of CO₂ emissions per year after implementation of the energy reduction measures recommended by ENG-1 and ENG-2. Accordingly, the project will exceed the working GHG threshold of 690 metric tons of CO₂ emissions per year. Mitigation measure GHG-1 requires the project to offset project-related GHG emissions to below the 690 MTCO₂e working threshold, a reduction of about 1,403 MTCO₂e. By reducing GHG emissions below the working threshold, project emissions will be consistent with the GHG reduction measures set forth by SB 32 and the County's EnergyWise Plan.

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

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

Hydrology/Water Demand

As discussed in Section X. Hydrology and Water Quality, compliance with existing regulations and/or required plans in addition to implementation of mitigation measures W-1 and W-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

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

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

Table 20 -- Estimated Water Demand from Reasonably Foreseeable Cannabis Cultivation in PRGWB

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

¹ Source: California Department of Water Resources Bulletin 118.

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

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

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

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

Noise

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With recommended mitigation measure N-1, noise associated with HVAC and odor management systems are considered less than significant. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to potential noise impacts is considered less than cumulatively considerable.

Population and Housing

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

Cannabis cultivation activities typically employ 6 – 8 full-time workers and up to 12 workers during the harvest. The 2050 employment forecast does not account for employment in the cannabis industry, because of the formerly illegal status of the industry. However, assuming 115 cultivation projects, total employment associated with cannabis cultivation could result in as many as 920 workers. It is most likely that these workers will be sourced from the existing workforce in San Luis Obispo County. If all 920 workers are new residents to the County, it would represent a 2% increase in the projected growth in population between 2015 and 2050. The small increase in projected population is not expected to result in an increased demand for housing throughout the county. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to impacts related to housing and population is considered less than cumulatively considerable.

Public Services

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

Transportation

The Department of Public Works has derived trip generation rates for cannabis cultivation from traffic reports and through the trip generation rates published by the Institute of Traffic Engineers. Table 21 provides an estimate of total ADT and vehicle miles traveled associated with buildout of the 114 approved and active cannabis cultivation projects.

Table 21 -- Cumulative Average Daily Trips From Cannabis Cultivation

Use	Unit	ADT per Unit	Total Proposed Cannabis Cultivation Area	Total ADT	PM Peak Hour Trips	Total VMT
Cultivation, Indoor (includes greenhouses,	1,000 sf	0.27	1,851,300 sf	500	50	13,696

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plant processing, drying, curing, etc.)						
Cultivation, Outdoor (includes hoop house)	Acres	2.00	225 acres	450	45	12,330
Seasonal Employees*	Employee	2.00	570 employees	1,140	114	31,236
Total				2,090	538.6	57,262

* Seasonal Trips are adjusted based on the annual frequency.

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

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

- (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 of the preceding topical sections of this initial study.

Conclusion

Project impacts would be less than significant and less than cumulatively considerable with mitigation.

Sources

See Exhibit A.

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Exhibit A - Initial Study References and Agency Contacts

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

Contacted	Agency	Response
☒	County Public Works Department	In File**
☒	County Environmental Health Services	None
☒	County Agricultural Commissioner's Office	None
☐	County Airport Manager	Not Applicable
☐	Airport Land Use Commission	Not Applicable
☒	Air Pollution Control District	None
☒	County Sheriff's Department	In File**
☐	Regional Water Quality Control Board	Not Applicable
☐	CA Coastal Commission	Not Applicable
☒	CA Department of Fish and Wildlife	In File**
☒	CA Department of Forestry (Cal Fire)	In File**
☐	CA Department of Transportation	Not Applicable
☐	Community Services District	Not Applicable
☐	Other <u>NCTC, STMSLO, Xolon, yak tityu tityu</u>	Not Applicable
☐	Other _____	Not Applicable

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

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

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

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

Project application materials are incorporated by reference and available for review in their entirety at the Department of Planning and Building, 976 Osos Street, Suite 200, San Luis Obispo

Civil Design Solutions, Water Use Estimate for SloBloom Farms (1255 Penman Springs Road) September, 2020
Kevin Merk Associates, LLC, April 5, 2019, 1255 Penman Springs Road Cannabis Project Biological Resources Assessment

Central Coast Archaeological Research Consultants, December, 2018, Cultural Resources Survey of the SLOCAL Roots Farms Penman Springs Cultivation

December 2018, well pump test

Statements of Diversion and Use filed in June, 2017

Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8305

GEI Consultants, 2014, San Luis Obispo County 2014 Integrated Regional Water Management Plan

CalEEMOD version 2016.3.2

California Department of Conservation (CDOC). 2015.CGS Information Warehouse: Regulatory Maps
<http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps> accessed June 2019

California Energy Commission, California Fuel Use, 2018

California Department of Finance. 2018. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018 with 2010 Census Benchmark.
<http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/> (accessed June 2019).

CalFIRE letter of July 7, 2020 Dell Wells Fire Marshal

Itron, Inc, March 2006, Energy Use By Residential, Commercial and Industrial Businesses, California Energy Commission Report prepared by

Pacific Gas and Electric, 2018, Integrated Resource Plan

San Luis Obispo Council of Governments, 2017, 2050 Regional Growth Forecast (RGF) for San Luis Obispo County

Department of Public Works letter of July 22, 2020 David Grimm

County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form

Resource Management System 2014-2016 Resource Summary Report

Occupational Health and Safety Administration Technical Manual, Section III, Chapter 5 part II.B.6.

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Exhibit B - Mitigation Summary

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

Aesthetic and Visual Resources

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

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

Air Quality

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

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD’s limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. When drought conditions exist and water use is a concern, the contractor or builder should consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. Please refer to the San Joaquin Valley Air District for a list of potential dust suppressants;
- c. All dirt stockpile areas should be sprayed daily and covered with tarps or other dust barriers as needed;

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- d. Permanent dust control measures identified in the approved project plans (e.g., revegetation and landscape plans, etc.) shall be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Air Pollution Control District (APCD) (*project manager add following as applicable* – “and for applications within close proximity to sensitive habitats, CA Department of Fish and Wildlife (CDFW)-compliant stabilizing methods shall be used”);
- g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CA Vehicle Code Section 23114;
- j. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in CVC Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
- l. All PM₁₀ mitigation measures required should be shown on grading and building plans; and
- m. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition (Contact Tim Fuhs at 805-781-5912).

AQ-2 Standard Construction Measures. Based on Air Pollution Control District's (APCD) CEQA Handbook

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(2012), to reduce nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment. the applicant shall incorporate into the project the following “standard” construction mitigation measures:

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

AQ-3 Developmental Burning. As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD’s Enforcement Division may be contacted (805/781-5912).

Biological Resources

BIO-1: 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

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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-2 Pre-construction survey and burrow mapping for special-status small mammals. A qualified biologist shall complete a pre-construction survey for special-status small mammal species (e.g., San Joaquin pocket mouse) no more than two weeks prior to the start of initial project activities to determine if special-status small mammal species are present within proposed work areas. The survey will include mapping of all potentially active special-status small mammal burrows within the proposed work areas, access routes, and staging areas, plus a 50-foot buffer.

- All potentially active small mammal burrows will be mapped and flagged, and a 50-foot exclusion zone shall be established around the burrows. The exclusion zone shall encircle the burrows and have a radius of 50 feet from the burrow entrance or the outside border of a cluster of burrows (e.g. precinct). All foot and vehicle traffic, as well as all project activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
- If avoidance of the burrows by 50 feet is not feasible and the species using the burrow is unknown, the burrows will be monitored for 3 days and 3 nights with an infra-red, motion-triggered camera. If it is determined that no special-status species are using the burrow, no avoidance of the burrow is required.
- If it is determined that special-status small mammal burrows are present and cannot be avoided by 50 feet by all project activities, work in that area will not begin and the County shall be contacted. The County will coordinate with appropriate resource agencies.

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

BIO-3 Pre-construction survey for Special-status Reptiles and Amphibians. A qualified biologist shall conduct a pre-construction survey for western spadefoot 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 including tree 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 on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact. If any additional ground- or vegetation-disturbing activities occur on the project site, the above surveys and monitoring shall be repeated. A monitoring report summarizing results of the monitoring shall be submitted to the County

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Department of Planning and Building within one week of completing monitoring work for this species.

BIO-4 Silvery Legless Lizard Avoidance and Minimization. Within 30 days prior to initiation of ground disturbance areas in sandy soils and areas of oak canopy within the impact footprint, a qualified biologist shall conduct a raking survey to search for legless lizards. Any individuals found shall be relocated to appropriate habitat at least 50 feet outside the development footprint. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing survey. A qualified biologist shall monitor initial vegetation clearing and ground disturbance in areas of suitable habitat, primarily associated with oak canopy near the drainage crossing, to salvage and relocate individuals. A monitoring report summarizing results of the monitoring shall be submitted to the County Department of Planning and Building within one week of completing monitoring work for this species.

BIO-5 Pallid Bat and Bat Roost Avoidance. A qualified biologist shall conduct a survey before any grading or removal of trees, particularly trees 12 inches in diameter or greater at 4.5 feet above grade with loose bark or other cavities within 48 hours prior to removal of trees. If no active roosts are found, no further action shall be required. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing surveys.

If active maternity roosts or hibernacula are found, the structure or tree occupied by the roost shall be fully avoided and not removed or otherwise impacted by project activities during the maternity season. A minimum 100-foot ESA avoidance buffer shall be demarcated by highly visible orange construction fencing around active maternity roosts. No construction equipment, vehicles, or personnel shall enter the ESA without clear permission from the qualified biologist. ESA fencing shall be maintained in good condition for the duration of the maternity season. The roost shall be removed only after the maternity season has ended, and shall be removed under the direction of a qualified biologist.

If active non-maternity bat roosts (e.g., day roosts, hibernacula) are found in trees scheduled to be removed, the individuals shall be safely evicted (e.g., through installation of one-way doors) under the direction of a qualified bat biologist in consultation with the CDFW. In situations requiring one-way doors, a minimum of one week shall pass after doors are installed to allow all bats to leave the roost. Temperatures need to be sufficiently warm for bats to exit the roost, because bats do not typically leave their roost daily during winter months in coastal California. Eviction shall be scheduled to allow bats to leave during nighttime hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight.

BIO-6: 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.

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

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

BIO-7 San Joaquin Kit Fox (*Vulpes macrotis mutica*; SJKF) Habitat Mitigation Measures - Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County and CDFW that one or a combination of the following three SJKF mitigation measures for loss of SJKF habitat has been implemented:

- Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of **18.6 acres** of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), either on site or off site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the CDFW and the County.

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

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

Mitigation alternative (b.) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-unit of \$2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may

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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 total **\$46,500** (6.2 acres impacted x 3 mitigation acres per acre impacted x \$2,500 per acre).

- c. Purchase **18.6** credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c.) can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total **\$46,500** (6.2 acres impacted x 3 mitigation acres per acre impacted x \$2,500 per acre). This fee is calculated based on the current cost-per-credit of \$2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground-disturbing activities.

BIO-8 SJKF Protection Measures. Prior to issuance of grading and/or construction permits, all SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

BIO-9 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.

- If the qualified biologist identifies potential SJKF den(s), the den(s) will be monitored for 3 consecutive nights with an infra-red camera, prior to any project activities, to determine if the den is being used by SJKF. If no SJKF activity is observed during the 3 consecutive nights of camera placement then project work can begin with the Standard SJKF Avoidance and Protection Measures and the SJKF Protection Measures if SJKF are observed.
- If a known den is identified within 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 (e.g., vegetation trimming and the start of grading), where no or minimal work activity occurs, the SJKF survey shall be updated.

BIO-10 Site Maintenance and General Operations - The following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during

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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:

- 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.
- 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.
- 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).
- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
- 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.
- 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.

Standard SJKF Avoidance and Protection Measures

- 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.
- 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.
- All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.
- 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.
- 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

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- the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.
- 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.
 - No deliberate feeding of wildlife shall be allowed.
 - 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.
 - Trash will be disposed of into containers rather than stockpiling on site prior to removal.
 - 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.
 - 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.
 - Permanent fences shall allow for SJKF passage through or underneath by providing frequent openings (8-inch x 12-inch) or an approximately 4-inch or greater passage gap between the ground and the bottom of the fence. Any fencing constructed after issuance of a final permit shall follow the above guidelines.
 - During project activities and/or the operation phase, any contractor or employee that inadvertently kills or injures a SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead SJKF, the applicant shall immediately notify the USFWS, CDFW, and the County by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident.
 - 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 Nighttime 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:

- Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;
- All facilities using artificial lighting shall include shielding and/or blackout tarps that are in place between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping;

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- Exterior path lighting shall conform to LUO Section 22.10.060, be designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off site. Exterior path lighting shall be “warm-white” or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions; and
- Exterior lighting used for security purposes shall be motion activated, be designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off site and shall be of the lowest lumen necessary to address security issues.

BIO-12 Annual Surveys. Annual Pre-activity Survey for SJKF, Special-status Small Mammals, and Burrow Mapping Applicant or project proponent must hire a qualified biologist to complete an annual pre-activity survey for SJKF and special-status small mammal species (e.g., giant kangaroo rat and Nelson’s [San Joaquin] antelope squirrel) no more than 14 days prior to the start of initial ground disturbance associated with the outdoor grow sites to ensure SJKF and special-status small mammal species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active SJKF and special-status mammal burrows within the grow site areas plus a 50-foot buffer for small mammals and 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-13 Site Restoration Following End of Operations. Upon revocation of a use permit or abandonment of a licensed cultivation or nursery site, the permittee and/or property owner shall remove all materials, equipment, and improvements on the site that were devoted to cannabis use, including but not limited to concrete foundation and slabs; bags, pots, or other containers; tools; fertilizers; pesticides; fuels; hoop house frames and coverings; irrigation pipes; water bladders or tanks; pond liners; electrical lighting fixtures; wiring and related equipment; fencing; cannabis or cannabis waste products; imported soils or soils amendments not incorporated into native soil; generators; pumps; or structures not adaptable to non-cannabis permitted use of the site. If any of the above described or related material or equipment is to remain, the permittee and/or property owner shall prepare a plan and description of the non-cannabis continued use of such material or equipment on the site. The property owner shall be responsible for execution of the restoration plan that will re-establish the previous natural conditions of the site, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the County.

BIO-14 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 and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

- A 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

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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.

- If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
- The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

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

BIO-15 Native Trees (Oaks) – Minimizing Impacts. When trees are proposed for removal or to be impacted within their driplines/canopies, the following measures shall be completed to minimize native tree (oak) impacts:

- a. Grading and/or construction plans shall provide a 'Native Tree (Oak) Inventory' and show locations of all native trees within 25 feet of the proposed project limits (including ancillary elements, such as trenching); For each of the trees shown, they shall be marked with one of the following 1) to be removed, 2) to be impacted, or 3) to remain intact/protected. This should be noted as the "Native Tree Impact Plan".
- b. For trees identified as 'impacted' or 'to remain protected' they shall be marked in the field as such and protected to the extent possible. Protective measures shall be visible to work crews and be able to remain in good working order for the duration of the construction work. Waterproof signage at protective edge is recommended (e.g., "TREE PROTECTION AREA – STAY OUT"). Grading, trenching, compaction of soil, construction material/equipment storage, or placement of fill shall not occur within these protected areas.
- c. To minimize impacts from tree trimming, the following approach shall be used:
 - i. Removal of larger lower branches shall be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs" (due to wind), 2) reduce number of large limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retain shade to keep summer temperatures cooler (retains higher soil moisture, creates greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree.
 - ii. If trimming is unavoidable, no more than 10% of the oak canopy shall be removed.
 - iii. If trimming is done, either a skilled certified arborist will be used, or trimming techniques accepted by the International Society of Arboriculture will be used. Unless a hazardous

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or unsafe situation exists, trimming will be done only during the winter for deciduous species.

- d. Smaller native trees (smaller than 5 inches in diameter at four feet six inches above the ground) within the project area are considered to be of high importance, and where possible, will be protected. A monitoring report summarizing results of the monitoring shall be submitted to the County Department of Planning and Building within one week of completing monitoring work for this species.

BIO-16 Prior to building permit issuance, a Compensatory Mitigation Plan shall be prepared for direct (permanent) and indirect (temporary) impacts to oak trees with a DBH of 4 inches or greater. Mitigation will include replacing in kind at a 4:1 ratio and 2:1 ratio for direct (permanent) and indirect (temporary) impacts, respectively. All plantings will be of at least 5-gallon container stock size trees and of the same species removed. All plantings shall be maintained for five years with the last 2 years without supplemental watering. Mitigation plantings will include protection from above and below ground herbivory (e.g., tree shelters, gopher cages), regular weeding of at least a three foot radius, and adequate watering (e.g., drip-irrigation system). Hand removal of weeds shall be kept up on a regular basis at least once in late spring (April) and once in early winter (December).

BIO-17 Construction Best Management Practices. Best Management Practices, which may include, but are not limited to, installation of straw wattles, Environmental Sensitive Area/exclusion fencing, gravel bags, silt fencing, etc., or other measures that may be required by an erosions and sedimentation control plan approved by the County, shall be installed prior to ground disturbing activities to avoid direct and indirect impacts to the drainages on the project site.

BIO-18 Pesticide Use. The use of herbicides, rodenticides, pesticides and fertilizers shall be limited to those approved by the US Environmental Protection Agency and the California Department of Pesticide Regulation and shall be used 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 such species depend.

BIO-19 Pre-construction surveys for Crotch's Bumblebee (CBB). The following actions shall be undertaken to avoid and minimize potential impacts to CBB:

- a. CBB Surveys - The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for CBB within suitable habitat (i.e. small mammal burrows, grassland areas, upland scrubs) on the project site. Survey(s) can be conducted over an extended period of time to document and establish the presence of the bees within the areas of disturbance.
- b. CBB Take Avoidance - If the survey(s) establish the presence of CBB within the areas of disturbance, the applicant shall retain a qualified biologist to prepare a Biological Resources Management Plan (Management Plan) subject to review and approval of the Department in consultation with CDFW. The Management Plan shall include at least the following:
 - i. Avoidance measures to include a minimum 50-feet no-disturbance buffer to avoid take and potentially significant impacts.

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- ii. If ground-disturbing activities will occur during the overwintering period (October through February), the applicant, in coordination with the Department, shall consult with CDFW to identify specific measures to be undertaken to avoid take as defined by the California Endangered Species Act (CESA).
- iii. CBB Take Authorization - If CBB are detected prior to, or during project implementation, the applicant shall consult with CDFW to avoid take and/ or to obtain applicable take authorization.

Energy and Greenhouse Gases

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

- a. A detailed inventory of energy demand prepared by a Certified Energy Analyst. The inventory shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities including, but not limited to, lighting, odor management, processing, manufacturing and climate control equipment. The quantification of demand associated with electricity shall be expressed in total kilowatt hours (kWh) per year; demand associated with natural gas shall be converted to kWh per year.
- b. A program for providing a reduction or offset of all energy demand that is 20% or more than a generic commercial building of the same size. In this case, the estimated reduction or offset would be at least $12,460,000 \text{ kWhr/yr} - 1,588,650 \text{ kWhr/yr} = 10,871,350 \text{ kWhr/yr}$; and the amount of energy not otherwise reduced or offset must not exceed 1,588,650 kWhr/yr. Such a program (or programs) may include, but is not limited to, the following:
 - i. Evidence that the project will permanently source project energy demands from renewable energy sources (i.e. solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.
 - ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include, but is not limited to, the following:
 1. Participating in an annual energy audit.
 2. Upgrading and maintaining efficient heating/ cooling/ dehumidification systems.
 3. Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
 4. Implementing automated lighting systems.
 5. Utilizing natural light when possible.
 6. Utilizing an efficient circulation system.
 7. Ensuring that energy use is below or in-line with industry benchmarks.
 8. Implementing phase-out plans for the replacement of inefficient equipment.

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9. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.
- iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]
- iv. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of the project energy demand that is 20% or more above a generic commercial building of the same size.

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

Greenhouse Gas Emissions

GHG-1 Greenhouse Gas Offset Requirements. At the time of building permit application, the applicant shall provide to the County Department of Planning and Building for review and approval a program for providing a reduction or offset of GHG emissions to below the working GHG threshold of 690 MTCO₂e. In this case, the estimated reduction or offset would be at least: 847 MTCO₂e – 690 MTCO₂e = 157 MTCO₂e; and the amount of energy not otherwise reduced or offset must not exceed 690 MTCO₂e. Such a program (or programs) may include, but is not limited to, the following:

- a. A detailed inventory of all project-related GHG emissions prepared by a qualified professional as determined by the Director of Planning and Building.
- b. Strategies for achieving No Net Increase in GHG emissions which may include, but is not limited to, the following:
 1. Purchase of GHG offset credits from any of the following recognized and reputable voluntary carbon registries:
 - i. American Carbon Registry;
 - ii. Climate Action Reserve; or
 - iii. Verified Carbon Standard Offsets purchased from any other source are subject to verification and approval by the County Department of Planning and Building.
 2. Installation of battery storage to offset nighttime energy use. Batteries may only be charged during daylight hours with a renewable energy source and shall be used as the sole energy supply during non-daylight hours.

Hazards and Hazardous Materials

HAZ-1 Equipment Maintenance and Refueling. During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining

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

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

Hydrology – Water Quantity

W-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 Paso Robles Groundwater Basin (“Basin”) shall provide to the Department of Planning and Building for review and approval a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by LUO Sections 22.40.050 D. 5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). The Water Conservation Plan shall include the following:

- a. A detailed inventory of net new water demand associated with all cannabis-related activities including cultivation, nursery activities, manufacturing, and processing as applicable. The inventory and estimate of water demand shall be prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of Planning and Building. The quantification of water demand shall be expressed in total acre-feet per year, and shall be consistent with the Water Management Plan required by LOU Sections 22.40.050 C. 1 and 22.40.060 C.1.
- b. A program for achieving providing a water demand offset of **14.70** AFY as required by LUO Section 22.40.050.D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). The water demand offset for all cannabis-related activities shall be 2:1 within the Area of Severe Decline and 1:1 elsewhere within the Basin. 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:
 - Drip irrigation;
 - Smart controllers. Irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapo-transpiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.
 - Installation of float valves on water tanks to prevent tanks from overflowing;

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- Converting from using overhead sprinklers to wind machines for frost protection; [Note: The installation of wind machines shall be included in the project description for cannabis activities and subject to environmental review.]
- Installation of rainwater catchment systems to reduce demand on groundwater. [Note: The installation of rainwater catchment facilities shall be included in the project description for cannabis activities and subject to environmental review.]
- ii. Participation in an approved water conservation program within the Paso Robles Groundwater Basin that is verifiable, results in a permanent reduction of water demand equal to, or exceeding, the required water demand offset, and has been subject to environmental review.
- iii. Any combination of the above or other qualifying strategies or programs that would achieve the required water demand offset.
- 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.

W-2 **At the time of quarterly monitoring inspection,** the applicant shall provide to the Department of Planning and Building for review, evidence that the water efficiency improvements associated with the approved Water Conservation Program remain in full effect and are continuing to achieve the required water demand offset associated with the approved cannabis activities of 7.35 AFY.

Noise

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

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Appendix A

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

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

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

Section 8102 – Annual State License Application Requirements

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

Section 8106 – Cultivation Plan Requirements

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

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Section 8108 -- Cannabis Waste Management Plans

Section 8216 – License Issuance in an Impacted Watershed

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

Section 8304 – General Environmental Protection Measures

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

Section 8305 – Renewable Energy Requirements

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

Section 8306 -- Generator Requirements

Section 8307 – Pesticide Use Requirements

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

Section 8308 – Cannabis Waste Management

Bureau of Cannabis Control

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

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

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

California Department of Fish and Wildlife (CDFW)

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

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

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

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

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

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