COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING

Initial Study – Environmental Checklist

PLN-2039
04/2019

Project Title & No. Milner Minor Use Permit ED20-080 DRC2019-00046

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: (To be completed by the Lead Agency)

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

☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Cassidy Williams	Cassidy L. Williams		October 15, 2020
Prepared by (Print)	Signature		Date
David Moran	David Moran	For Steve McMasters, Principal Environmental Specialist	October 15, 2020
Reviewed by (Print)	Signature		Date

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Project Environmental Analysis

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

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

A. Project

DESCRIPTION:

A request by **Catherine Milner** for a Minor Use Permit (DRC2019-00046) to establish up to 9,200 square feet of outdoor cannabis canopy on a 40-acre parcel. The project would result in an area of disturbance of approximately 0.87 acre (37,920 square feet) and would include the installation of a 400-square-foot shed to be used for the storage of harvest equipment, and approximately 0.5 mile of roadway improvements (i.e., re-paving) along an existing paved private driveway. No grading or tree removal would be required. The project includes a request for an ordinance modification to allow for a 60-foot setback from the outdoor cultivation area to the east property line, where 300 feet is required. The project site is located within the Agriculture land use designation at 2560 McMillan Canyon Road, approximately 3.8 miles north of the community of Shandon in the Shandon-Carrizo Sub Area of the North County Planning Area.

The proposed 9,200-square-foot (0.21-acre) canopy would be located within a proposed 9,600-square-foot fenced area. The outdoor cannabis cultivation would be cultivated within 60 above-ground organic soil planter boxes using organic methods in accordance with the National Organic Program requirements and would be watered by hand. Water would be sourced from an existing on-site well and stored within an existing on-site 275-gallon water tank. Based on the water demand estimate provided by the project applicant, the project would result in annual water demand of approximately 11,340 gallons (0.035 acre-feet per year). No cannabis hoop structures would be installed as part of the project.

Cannabis nursery plants would be delivered to the project site via a licensed third-party distributer, planted in July, and cultivated to maturity until harvest in October. Harvested plants would be cut at the base of the stock and transported off-site for testing and processing by a third-party distributer. No trimming or other processing activities would occur on-site. Following harvest, all organic waste would be collected and transferred to a designated composting area. Once the organic material has been rendered inert, it would be placed in trash bags and removed from the premises to be disposed off-site. A cover crop would then be planted and tilled into the soil of the planter boxes to reduce erosion from wind and water, encourage nitrogen fixation, and support healthy soil function until the next cannabis cultivation cycle begins. The estimated annual water demand for the project includes water use to support the annual cover crop.

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The project includes construction of a 400-square-foot storage shed to be located within the fenced outdoor cannabis cultivation area. The storage shed and cultivation area would be enclosed within a 6-foot-tall chain-link security fence with vinyl slats and 2 feet of barbed wire installed along the top. The project also includes storage lockers for tools and equipment that would be located immediately west of, and outside of, the security fence. The project would employ up to two full-time employees. The hours of operation would be from 7:00 a.m. to 5:00 p.m., Monday through Saturday. A portable restroom will be provided on-site for employees. A designated all-weather parking area would be established immediately south of the cultivation area, which would accommodate six parking spaces. The project would not include sales on-site and no exterior signage is proposed.

Ordinance Modification

The project includes a request for a modification of the setback requirements set forth in Land Use Ordinance (LUO) Section 22.40.050.D.3.b. to allow the proposed cannabis cultivation area to be located approximately 60 feet from the east property line, where 300 feet is required for an outdoor cannabis cultivation area. The adjacent parcel located to the east of the property is approximately 166 acres in size, is currently undeveloped, and has historically been used to dry farm barley. No land uses that would be sensitive to cannabis odors, such as residences, occur on the adjacent property. The nearest sensitive receptor location is an off-site residence located approximately 1 mile west of the project site.

Baseline Conditions

The approximately 40-acre parcel currently supports a single-family residence, photovoltaic solar arrays, domestic animal enclosures, and 300 mature olive trees. On-site vegetation consists primarily of cropland, non-native grasses and forbs, and several planted trees. An ephemeral drainage crosses the project property from north to south approximately 660 feet (0.13 mile) west of the proposed area of disturbance. Surrounding land uses include undeveloped land and active agricultural operations (Figures 1 and 2). The area proposed for outdoor cannabis cultivation and location of the storage shed consists of a highly disturbed area, a portion of which was previously utilized as a fenced dog kennel.

ASSESSOR PARCEL NUMBER(S): 017-081-009

Latitude: 35º42'56" N **Longitude:** 120º22'23" W **SUPERVISORIAL DISTRICT #** 1

Other Public Agencies Whose Approval is Required

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

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

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B. Existing Setting

Plan Area: North County **Sub:** Shandon-Carrizo Sub Area North **Comm:** Rural

Land Use Category: Agriculture

Combining Designation: None

Parcel Size: 39.75 acres

Topography: Nearly level to moderately sloping

Vegetation: Grassland and olive production, planted trees

Existing Uses: Organic olive farm, single-family residence

Surrounding Land Use Categories and Uses:

North: Agriculture; undeveloped

East: Agriculture; agricultural

South: Agriculture; undeveloped

West: Agriculture; undeveloped

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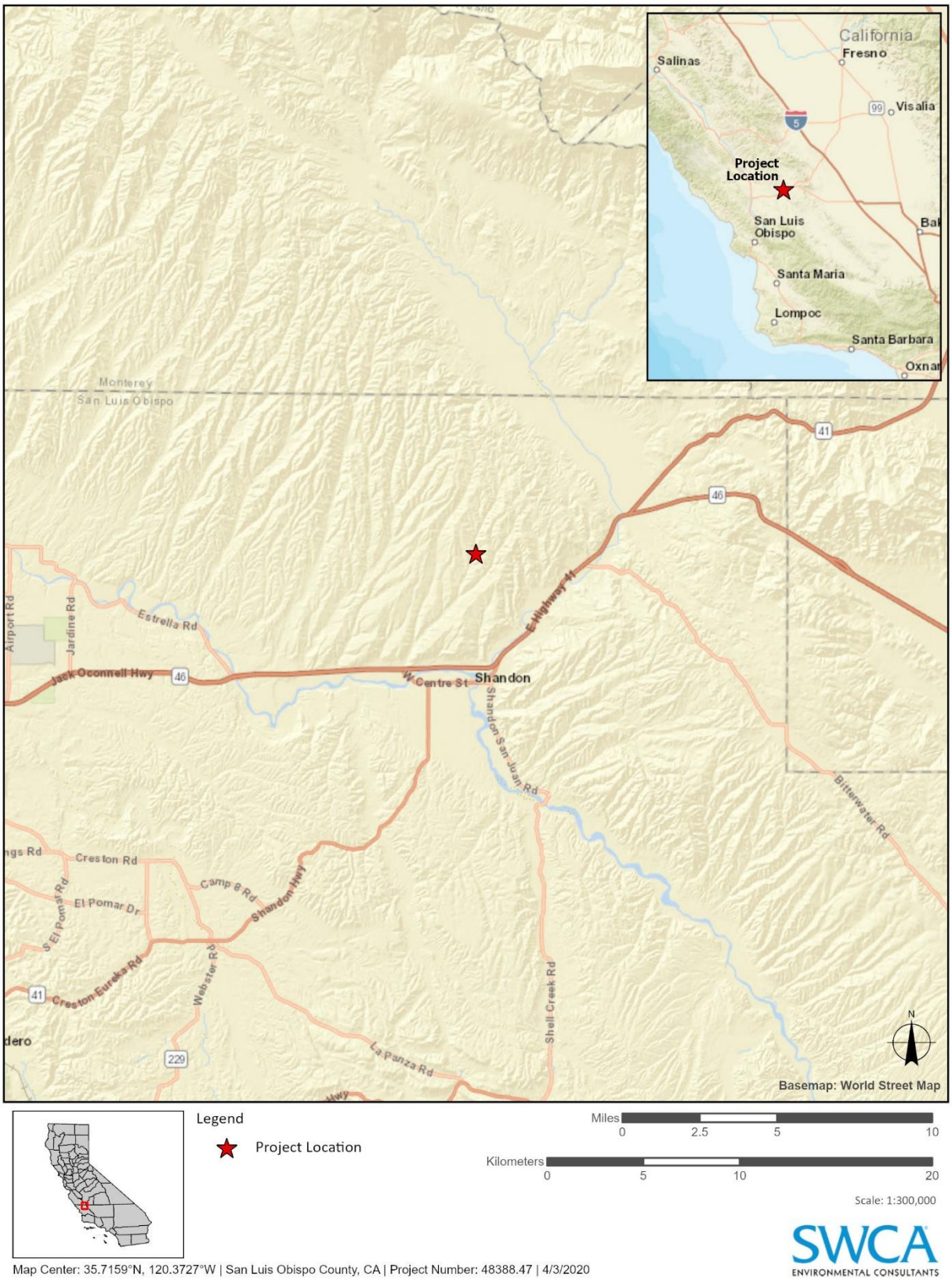

Figure 1. Project Vicinity Map

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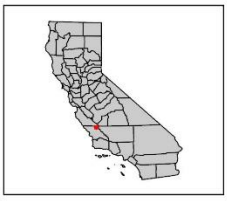

Legend

Project Area

Property Parcel (017-081-009)

Feet
0 150 300 600

Meters
0 25 50 100

Scale: 1:3,000

SWCA ENVIRONMENTAL CONSULTANTS

Map Center: 35.7155°N, 120.3737°W | San Luis Obispo County, CA | Project Number: 48388.47 | 8/17/2020

Figure 2. Project Location Map

C. Environmental Analysis

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

I. AESTHETICS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:					
(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 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 (LUO) details standards for exterior lighting (LUO Section 22.10.060); however, these standards do not apply to uses established within the Agriculture land use category. LUO Section 22.40.050.D.6 also provides cultivation standards, including requirements for screening and fencing.

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

Discussion

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

The project includes the establishment of outdoor cannabis cultivation within a rural, largely undeveloped area. This proposed use and its associated components would not be visible from surrounding public roadways or any other off-site public viewpoint due to the existing vegetation and site topography. Additionally, the County of San Luis Obispo (County) General Plan does not designate any scenic resources in the project area (County of San Luis Obispo 2015). The project is not located within an identified scenic vista, a visually sensitive area, a scenic corridor, or an area of high scenic quality that would be seen from key public viewpoints (County of San Luis Obispo 2015). Therefore, the project would not have a substantial adverse effect on a scenic vista and impacts would be *less than significant*.

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

The project is not located within the viewshed of a designated or eligible state scenic highway and implementation of the project would not result in damage to scenic resources within the viewshed of a state scenic highway (California Department of Transportation [Caltrans] 2017). Therefore, *no impacts* would occur.

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

The project is located in a non-urbanized area and would not be visible from surrounding public roadways due to existing vegetation and site topography. The project would not result in a noticeable change to public views of the area and, therefore, would not result in the degradation of the existing visual character or quality of public views of the site and its surroundings. The project would not result in a significant change to the visual character of the area, and impacts would be *less than significant*.

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

The project proposes outdoor cannabis cultivation with no artificial lighting. The security fencing that encloses the outdoor cannabis cultivation area would be equipped with low-intensity, motion-activated lighting to illuminate the premises, including the entrances and exits and designated parking area. The security lighting would be mounted on support posts extending over the 6-foot fence and would be oriented downwards to minimize nighttime light pollution. The security lighting would not adversely affect nighttime views in the area because public views from McMillan Canyon Road would largely be obscured by existing topography and vegetative screening, and the intensity of the lighting would be low. Therefore, the project would not result in a substantial increase of light or glare, and impacts would be l*ess than significant.*

Conclusion

The project includes outdoor cannabis cultivation and use of low-intensity, motion-activated security lighting to illuminate key areas of the premises, including the entrances and exits and designated parking area. Because the exterior lighting would be oriented downwards and would be largely obscured from public views along McMillan Canyon Road, the project would not substantially adversely affect nighttime views. Impacts would be less than significant and no mitigation would be necessary. No other potentially significant impacts related to visual resources would occur and no additional mitigation is necessary.

Mitigation

None necessary.

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II. AGRICULTURE AND FORESTRY RESOURCES

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

Setting

The California Department of Conservation (CDOC) Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and current land use. For environmental review purposes under the California Environmental Quality Act (CEQA), the FMMP categories of Prime Farmland, Farmland of

Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land are considered "agricultural land." Other non-agricultural designations include Urban and Built-up Land, Other Land, and Water. Based on the FMMP, soils within the project site are within the Grazing Land designations.

Soils within the area of disturbance include Ayer and Diablo soils, 15 to 30 percent slopes. This soil complex has a high shrink-swell potential and is not listed as Prime Farmland in Table SL-2 of the County COSE (County of San Luis Obispo 2015) and is classified as Grazing Land by the FMMP. The characteristics of this soil association are defined as deep and well-drained with slow permeability, rapid surface runoff potential, and high erodibility. The major uses of this soil type include cultivated crops and rangeland.

The Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agriculture or related open space use. In return, landowners receive property tax assessments that are much lower than normal because they are based on farming and open space uses as opposed to full market value. The project site is located on a property under a Williamson Act contract.

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

The area of disturbance is not located on lands classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the FMMP (CDOC 2016). Therefore, the project would not result in the conversion of farmland pursuant to the FMMP to a non-agricultural use, and *no impacts* would occur.

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

The project site is located within and surrounded by the lands associated with the Agriculture land use designation. Outdoor cannabis cultivation is an allowable use within this land use designation (LUO Section 22.06.030). Therefore, the project would not conflict with existing zoning for agriculture, and *no impacts* would occur.

The project site is subject to a Williamson Act contract. On May 15, 2018, the County Board of Supervisors approved amendments to the County Williamson Act Rules of Procedures allowing cannabis activities on contracted land and designating them as compatible uses. Furthermore, the project would not be located in an area currently used for qualifying agricultural operations and on-site agricultural practices would continue during operation of the proposed cannabis cultivation. Therefore, the project would not conflict with a William Act contract, and *no impacts* would occur.

(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, and *no impacts* would occur.

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

The project parcel contains several native trees adjacent to the project site. The density of trees does not constitute 10% native tree cover. In addition, the project would not result in the removal or trimming of any of these trees, beyond trimming required by the California Department of Forestry

(CAL FIRE) for vegetation clearance around the proposed storage shed. Therefore, potential impacts to forest land would be *less than significant*.

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

The project includes the establishment of outdoor cannabis cultivation. The project site is bordered by active agricultural operations and undeveloped land. Per the memo from Lynda Auchinachie of the County Department of Agriculture, dated May 2, 2019, the department reviewed the project for potential impacts to on- and off-site agricultural resources and recommended standard land use permit conditions of approval that ensure Best Management Practices (BMPs) will be followed. No significant impacts to off-site agricultural operations were identified. Therefore, potential impacts related to the impairment of agricultural uses of other property or conversion of surrounding land to non-agricultural uses would be *less than significant*.

Conclusion

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

Mitigation

None necessary.

III. AIR QUALITY

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

San Luis Obispo County Clean Air Plan

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

SLOAPCD Criteria Pollutant Thresholds

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

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

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

Sensitive Receptors

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

Naturally Occurring Asbestos

Naturally Occurring Asbestos (NOA) is identified as a toxic air contaminant by the California Air Resources Board (CARB). Serpentine and other ultramafic rocks are fairly common throughout San Luis Obispo County and may contain NOA. If these areas are disturbed during construction, NOA-containing particles can be released into the air and have an adverse impact on local air quality and human health. The project site is not located in an area identified as having potential to contain NOA by the SLOAPCD (SLOAPCD 2012).

Developmental Burning

As of February 25, 2000, the SLOAPCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: SLOAPCD approval; payment of fee to SLOAPCD based on the size of the project; and issuance of a burn permit by the SLOAPCD and the local fire department authority. As a part of SLOAPCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application.

Discussion

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

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

Adopted transportation control measures include, but are not limited to, a voluntary commute options program, local and regional transit system improvements, bikeway enhancements, and telecommuting programs. The voluntary commute options program targets employers in the county with more than 20 employees; because the project would employ up to a maximum of two 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, and impacts would be *less than significant*.

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

The county is currently designated as non-attainment for ozone and PM_{10} under state ambient air quality standards. Construction of the project would result in emissions of ozone precursors, including reactive organic gases (ROG), nitrous oxides (NO_X), and fugitive dust emissions (PM_{10}).

Construction Emissions

The project includes establishment of 9,200 square feet of outdoor cannabis canopy in above-ground planter boxes and would not require grading or tree removal. The project would result in an area of disturbance of approximately 0.87 acre (37,920 square feet) and would include the installation of a preconstructed 400-square-foot shed to be used for the storage of harvest equipment, and 0.5 mile of roadway improvements (i.e., repaving) along an existing paved private driveway. Project-related ground disturbance would be small in scale and limited to areas required to support the installation of the storage shed and security fence around the cannabis cultivation area. The project would require the use of construction equipment to install the storage shed and repaving of the approximately 0.5-mile-long private driveway. These activities would result in the creation of construction dust, as well as 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 1, using a conservative estimate of a maximum of 40 cubic yards of total earthwork.

Table 1. Estimated Project Construction Emissions.

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

Based on SLOAPCD's CEQA Air Quality Handbook (2012) and Clarification Memorandum (2017), any project with a grading area greater than 4.0 acres of worked area can exceed the 2.5 ton PM_{10} quarterly threshold. The project would not result in more than 4 acres of site disturbance; therefore, the project would not exceed SLOAPCD's construction emission threshold of 2.5 tons of PM_{10}. Based on the estimated construction vehicle emissions provided in Table 1, the project would not exceed SLOAPCD construction emissions thresholds.

Operation Emissions

From an operational standpoint, based on the size and scope of proposed operations, the project would not generate substantial air quality emissions. The project would generate a maximum of two vehicle trips per day. The emissions generated from these vehicle trips would not approach the significance thresholds for the criteria pollutants provided in Table 3-2 of the SLOAPCD CEQA Air Quality Handbook. Therefore, the project would not contribute to a cumulatively considerable increase of any criteria pollutant, and impacts would be *less than significant*.

(c) Expose sensitive receptors to substantial pollutant concentrations?

The nearest sensitive receptor location is an off-site residence located approximately 1 mile west of the project site. Construction-generated air pollutant emissions would be limited to fence installation and driveway repaving activities, would be temporary in nature, and would dissipate before reaching the off-site residence. Therefore, impacts related to exposure of sensitive receptors to substantial air pollutant concentrations would be *less than significant*.

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

The project site is not located in an area identified as containing NOA by the SLOAPCD (SLOAPCD 2012). The project does not propose to burn any on-site vegetative materials and would be subject to SLOAPCD restrictions on developmental burning of vegetative material; therefore, the project would not result in substantial air pollutant emissions from such activities.

The project includes outdoor cannabis cultivation. Cannabis cultivation often produces potentially objectionable odors during the flowering and harvest phases of cultivation and could disperse through the air and be detected by surrounding receptors. The project is located within a remote area, bordered by active agricultural operations and undeveloped land. The project would include one harvest per year, so any objectional odors would be limited to a relatively short period of time during the flowering and harvest phase. Additionally, the proposed outdoor cannabis cultivation area is located approximately 1 mile away from any off-site sensitive receptor. Project odor emissions would naturally dissipate before reaching the off-site residence. As a result, the project's other emissions (such as those leading to odors) would not adversely affect a substantial number of people and impacts would be *less than significant*.

Conclusion

The project would be consistent with the 2001 San Luis Obispo County CAP and would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment. The project would not expose sensitive receptors to substantial pollutant concentrations or result in other emissions adversely affecting a substantial number of people. Therefore, the project's potential impacts associated with air quality would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

IV. BIOLOGICAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(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?	☐	☒	☐	☐

Initial Study – Environmental Checklist

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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?	☐	☒	☐	☐

Setting

The County of San Luis Obispo Oak Woodland Ordinance was adopted in April 2017 to regulate the clear-cutting of oak woodlands. This ordinance applies to sites located outside of Urban or Village areas within the inland portions of the county (not within the Coastal Zone). "Clear-cutting" is defined as the removal of 1 acre or more of contiguous trees within an oak woodland from a site or portion of a site for any reason, including harvesting of wood, or to enable the conversion of land to other land uses. "Oak woodland" includes the following species: blue oak (*Quercus douglasii*), coast live oak (*Quercus agrifolia*), interior live oak (*Quercus wislizeni*), valley oak (*Quercus labata*), and California black oak (*Quercus kelloggii*). The ordinance applies to clear-cutting of oak woodland only and does not apply to the removal of other species of trees, individual oak trees (except for Heritage Oaks), or the thinning, tree trimming, or removal of oak woodland trees that are diseased, dead, or creating a hazardous condition. Heritage oaks are any individual oak species, as defined in the Oak Woodland Ordinance, of 48 inches diameter at breast height (dbh) or greater, separated from all

Stands and Oak Woodlands by at least 500 feet. Minor Use Permit approval is required to remove any heritage oak.

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

a. Comply with section 13149 of the Water Code as implemented by the State Water Resources Control Board, Regional Water Quality Control Boards, or California Department of Fish and Wildlife; and

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.

The following information is based on a San Joaquin Kit Fox (SJQF) Mitigation Study prepared for the project by Terra Verde Environmental Consulting (2019) and a field survey conducted on May 29, 2019. The survey area included the 9,600-square-foot project area and its immediate surroundings within the project parcel, as well as a reconnaissance-level survey of approximately 14 acres of undeveloped land and access routes on the property.

On-Site Habitats

The project property supports a variety of non-native perennial and annual herbs, including white horehound (*Marrubium vulgare*), cheeseweed mallow (*Malva parviflora*), and wild mustard (*Hirschfeldia incana*). Active agricultural operations occur east of the project site. Undeveloped areas within the project parcel and surrounding areas consist of ruderal herbaceous cover and annual grassland that is dominated by annual grasses and forbs. An unnamed ephemeral stream traverses the project parcel, approximately 650 feet from the outdoor cultivation site. The area proposed for outdoor cannabis cultivation and location of the proposed storage containers consists of a highly disturbed area with an existing planted tree and Home Depot shed, and an area that was previously utilized as a fenced dog kennel.

Special-Status Wildlife Species

Based on a review of the California Natural Diversity Database (CNDDB) search of special-status species,[1] U.S. Geological Survey (USGS) quadrangle maps, U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory map, USFWS Critical Habitat Portal, and field survey, the following special-status species were determined to have the potential to occur within or adjacent the project site due to previous CNDDB records or on-site and surrounding habitat conditions:

- San Joaquin kit fox (*Vulpes macrotis mutica*)
- Prairie falcon (*Falco mexicanus*)
- Swainson's hawk (*Buteo swainsoni*)
- Townsend's big-eared bat (*Corynorhinus townsendii*)
- Pallid bat (*Antrozous pallidus*)

Special-Status Plant Species

The project development site is highly disturbed and is dominated by non-native perennial and annual herbs. No special-status plants were identified during the field survey in May 2019. The area of disturbance is

[1] A 2-mile CNDDB search radius was used to identify previous recordings of special-status species, with the exception of SJKF. A 10-mile CNDDB search radius was used to identify previous recordings of SJKF.

adjacent to a single-family residence, disturbed habitat, and active agricultural operations. Therefore, no special-status plants are anticipated to occur within the project site.

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 site includes an existing tree that provides potentially suitable nesting habitat for a variety of bird species that are protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code. Passerines may use the trees adjacent to the project site for nesting and surrounding grassland for foraging. The project involves minimal ground disturbance and trimming of the existing tree within the cultivation area as part of the project. As a result, direct impacts to nesting habitat would potentially occur. In addition, indirect impacts such as noise or other disturbance associated with project construction activities may cause an individual to abandon a nest, resulting in a potentially significant impact to nesting birds. As a result, if project construction activities are conducted between February and September, the typical nesting bird season, mitigation measure BIO-1 has been identified to address potential impacts to nesting migratory birds in accordance with CDFW standards. Therefore, impacts to migratory birds protected by the MBTA would be *less than significant with mitigation*.

Special-status raptor species, including the prairie falcon (recognized as a watch list species by CDFW) and Swainson's hawk (listed as threated under the California Endangered Species Act [CESA]) are known to occur within the project vicinity. Prairie falcon is known to forage primarily with perennial grasslands, savannahs, rangeland, some agricultural fields, and desert scrub areas. This species forages yearlong within the project vicinity and nests most often where cliffs or bluffs punctuate open plains and shrub-steppe deserts. The project site lacks any crevices, potholes, or ledges associated with cliffs or steep bluffs that most often provide nesting habitat. Therefore, while prairie falcon are likely to forage in the area, they are not expected to nest within the project site or immediate vicinity due to the lack of suitable nesting habitat present. The project site lies just outside of the Swainson's hawk migratory range. As such, Swainson's hawk could be observed migrating through the project area, though it is unlikely. However, there is no potential for the Swainson's hawk to nest within the project area because it falls outside of its yearlong, winter, and summer geographic range. Therefore, potential impacts to both prairie falcon and Swainson's hawk would be *less than significant*.

Pallid bat and Townsend's big-eared bat are recognized by CDFW as Species of Special Concern (SSC). While no roosting bats were observed during the field survey, the existing structures and trees within the project parcel have the potential to support roosting pallid bat and Townsend's big-eared bat. The project would result in the trimming of one tree on-site; therefore, the project would have the potential to result in direct loss of roosting habitat. In addition, the project would result in temporary noise disturbance associated with construction, and the loss of a small area of potential foraging habitat for these species within the project development site. Mitigation measure BIO-2 has been identified to avoid impacts to pallid bat and Townsend's big-eared bat if found roosting within or adjacent to the project site; therefore, impacts would be *less than significant with mitigation*.

The SJKF is listed as endangered under the Federal Endangered Species Act (FESA) and threatened under the CESA. Although CNDDB recordings of the SJKF have occurred within 10 miles of the project site, the potential for SJKF to occur within the project area is very low (Terra Verde Environmental Consulting 2019). The proposed 9,200-square-foot outdoor cannabis cultivation canopy would occur

within a highly disturbed area surrounded by active agricultural operations and developed areas including a single-family residence, dog kennels, a driveway, and photovoltaic solar arrays. Undeveloped areas are located to the north of the project site, but lack habitat that is considered suitable for the SJKF, such as red brome fields or saltbush scrublands (*Atriplex* sp.). In addition, no SJKF or their sign (e.g., scat, tracks, or potential dens) were observed within the survey area. In the rare event that SJKF occur within or adjacent to the project site, project activities could potentially impact SJKF. Mitigation Measures BIO-3 through BIO-9 have been identified to reduce potentially significant impacts to less-than-significant levels by requiring all contractors, employees, or other project personnel involved with construction to participate in a worker environmental awareness training and implement best practices to avoid potential impacts to SJKF. In addition, because the project site is located within the County-designated 3:1 standard habitat mitigation ratio area for SJKF, any loss of SJKF habitat would be considered a potentially significant impact. As a result, the applicant would be required to implement mitigation measure BIO-10 to compensate for the loss the SJKF habitat through either habitat set aside, depositing funds into an approved in-lie fee program, or purchasing credits in a CDFW-approved conservation bank. With implementation of Mitigation Measures BIO-3 through BIO-10, impacts to SJKF would be *less than significant with mitigation.*

Based on the discussion provided above, project impacts associated with substantial adverse effects to special status species or their habitats would be *less than significant with mitigation.*

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

An ephemeral stream traverses the project parcel, approximately 650 feet west of the outdoor cultivation area. Based on the results of the field survey and a review of aerial imagery, the project site does not support riparian habitat or any other sensitive natural community (Terra Verde Environmental Consulting 2019). The potential for soil erosion to wash into the ephemeral stream would be minimal because the project does not require grading and would not expose large areas of soil. The repaving activities that would occur on the existing private driveway would not affect or be located within the potential jurisdictional limits of the ephemeral stream located on the project parcel. Therefore, the project would not have a substantial adverse effect on any riparian habitat or sensitive natural community, and impacts would be *less than significant.*

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

The project site does not support federal or state wetlands or other jurisdictional areas (Terra Verde Environmental Consulting 2019). Therefore, the project would not result in an adverse effect on federally or state-protected wetlands and *no impacts* would occur.

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

The project site is not expected to block or restrict movement of SJKF due to its relatively small scale (9,600 square feet of fenced area). The ephemeral drainage located on the project parcel does not have suitable habitat features to support resident or migratory fish populations due to the lack of water year-round. Therefore, impacts related to interference with the movement of resident or migratory fish or wildlife species would be *less than significant*.

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

The project would not adversely affect sensitive habitats identified in the COSE or native tree species protected under the County Oak Woodland Ordinance. Compliance with Mitigation Measures BIO-1 through BIO-10 would ensure the project is consistent with regional plans and policies for protecting sensitive wildlife species. Therefore, the project would not result in a conflict with local policies or ordinances protecting biological resources and potential impacts would be *less than significant with mitigation*.

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

The project is not located within an area under an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the project would not conflict with the provisions of an adopted plan and *no impacts* would occur.

Conclusion

Upon implementation of Mitigation Measures BIO-1 through BIO-10 to reduce potential impacts to special-status wildlife, potential impacts to biological resources would be less than significant.

Mitigation

BIO-1 Project construction, including, but not limited to tree trimming activities, shall be conducted outside of the migratory bird nesting season (February 1 through August 31), if feasible. If such activities cannot be avoided during this period, the applicant shall retain a County of San Luis Obispo-approved qualified biologist to conduct a preconstruction nesting bird survey no sooner than 1–4 weeks prior to tree removal activities and shall verify whether migratory birds are nesting in the site. If nesting activity is detected, the following measures shall be implemented:

a. The project shall be modified through the use of protective buffers, delaying construction activities, or other methods designated by the qualified biologist to avoid direct take of identified nests, eggs, and/or young protected under the Migratory Bird Treaty Act and/or California Fish and Game Code.
b. The qualified biologist shall monitor the nests within the vicinity of project-related disturbances and determine if construction activities are causing behavioral changes or affecting nesting activities. Monitoring results shall then be used to develop an appropriate buffer around the next site to minimize disturbance. Construction activities within the buffer zone shall be prohibited until the young have fledged the nest and achieved independence.
c. The qualified biologist shall document all active nests and submit a letter report to the County of San Luis Obispo documenting project compliance with the Migratory Bird Treaty Act, California Fish and Game Code, and applicable project mitigation measures within 14 days of survey completion.

BIO-2 Site preparation and construction activities shall be conducted outside of the typical bat maternity roosting and pupping season (February 1 through August 31), if feasible. If construction activities are to occur within this season, the applicant shall retain a County of

San Luis Obispo-approved qualified biologist to conduct a preconstruction survey within 14 days prior to commencement of proposed site disturbance activities. If any roosting bats are found during preconstruction surveys, no work activities shall occur within 100 feet of active roosts until bats have left the roosts. The County-approved qualified biologist shall prepare a report after each survey and a copy of the report shall be provided to the County within 14 days of completion of each survey. If no bat roosting activities are detected within the proposed work area, site disturbance and noise-producing construction activities may proceed and no further mitigation is required.

BIO-3 Prior to and within 30 days of initiation of any construction or site-disturbance activities, all personnel associated with the project shall attend a worker environmental awareness training, conducted by a County of San Luis Obispo-approved qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e., San Joaquin kit fox). At a minimum, as the program relates to kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the County of San Luis Obispo, and any related biological report(s) prepared for the project. The applicant shall notify the County of San Luis Obispo within 5 days prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program and distributed at the training program to all contractors, employees, and other personnel involved with the construction of the project. The County of San Luis Obispo-approved qualified biologist shall prepare a summary report of the training and provide a copy of the report to the County of San Luis Obispo within 14 days of training completion.

BIO-4 Between 14 and 30 days prior to the onset of grading, construction, or other site-disturbance activities, a County of San Luis Obispo-approved qualified biologist shall conduct presence/absence surveys of San Joaquin kit fox and/or their dens within 250 feet of the project disturbance site following the U.S. Fish and Wildlife Service standardized recommendations for protection of the San Joaquin kit fox. The biologist will survey for sign of San Joaquin kit fox and known or potential San Joaquin kit fox dens. The result of the survey shall be submitted to the County within 5 days of the survey and prior to the 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 San Joaquin kit fox sign, and/or known or potential San Joaquin kit fox dens, if present. If no San Joaquin kit fox sign or potential or known dens are identified, then the following San Joaquin Kit Fox Standard Protection Avoidance and Protection Measures shall be applied:

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

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

BIO-5 During all construction and site disturbance activities, if San Joaquin kit fox are detected within the project site or immediate vicinity, consultation between the applicant, County of San Luis Obispo, and California Department of Fish and Wildlife shall occur immediately to discuss how to implement the project and avoid take, or, if avoidance is not feasible, an Incidental Take Permit shall be acquired pursuant to California Fish and Game Code Section 2081(b).

BIO-6 During all construction and site-disturbance activities, the applicant shall implement the following mitigation measures to avoid potential impacts to San Joaquin kit fox:

a. If a San Joaquin kit fox is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County of San Luis Obispo will be notified, and they will consult with other agencies as needed.

b. A maximum of 15-mile-per-hour (mph) speed limit shall be required at the project site during project activities. Speed limit signs shall be installed on the project site prior to start of all work.

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

d. To prevent entrapment of San Joaquin kit fox and other special-status wildlife, all excavations, steep-walled holes, or trenches greater than 2 feet deep shall be completely covered at the end of each work day by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for San Joaquin kit fox or other special-status species and immediately prior to being covered or filled. If a San Joaquin kit fox is entrapped, the U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and County of San Luis Obispo will be contacted immediately to document the incident and advise on removal of the entrapped San Joaquin kit fox.

e. All pipes, culverts, or similar structures with a diameter of 4 inches or greater stored overnight at the project site shall be thoroughly inspected for sheltering San Joaquin kit fox 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 San Joaquin kit fox present within or under the material. A 50-foot exclusion buffer will be established around the location of the San Joaquin kit fox until it leaves. The San Joaquin kit fox shall be allowed to leave on its own before the material is moved.

f. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in animal-proof closed containers only and regularly removed from the site.

g. No deliberate feeding of wildlife shall be allowed.

h. Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent San Joaquin kit fox from being drawn to the project area to drink water.

i. Trash will be disposed of into containers rather than stockpiling on-site prior to removal.

j. Materials or other stockpiles will be managed in a manner that will prevent San Joaquin kit fox from inhabiting them. Any materials or stockpiles that may have had San Joaquin kit fox take up residence shall be surveyed (consistent with preconstruction survey requirements) by a qualified biologist before they are moved.

k. The use of pesticides or herbicides shall be in compliance with all federal, state, and local regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which San Joaquin kit fox depend.

l. During project activities and/or the operation phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County of San Luis Obispo. In the event that any observations are made of injured or dead San Joaquin kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and County of San Luis Obispo 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.

m. If potential San Joaquin kit fox dens are identified on-site during the preconstruction survey, a qualified biologist shall be on-site immediately prior to the initiation of project activities to inspect the site and dens for San Joaquin kit fox activity. If a potential den appears to be active or there is sign of San Joaquin kit fox activity on-site and within the above-recommended buffers, no work can begin until such time the California Department of Fish and Wildlife or the County of San Luis Obispo determines it is appropriate to resume work.

BIO-7 If project construction activities proceed longer than 14 days, the County of San Luis Obispo-approved qualified biologist shall conduct weekly site visits during the site-disturbance activities for the purpose of monitoring compliance with required Mitigation Measure BIO-6 above. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

BIO-8 Prior to issuance of a business license or encroachment permit, all San Joaquin kit fox protection measures required before construction (prior to any project activities) and during construction shall be included on all project plans.

BIO-9 Any temporary construction lighting or permanent lighting introduced for the project shall avoid nighttime illumination of potentially suitable habitat features for special-status species (i.e., off-site adjacent grasslands). Temporary construction lighting shall be kept to the minimum amount necessary and shall be directed toward active work areas and away from open spaces and/or drainages. To minimize the effects of exterior lighting on special-status wildlife species during project operation, all proposed outdoor lighting fixtures shall be positioned and/or shielded to avoid direct lighting of off-site natural habitat areas.

BIO-10 Prior to issuance of a business license or encroachment permit, the applicant shall submit evidence to the County of San Luis Obispo Planning and Building Department and CDFW that satisfactorily demonstrates one or a combination of the following San Joaquin kit fox mitigation measure options has been implemented:

a. Habitat Set Aside: Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 0.78 acres of suitable habitat in the kit fox corridor area (e.g., within the San Luis Obispo kit fox habitat area northwest of State Route 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Wildlife and County of San Luis Obispo.

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

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

   Mitigation alternative (b) could be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program. The program was established in agreement between the California Department of Fish and Wildlife and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act. This fee is calculated based on the current cost-per-unit of $2,500 per acre of required mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after the California Department of Fish and Wildlife provides written notification about mitigation options but prior to County of San Luis Obispo permit issuance and initiation of any ground-disturbing activities. The fee, payable to "The Nature Conservancy" (see contact information below), would total approximately $1,950.00 based on $2,500 per acre (0.26 acre impacted x 3 acres mitigation per acre impacted x $2,500 per acre).

c. Conservation Bank Credit: Purchase 0.78 credits in a California Department of Fish and Wildlife-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. Credits can be purchased through the California Department of Fish and Wildlife-approved conservation bank, the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act. 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 of San Luis Obispo permit issuance and initiation of any ground-disturbing activities.

V. CULTURAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(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.

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

Discussion

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

The project includes the establishment of 9,200 square feet of outdoor cannabis cultivation and associated accessory structures and site improvements within a previously disturbed backyard of a single-family residence. While there is a single-family residence located on the project parcel that may be of historic age (50 years or older), the project would not affect the residence. Further, the project site does not contain a site under the Historic Site (H) combining designation (County of San Luis Obispo 2016). Therefore, the project would not result in a substantial adverse change in the significance of a historical resource and impacts would be *less than significant.*

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

The project includes the establishment of 9,200 square feet of outdoor cannabis canopy and associated accessory structures and site improvements within a previously disturbed backyard of a single-family residence. No grading or substantial ground disturbance would occur as part of the project. Project ground disturbance that would occur would be minimal and limited to areas required to support the installation of the security fence. As a result, the likelihood of uncovering an archaeological resource would be low.

However, in the event that the minimal ground-disturbing activities associated with installation of the security fence uncover an archeological resource, implementation of LUO 22.10.040 (Archaeological Resources) would be required. This section requires that in the event archaeological resources are encountered during project construction, construction activities shall cease, and the County Planning and Building Department must be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with federal and state law. This protocol would ensure full compliance with California Health and Safety Code Section 7050.5 as well as CDFA requirements regarding accidental discovery of cultural resources. Therefore, impacts related to a substantial adverse change in the significance of archaeological resources would be *less than significant*.

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

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

Conclusion

No archaeological or historical resources are known or expected to occur within or adjacent to the project site. Given the scope of construction activities, the likelihood of accidental discovery would be low. In the event unanticipated archaeological resources or human remains are discovered during project construction activities, adherence with County LUO standards and California Health and Safety Code procedures would reduce potential impacts to less than significant; therefore, potential impacts to cultural resources would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

VI. ENERGY

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(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

Local Utilities

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

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

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

Local Energy Plans and Policies

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

State Building Code Requirements

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

Vehicle Fuel Economy Standards

In October 2012, the U.S. Environmental Protection Agency (USEPA) and the National Highway Traffic Safety Administration (NHSTA), on behalf of the U.S. Department of Transportation (USDOT), issued final rules to further reduce GHG emissions and improve corporate average fuel economy (CAFE) standards for light-duty vehicles for model years 2017 and beyond. NHTSA's CAFE standards have been enacted under the Energy Policy and Conservation Act since 1978. This national program requires automobile manufacturers to build a single light-duty national fleet that meets all requirements under both federal programs and the standards of California and other states. This program would increase fuel economy to the equivalent of 54.5 miles per gallon (mpg) limiting vehicle emissions to 163 grams of carbon dioxide (CO_2) per mile for the fleet of cars and light-duty trucks by model year 2025.

In January 2017, USEPA Administrator Gina McCarthy signed a Final Determination to maintain the current GHG emissions standards for model year 2022–2025 vehicles. However, on March 15, 2017, USEPA Administrator Scott Pruitt and USDOT Secretary Elaine Chao announced that the USEPA intends to reconsider the Final Determination. On April 2, 2018, USEPA Administrator Pruitt officially withdrew the January 2017 Final Determination, citing information that suggests that these current standards may be too stringent due to changes in key assumptions since the January 2017 Determination. According to the USEPA, these key assumptions include gasoline prices and overly optimistic consumer acceptance of advanced technology vehicles. The April 2, 2018, notice is not the USEPA's final agency action, and the USEPA intends to initiate rulemaking to adopt new standards. Until that rulemaking has been completed, the current standards remain in effect (USEPA 2020).

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

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

stations will grow as vehicle manufacturers sell more fuel cell vehicles. By 2025, when the rules will be fully implemented, the statewide fleet of new cars and light trucks will emit 34% fewer global warming gases and 75% fewer smog-forming emissions than the statewide fleet in 2016 (CARB 2016).

All self-propelled off-road diesel vehicles 25 horsepower (hp) or greater used in California and most two-engine vehicles (except on-road two-engine sweepers) are subject to the CARB's Regulation for In-Use Off-Road Diesel Fueled Fleets (Off-Road regulation). This includes vehicles that are rented or leased (rental or leased fleets). The overall purpose of the off-road regulation is to reduce emissions of nitrogen oxides (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 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). Because the project does not propose indoor or mixed-light cannabis operations, the project would not be subject to CDFA Code of Regulations that specify renewable energy requirements.

Discussion

(a) *Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

During construction, fossil fuels, electricity, and natural gas would be used by construction vehicles and equipment involved in paving of the private driveway. Construction activities involved in preparation of the outdoor cultivation area would not involve the use of heavy equipment. Thus, the project's construction-related energy demand would be negligible. The energy consumed during construction would be temporary in nature and would be typical of other similar construction activities in the county. Federal and state regulations in place require fuel-efficient equipment and vehicles and prohibit wasteful activities, such as diesel idling. Construction contractors, in an effort to ensure cost efficiency, would not be expected to engage in wasteful or unnecessary energy and fuel practices. Therefore, construction impacts would be *less than significant*.

Operation of the outdoor cannabis cultivation would not require the use of grow lights or artificial lighting. Motion-activated outdoor security lighting would be installed around the perimeter of the 9,600-square-foot fenced cultivation area (9,200-square-foot cannabis canopy and 400-square-foot storage shed) and, due to the limited number of lights and low frequency of use, the overall energy demand would be minimal. The property contains solar photovoltaic panels, which would supply the energy source for the outdoor security lighting. Therefore, energy consumption during operation would not result in the wasteful, unnecessary, or inefficient consumption of energy, and impacts would b*e less than significant.*

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

Operation of the outdoor cannabis cultivation would not require the use of grow lights or artificial lighting. Although outdoor security lighting would be installed around the perimeter of the 9,600-square-foot fenced cultivation area, the lighting would be motion activated and the overall energy demand would be minimal. Therefore, the project's energy consumption would not result in a

significant environmental impact and there are no project components or operations that would conflict with CDFA renewable energy standards for cannabis cultivation projects, the County EWP, or any other state or local plan for renewable energy or energy efficiency. Therefore, *no impacts* would occur.

Conclusion

The project would result in minimal energy demand that would primarily be limited to construction vehicles and equipment used to support paving of the private driveway. The energy demand would be temporary and typical of similar construction operations. As a result, the project would not result in in wasteful, inefficient, or unnecessary energy consumption or conflict with a state and local plan for renewable energy, and potential impacts related to energy would be less than significant.

Mitigation

None necessary.

VII. GEOLOGY AND SOILS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(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?	☐	☐	☒	☐

Initial Study – Environmental Checklist

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

Setting

The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) is a California state law that was developed to regulate development near active faults and mitigate the surface fault rupture potential and other hazards. The Alquist-Priolo Act identifies active earthquake fault zones and restricts the construction of habitable structures over known active or potentially active faults. San Luis Obispo County is located in a geologically complex and seismically active region. The Safety Element of the County of San Luis Obispo General Plan identifies three active faults that traverse through the county and are currently zoned under the Alquist-Priolo Act: San Andreas, Hosgri-San Simeon, and Los Osos.

The project site is not located within the LUO Geologic Study Area (GSA) combining designation. Based on the Safety Element, the project site is located in an area with moderate landslide risk potential and low liquefaction potential (County of San Luis Obispo 2016).

The project site is underlain by Older Dissected Surficial Sediments of the Pleistocene era (Diblee 2004). This type of underlying geologic material is considered to have low paleontological sensitivity (County of Santa Barbara 2008).

Discussion

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

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

The project site is not located within an Alquist-Priolo Fault Hazard Zone, and there are no mapped active faults crossing or adjacent to the site (CDOC 2015b). The closest potentially active fault is approximately 2 miles east of the project site, known as the Red Hills Fault (the northern segment of the San Juan Fault). The project includes establishment of an outdoor cannabis cultivation area and construction of a 400-square-foot storage shed that would be required to be designed and constructed in compliance with the CBC and its associated seismic standards. Therefore, the project would not have the potential to result in substantial adverse effects involving rupture of a known earthquake fault and there would be *no impact*.

(a-ii) Strong seismic ground shaking?

The closest potentially active fault is approximately 2 miles east of the project site, known as the Red Hills Fault and, because San Luis Obispo County is located in a seismically active region, there is always a potential for seismic ground shaking. However, the project consists of outdoor cannabis cultivation and construction of a 400-square-foot storage shed that would be required to be designed and constructed in compliance with the CBC and its associated seismic standards. Implementation of the project would not expose people or structures to significant increased risks associated with seismic ground shaking; therefore, impacts would be *less than significant.*

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

Based on the Safety Element Liquefaction Hazards Map, the project site is located in an area with low potential for liquefaction. In addition, the proposed storage shed would be designed and constructed in full compliance with applicable CBC seismic standards to safeguard against potential geologic hazards, including liquefaction. Therefore, the potential impacts would be *less than significant.*

(a-iv) Landslides?

Based on the Safety Element Landslide Hazards Map, the project site is located in an area with moderate potential for landslides; however, the project site has relatively flat topography, and is approximately 0.15 mile from the nearest high landslide area. The project does not require grading or other activity that could make slopes more vulnerable to failure. Proposed ground disturbance associated with the cultivation area would be minimal and limited to areas required to support the installation of the storage shed and security fence. The likelihood of the project causing a landslide or being affected by a landslide would be low, and the project would not result in significant adverse effects associated with landslides; therefore, potential impacts would be *less than significant*.

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

The project includes the establishment of 9,200 square feet of outdoor cannabis canopy in above-ground planters on relatively flat topography, as well as installation of a 400-square-foot storage shed and several other site improvements, such as installation of security fencing and a parking area. No grading would be required to support the establishment of the outdoor cannabis cultivation area or

construction of the proposed storage shed. Proposed ground disturbance would be minimal and limited to areas required to support the installation of the storage shed and security fence. Therefore, the project would not result in substantial soil erosion of the loss of topsoil, and impacts would be *less than significant.*

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

Landslides typically occur in areas with steep slopes or areas containing escarpments. Based on the Landslide Hazards Map provided in the Safety Element, the project area is located in an area with moderate landslide risk. However, the project site is located on relatively flat topography and does not require grading, tree removal, or other activity that could make slopes more vulnerable to failure.

Based on the Safety Element and USGS data, the project is not located in an area of historical or current land subsidence (USGS 2019). Based on the Safety Element Liquefaction Hazards Map, the project site is located in an area with low potential for liquefaction risk and the project is not located within the GSA combining designation. Therefore, impacts related to on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse would be *less than significant*.

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

The project site is underlain by Pico Fine Sandy Loam, 2 to 9 percent slopes. This soil complex has a low shrink-swell potential (USDA 1983). Therefore, the project would not create a substantial or indirect risk to life or property, and impacts would be *less than significant*.

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

The project does not include the installation of a septic tank or alternative wastewater disposal system. A portable restroom will be provided for employees. Therefore, *no impacts* would occur.

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

No known paleontological resources are known to exist in the project area and the project site does not contain any unique geologic features. Further, the project does not propose any grading or substantial earthwork that would have the potential to disturb the underlying geologic formation in which paleontological resources may occur. Therefore, the project has low potential to disturb any paleontological resources, if present, and impacts related to paleontological resources would be *less than significant*.

Conclusion

The project site is not within the GSA combining designation or an area of high risk of landslide, liquefaction, subsidence, or other unstable geologic conditions. The project is not underlain by expansive soils or located within an Alquist-Priolo Fault Hazard Zone. Therefore, potential impacts related to geology and soils would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

VIII. GREENHOUSE GAS EMISSIONS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(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

GHGs are any gases that absorb infrared radiation in the atmosphere, and are different from the criteria pollutants discussed in Section III, Air Quality, above. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), 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).

CO_2 is the most abundant GHG and is estimated to represent approximately 80–90% of the principal GHGs that are currently affecting the earth's climate. According to the CARB, transportation (vehicle exhaust) and electricity generation are the main sources of GHGs in the state.

In March 2012, the SLOAPCD approved thresholds for GHG emission impacts, and these thresholds have been incorporated into the CEQA Air Quality Handbook. The Bright-Line Threshold of 1,150 million tons of CO_2 equivalent per year ($MTCO_2e/yr$) is the most applicable GHG threshold for most projects. Table 1-1 in the SLOAPCD CEQA Air Quality Handbook provides a list of general land uses and the estimated sizes or capacity of those uses expected to exceed the GHG Bight Line Threshold of 1,150 $MTCO_2/yr$. Projects that exceed the criteria or are within 10% of exceeding the criteria presented in Table 1-1 are required to conduct a more detailed analysis of air quality impacts.

To provide substantial evidence in support of the 1,150 $MTCO_2e$ Bright Line Threshold, the SLO APCD published the Greenhouse Gas Thresholds and Supporting Evidence ("Supporting Evidence"). According to the Supporting Evidence, the APCD's approach to developing a threshold of significance was to identify the emissions level for which a project would not be expected to substantially conflict with existing California legislation adopted to reduce statewide GHG emissions. If a project has the potential to generate GHG emissions above the threshold, it would be considered a substantial contribution to a cumulative impact and therefore significant. Conversely, if mitigation can be applied to lessen the emissions such that the project meets its share of emission reductions needed to address the cumulative impact, or the project is expected to generate emissions that are below the Bright Line Threshold, the project would normally be considered less than significant and consistent with adopted GHG reduction goals.

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 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.

It is important to note the SLOAPCD Bright-Line Threshold of 1,150 MT CO_2/year was developed to meet the state goal of reducing GHG emissions to 1990 levels by 2020; however, construction and operation of the project would occur well beyond 2020. Therefore, the project would be subject to the SB 32-based targets for 2030, which are 40% below the AB 32-based 2020 targets. The SLOAPCD's GHG thresholds have not been updated to comply with SB 32 and the more recent, more stringent GHG reduction goals; therefore, the Bright Line Threshold and SLOAPCD screening thresholds are included for informational purposes only.

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

In October 2008, the CARB published its *Climate Change Proposed Scoping Plan*, which is the state's plan to achieve GHG reductions in California required by Assembly Bill (AB) 32. The scoping plan included CARB-recommended GHG reductions for each emissions sector of the state's GHG inventory. The largest proposed GHG reduction recommendations were associated with improving emissions standards for light-duty vehicles, implementing the Low Carbon Fuel Standard program, implementing energy efficiency measures in buildings and appliances, the widespread development of combined heat and power systems, and developing a renewable portfolio standard for electricity production.

Discussion

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

Outdoor cultivation planters and security fencing would be installed using hand tools only. GHG emissions generated by the project would primarily be limited to the construction vehicle emissions involved in the repaving of the private driveway and installation of the proposed 400-square-foot storage shed. These activities would be temporary and based on the limited scope of proposed activities, emissions would not be expected to generate greenhouse gas emissions that would have the potential to have a significant impact on the environment.

During operation, daytime electricity for the security system would be supported by an existing photovoltaic array and on-site existing storage battery. Therefore, the project's potential direct and cumulative GHG emissions would be *less than significant*.

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

Based on the size and scope of the proposed project, the project would not conflict with the control measures identified in the CAP, EWP, or other state and local regulations related to GHG emissions and renewable energy. As described in Section VI, Energy, the project would not result in a substantial

amount of energy use or operational vehicle trips. Therefore, the project would not conflict with applicable plans and programs designed to reduce GHG emissions, and impacts would be *less than significant*.

Conclusion

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

Mitigation

None necessary.

IX. HAZARDS AND HAZARDOUS MATERIALS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(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?	☐	☐	☐	☒

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
(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?	☐	☐	☐	☐

Setting

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

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

The California Health and Safety Code provides regulations pertaining to the abatement of fire-related hazards and requires that local jurisdictions enforce the CBC, which provides standards for fire resistive building and roofing materials, and other fire-related construction methods. The Safety Element of the County of San Luis Obispo General Plan provides a Fire Hazard Zones Map that indicates unincorporated areas in the county within moderate, high, and very high Fire Hazard Severity Zones (FHSZ). The project would be located within the State Responsibility Area in a high FHSZ (County of San Luis Obispo 2016). Based on the County's fire response time map, it would take 10–15 minutes to respond to a call regarding fire or life safety. For more information about fire-related hazards and risk assessment, see Section XX, Wildfire.

Based on the County's Land Use Viewer, the project would be not located within an Airport Review Area and there are no active public or private landing strips within the immediate project vicinity.

Discussion

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

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

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

Project construction activities associated with the repaving of the private driveway and construction of the 400-square-foot storage shed would involve the use of construction equipment that would utilize oil, gasoline, lubricants, fuels, and other potentially hazardous substances associated with the use of heavy construction equipment. A spill or leak of these materials under accident conditions during construction activities could create a hazard to the environment. The private driveway crosses an ephemeral stream, which could be impacted from upsets or spills of potentially hazardous substances. Mitigation Measures HAZ-1 and HAZ-2 have been identified to reduce potential impacts associated with hazards created by reasonably foreseeable upset or accident conditions during project construction by requiring immediate cleanup of any spills and location of refueling and other potentially hazardous activities within designated staging areas only. Therefore, impacts would be *less than significant with mitigation.*

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

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

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

Based on the SWRCB's GeoTracker and DTSC's Envirostor databases, 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 (SWRCB 2015; DTSC 2019). Therefore, *no impacts* would occur.

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

The project site is not located within an airport land use plan or within 2 miles of a public airport or private airstrip (Airport Land Use Commission of San Luis Obispo County [ALUC] 1973); 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. Given the narrow right-of-way along McMillan Canyon Road, it is possible that repaving activities associated with the private driveway may necessitate a lane closure and use of the public right-of-way. Therefore, mitigation measure HAZ-3 has been identified that would require attainment of an Encroachment Permit from the County Public Works Department and demonstration on submitted plans that at least one lane of travel along McMillan Canyon Road would remain open at all times during construction. Any lane closure would be temporary, lasting only as long as the relatively short construction period. With implementation of mitigation measure HAZ-3, the project would not impair implementation or physically interfere with County hazard mitigation or emergency plans; therefore, impacts would be *less than significant with mitigation.*

(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 High FHSZ and is located on a highly disturbed parcel composed primarily of non-native grasses and forbs and several trees. The site is located within a State Responsibility Area and, based on the County's fire response time map, it would take 10–15 minutes to respond to a call regarding fire or life safety. The project would be designed to comply with all fire safety rules and regulations including the California Fire Code and PRC, which would require improvements (i.e., surface repaving) to the site access driveway to allow access of emergency fire apparatuses and vegetation clearing or trimming around the proposed storage shed. Therefore, the project would not expose people or structures to a significant risk of loss involving wildfires and potential impacts would be *less than significant*.

Conclusion

Mitigation Measures HAZ-1 and HAZ-2 have been recommended to reduce potential impacts associated with reasonably foreseeable upset or accident conditions during project construction. Mitigation Measure HAZ-3 has been recommended to reduce potential impacts to the County hazard mitigation plan and emergency response plan. Upon implementation of the mitigation measures detailed below, impacts related to hazards and hazardous materials would be less than significant.

Mitigation

HAZ-1 During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be on-site at all times during construction.

HAZ-2 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 BMPs 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-3 Prior to issuance of a building permit or commencement of construction activities, the applicant shall obtain an Encroachment Permit from the County of San Luis Obispo Public Works Department and demonstrate on submitted improvement plans that one lane of travel would remain open at all times on McMillan Canyon Road.

Initial Study – Environmental Checklist

X. HYDROLOGY AND WATER QUALITY

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(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?	☐	☒	☐	☐

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.

Water for urban uses in the county is obtained from either surface impoundments such as Santa Margarita Lake, Whale Rock Reservoir, and Lopez Lake, or from natural underground basins (aquifers). In October 2015, the County Board of Supervisors adopted a resolution that established the Countywide Water Conservation Program (CWWCP) in response to the declining water levels in the Nipomo Mesa sub-basin of the Santa Maria Groundwater Basin, Los Osos Groundwater Basin, and Paso Robles Groundwater Basin (PRGWB). A key strategy of the CWWCP is to ensure that all new construction or new or expanded agriculture will be required to offset its predicted water use by reducing existing water use on other properties within the same water basin. Each of the three groundwater basin areas have specific policies that apply.

The LUO dictates which projects are required to prepare a drainage plan, including any project that would, for example, change the runoff volume or velocity leaving any point of the site, result in an impervious surface of more than 20,000 square feet, or involve hillside development on slopes steeper than 10 percent. Preparation of a drainage plan is not required where grading is exclusively for an exempt agricultural structure, crop production, or grazing. The LUO also dictates that an erosion and sedimentation control plan is required year-round for all construction and grading permit projects and site disturbance activities of 0.5 acre or more in geologically unstable areas, on slopes steeper than 30 percent, on highly erodible soils, or within 100 feet of any watercourse.

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

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

Discussion

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

The project proposes 9,200 square feet of outdoor cannabis canopy on relatively flat terrain, construction of a 400-square-foot storage shed, and minor site improvements. The nearest water feature is an unnamed ephemeral stream approximately 650 feet west of the outdoor cultivation site. The project does not propose any grading, new impervious surfaces, or substantial ground disturbance. Proposed ground disturbance would be limited in scale and limited to areas required to support the installation of the security fence and install the proposed 400-square-foot storage shed. Additionally, the project would not expose substantial amounts of bare soil, as cannabis plants would be planted in raised organic soil planter boxes. As a result, the likelihood of soil eroding and affecting the water quality of nearby surface waters would be low.

Project construction activities associated with repaving of the existing private driveway would utilize oil, gasoline, lubricants, fuels, and other potentially hazardous substances associated with the use of heavy construction equipment. A spill or leak of these materials under accident conditions during construction activities could have the potential to impact nearby surface water and/or groundwater resources. Implementation of Mitigation Measures HAZ-1 and HAZ-2 would reduce potential impacts to water quality during construction activities by requiring immediate cleanup of any spills and location of refueling and other potentially hazardous activities within designated staging areas only.

Because the project would have minimal erosion and sedimentation risks and would implement Mitigation Measures HAZ-1 and HAZ-2, impacts related to alteration of water quality would be *less than significant with mitigation*.

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

The project would obtain its water supply from an existing well and an existing 275-gallon water tank located on-site. Based on a well pump test conducted in April 2019, the well has a depth of 116 feet and has a sustained yield of approximately 7.5 gallons per minute.

The project is located within the PRGWB, which is categorized as being in a state of critical overdraft and is located outside the area that is categorized as being in severe decline and is required to offset water usage at a 1:1 ratio per LUO requirements. Based on the estimate provided by the project applicant, the project would result in annual water demand of approximately 11,340 gallons (0.03 AFY). The project water demand would be required to offset this new water use at a 1:1 ratio through installation of efficient water systems and fixtures, and/or participation in an approved water conservation program, as detailed in Mitigation Measures WQ-1 and WQ-2. Offsetting the water demand of the proposed project in accordance with the CWWCP would result in a net-neutral water demand on the groundwater basin; therefore, impacts related to available surface or ground water would be *less than significant with mitigation*.

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

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

The project would not result in the substantial alteration of the existing drainage pattern of the project site. The project does not propose any grading, new impervious surfaces, or substantial ground

disturbance. Proposed ground disturbance would be limited in scale, conducted by using hand tools, and limited to areas required to support the installation of the security fence. Additionally, the project would not expose substantial amounts of bare soil, as cannabis plants would be planted in raised organic soil planter boxes that would not necessitate the clearing of the underlying vegetation. Therefore, potential impacts associated with erosion and siltation from substantial alteration of the existing on-site drainage pattern would be *less than significant*

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

The project would not substantially increase the amount of impervious surface area or the rate and volume of surface runoff in a manner that could result in flooding on- or off-site. The project would include establishment of 9,200 square feet of outdoor cannabis canopy in aboveground planter boxes, construction of a 400-square-foot storage shed, installation of security fencing, and re-pavement of an existing paved driveway. Based on the nature and size of the project, changes in surface hydrology would be negligible; therefore, potential impacts related to increased surface runoff resulting in flooding would be *less than significant*.

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

The project would include establishment of 9,200 square feet of outdoor cannabis canopy in aboveground planter boxes, construction of a 400-square-foot storage shed, installation of security fencing, and re-pavement of an existing paved driveway. The project would not substantially increase the amount of impervious surface area or the rate and volume of surface runoff in a manner that could exceed the capacity of existing stormwater or drainage systems. Based on the nature and size of the project, changes in surface hydrology would be negligible. Therefore, potential impacts related to increased surface runoff exceeding stormwater capacity would be *less than significant*.

(c-iv) Impede or redirect flood flows?

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

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

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

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

The project is located within the PRGWB, which is categorized as being in a state of critical overdraft and is required to offset water usage at a 1:1 ratio per LUO requirements. The project applicant would be required to offset this new water use through installation of efficient water systems and fixtures and/or participation in an approved water conservation program, as detailed in Mitigation Measures WQ-1 and WQ-2. Therefore, potential impacts associated with conflict or obstruction of a water quality

control plan or sustainable groundwater management plan would be *less than significant with mitigation.*

Conclusion

The project would not result in potentially significant impacts associated with water quantity or water quality with implementation of Mitigation Measures WQ-1 and WQ-2; therefore, impacts would be less than significant with implantation.

Mitigation

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

a. The quantification of water demand expressed in total acre-feet per year, consistent with the Water Management Plan required by Land Use Ordinance Sections 22.40.050 C. 1 and 22.40.060 C.1.

b. A program for achieving a water demand offset of the quantified water demand as required by Land Use Ordinance Sections 22.40.050.D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). Such a program may include, but is not limited to, the following:

    i. The permanent installation of water facilities and/or infrastructure to improve the efficient use of water on existing irrigated agricultural lands within the basin. Such improvements shall be accompanied by an audit of existing agricultural water demand prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of Planning and Building. Water efficiency improvements may include, but are not limited to, the following:

        1. Drip irrigation.

        2. Smart controllers, which are irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapo-transpiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.

        3. Installation of float valves on water tanks to prevent tanks from overflowing.

        4. Conversion from using overhead sprinklers to wind machines for frost protection. [Note: The installation of wind machines shall be

included in the project description for cannabis activities and subject to environmental review.]

5. Installation of rainwater catchment systems to reduce demand on groundwater. [Note: The installation of rainwater catchment facilities shall be included in the project description for cannabis activities and subject to environmental review.]

ii. Participation in an approved water conservation program within the 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 California Environmental Quality Act compliance document for the proposed cannabis project.

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

XI. LAND USE AND PLANNING

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(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 LUO was established to guide and manage future growth in the county in accordance with the County of San Luis Obispo General Plan; regulate land use in a manner that will encourage and support orderly development and beneficial use of lands; minimize adverse effects on the public resulting from inappropriate creation, location, use, or design of buildings or land uses; and protect and enhance significant natural,

historic, archaeological, and scenic resources within the county. The LUO is the primary tool used by the County to carry out the goals, objectives, and policies of the County General Plan.

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

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

Discussion

(a) Physically divide an established community?

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

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

The proposed project is an allowable use within the property's land use designation and would be generally consistent with the guidelines and policies for development within the applicable area plan, Inland LUO, and COSE. The proposed outdoor cultivation area is located approximately 75 feet from the east property line. Therefore, the project would not meet the minimum 300-foot setback requirement specified in LUO Section 22.40.050.D.3.b. However, the applicant requests a modification from the 300-foot setback requirement to allow the proposed outdoor cultivation area to be located within 300 feet of the adjacent parcel. The adjacent parcel is undeveloped and has historically been used to dry farm barley. No sensitive land uses occur on the adjacent parcel. If the review authority can make the required findings to approve the setback modification, the project can be considered consistent with the provisions of the LUO.

The project was found to be consistent with standards and policies set forth in the County of San Luis Obispo General Plan, the North County Area Plan, the SLOAPCD CAP, and other land use policies for this area. The project would be required to be consistent with standards set forth by County Fire/CAL FIRE and the County Public Works Department.

The project has been located to minimize potential impacts (e.g., not visible from surrounding roadways or within 1 mile of a sensitive receptor) and would implement Mitigation Measures BIO-1 though BIO-10 to achieve compliance with County policies related to the protection of sensitive species and Mitigation Measures WQ-1 and WQ-2 to achieve compliance with the CWWCP. Therefore, the project would not conflict with policies or regulations adopted for the purpose of avoiding or mitigating environmental effects and impacts would be *less than significant with mitigation*.

Conclusion

Upon implementation of Mitigation Measures BIO-1 through BIO-10, WQ-1, and WQ-2, the project would be consistent with all local and regional land use designations, plans, and policies adopted for the purpose of avoiding or mitigating environmental effects. The project would not result in the division of an established community. Therefore, upon implementation of the measures identified above, potential impacts related to land use and planning would be less than significant.

Mitigation

Implement Mitigation Measures BIO-1 through BIO-10, WQ-1, and WQ-2.

XII. MINERAL RESOURCES

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

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

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

- **MRZ-1:** Areas where available geologic information indicates that little likelihood exists for the presence of significant mineral resources.
- **MRZ-2:** Areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists. This zone shall be applied to known

mineral deposits or where well-developed lines of reasoning, based upon economic-geologic principles and adequate data, demonstrate that the likelihood for occurrence of significant mineral deposits is high.

- **MRZ-3:** Areas containing known or inferred aggregate resources of undetermined significance.

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

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

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

Discussion

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

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

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

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

Conclusion

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

Mitigation

None necessary.

XIII. NOISE

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:					
(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 of San Luis Obispo General Plan provides a policy framework for addressing potential noise impacts in the planning process. The purpose of the Noise Element is to minimize future noise conflicts. The Noise Element identifies the major noise sources in the county (highways and freeways, primary arterial roadways and major local streets, railroad operations, aircraft and airport operations, local industrial facilities, and other stationary sources) and includes goals, policies, and implementation programs to reduce future noise impacts. Among the most significant polices of the Noise Element are numerical noise standards that limit noise exposure within noise-sensitive land uses and performance standards for new commercial and industrial uses that might adversely impact noise-sensitive land uses.

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

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

- Hotels and motels
- Bed and breakfast facilities
- Outdoor sports and recreation
- Offices

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

The LUO establishes acceptable standards for exterior and interior noise levels (Table 1) and describe how noise shall be measured. Exterior noise level standards are applicable when a land use affected by noise is one of the sensitive uses listed in the Noise Element. Exterior noise levels are measured from the property line of the affected noise-sensitive land use.

Table 1. Maximum Allowable Exterior Noise Level Standards[1]

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

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

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

Discussion

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

Project construction activities, particularly those associated with the repaving of the private driveway and construction of the proposed storage shed, would result in temporary increases in noise levels. All construction activities would be limited to the daytime hours of 7:00 a.m. to 9:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. Saturday and Sunday, in accordance with County construction noise standards (County Code Section 22.10.120.A). Noise generated during construction activities would considerably attenuate over the distance to the nearest off-site sensitive receptor (approximately 1 mile to the west).

Noise generated during operational activities would be minimal and primarily limited to the approximately two daily vehicle trips. The project proposes outdoor cannabis cultivation and, therefore, no new sources of stationary noises would be installed. Therefore, impacts related to exposing people to noise levels that exceed the Noise Element thresholds would be *less than significant.*

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

The project does not propose any grading/earthmoving activities, pile driving, or other high-impact activities that would generate substantial groundborne noise or groundborne vibration during construction. Construction equipment has the potential to generate minor groundborne noise and/or vibration, but these activities would be limited in duration and are not likely to be perceptible from adjacent areas. The project does not propose a use that would generate long-term operational

groundborne noise or vibration. Therefore, impacts related to exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels would be *less than significant.*

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

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

Conclusion

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

Mitigation

None necessary.

XIV. POPULATION AND HOUSING

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(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

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

The County's Inclusionary Housing Ordinance requires the provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions. In its efforts to provide for affordable

housing, the County currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provide limited financing to projects relating to affordable housing throughout the county.

Discussion

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

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

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

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

Conclusion

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

Mitigation

None necessary.

XV. PUBLIC SERVICES

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

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 31, located approximately 4 miles south of the project site. Based on County's fire response time map, it would take 10–15 minutes to reach the project site.

Police protection and emergency services in the unincorporated portions of the county are provided by the San Luis Obispo County Sheriff's Office. The Sheriff's Office Patrol Division responds to calls for service, conducts proactive law enforcement activities, and performs initial investigations of crimes. Patrol personnel are deployed from three stations throughout the county, the Coast Station in Los Osos, the North Station in Templeton, and the South Station in Oceano. The project would be served by the County Sheriff's Office, and the nearest sheriff station is located approximately 31 miles southwest of the project site, in the community of Templeton.

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

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

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

A referral package for the project was sent to CAL FIRE/County Fire Department on April 12, 2019. No response has been received to date (May 29, 2020). The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and California PRC, which would require improvements (i.e., surface repaving) to the site access driveway to allow access of emergency fire apparatuses and vegetation clearing or trimming around the proposed storage shed. Based on the limited amount of development proposed, the project would not create a significant new demand for fire services. Therefore, impacts would be *less than significant*. Additional information regarding wildfire hazard impacts is discussed in Section XX, Wildfire.

Police protection?

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

Schools?

As discussed in Section XIV, Population and Housing, the project would not induce population growth and would not result in the need for additional school services or facilities. Therefore, impacts would be *less than significant*.

Parks?

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

Other public facilities?

As discussed above, the proposed project would not result in the need for additional public services or facilities; therefore, impacts related to other public facilities would be *less than significant.*

Conclusion

The project does not propose development that would substantially increase demands on public services and would not induce population growth that would substantially increase demands on public services. Therefore, potential impacts related to public services would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

XVI. RECREATION

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

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

Discussion

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

The project proposes cannabis activities within a rural area and would employ up to two full-time employees. The project is not proposed in a location that would affect any existing trail, park, recreational facility, coastal access, and/or natural area. The project would not induce population growth or create a significant need for additional park or recreational facilities; therefore, *no impacts* would occur.

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

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

Conclusion

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

Mitigation

None necessary.

XVII. TRANSPORTATION

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(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 San Luis Obispo Council of Governments (SLOCOG) holds several key roles in transportation planning within the county. As the Regional Transportation Planning Agency (RTPA), SLOCOG is responsible for conducting a comprehensive, coordinated transportation program; preparing a Regional Transportation Plan (RTP); programming state funds for transportation projects; and administering and allocating transportation development act funds required by state statutes. The 2019 RTP, adopted June 5, 2019, is a long-term blueprint of San Luis Obispo County's transportation system. The plan identifies and analyzes transportation

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

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

The County's Framework for Planning (Inland), includes the Land Use and Circulation Elements of the County of San Luis Obispo General Plan. The Framework establishes goals and strategies to meet pedestrian circulation needs by providing usable and attractive sidewalks, pathways, and trails to establish maximum access and connectivity between land use designations. Due to the remote location of the project site, there are no pedestrian, bicycle, or public transit facilities within 4 miles of the project site.

Discussion

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

The project site is located in a remote area accessed by an unnamed, privately maintained driveway off McMillan Canyon Road. The project would generate approximately two average daily trips. This minimal projected project trip generation would generally be consistent with the surrounding agricultural land uses and would not have a significant impact on area roadway operations. Marginal increases in traffic can be accommodated by McMillan Canyon Road, and the project would not result in any long-term changes in traffic or circulation. The project does not propose uses that would interfere or conflict with applicable policies related to circulation, transit, roadway, bicycle, or pedestrian systems or facilities. The project would be consistent with the County Framework for Planning (Inland) and consistent with the projected level of growth and development identified in the 2019 RTP. Therefore, the project would not conflict with an established measure of effectiveness for the performance of a circulation system, conflict with a congestion management program, or conflict with adopted transportation plans or policies. Potential impacts would be *less than significant.*

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

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

Based on the nature and location of the project, the project would not generate a significant increase in construction-related or operational traffic trips or VMT. The project would employ up to two full-time employees. The project would include one harvest per year; therefore, any vehicle trips associated with harvest and delivery of nursery plants would be infrequent, occurring once a year. The project would not substantially change existing land uses and would not result in the need for additional new or expanded transportation facilities; therefore, potential impacts would be *less than significant*.

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

The project would not change the existing roadway design and does not include geometric design features that would create new hazards or an incompatible use. Repaving activities may require use of McMillan Canyon Road and would, therefore, require an encroachment permit from the County Department of Public Works, which would require implementation of safety measures to protect users of McMillan Canyon Road from potential hazards associated with construction. Based on the referral response letter received from the Department of Public Works, the project would be conditioned to provide evidence that onsite circulation and pavement structural sections have been designed in conformance with CAL FIRE standards and specifications back to the nearest public maintained roadway, and to obtain an encroachment permit from the Department of Public Works prior to any improvements within the public right-of-way. Therefore, impacts would be *less than significant*.

(d) Result in inadequate emergency access?

The project proposes improvements to the existing access approach along the private driveway off McMillan Canyon Road to accommodate emergency vehicle access. Given the narrow right-of-way along McMillan Canyon Road, it is possible that repaving activities associated with the private driveway may necessitate a lane closure and use of the public right-of-way. Therefore, Mitigation Measure HAZ-3 has been identified that would require attainment of an Encroachment Permit from the County Public Works Department and demonstration on submitted plans that at least one travel lane along McMillan Canyon Road would remain open at all times during construction. Any lane closure would be temporary lasting only as long as the relatively short construction period. With implementation of mitigation measure HAZ-3, the project would not adversely affect existing emergency access and impacts would be *less than significant with mitigation*.

Conclusion

The project would result in minimal trip generation and VMT. Mitigation measure HAZ-3 has been recommended to reduce potential safety and emergency access impacts associated with use of McMillan Canyon Road during repaving of the private driveway. Therefore, potential impacts related to transportation would be less than significant with mitigation.

Mitigation

Implement Mitigation Measure HAZ-3.

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

Approved in 2014, AB 52 added tribal cultural resources to the categories of resources that must be evaluated under CEQA. Tribal cultural resources are defined as the following in Section 21074(a):

> *"Tribal cultural resources" are either of the following:*
>
> *(1) Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:*
>
> *(a) Included or determined to be eligible for inclusion in the CRHR; or*
>
> *(b) Included in a local register of historical resources as defined in subdivision (k) of California PRC Section 5020.1.*

> (2) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth California PRC Section 5024.1(c).*
>
> *In applying these criteria for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.*

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

In accordance with AB 52 Cultural Resources requirements, outreach to four Native American tribes has been conducted: Northern Salinan, Xolon Salinan, tiṱu tiṱu yak tiłhini Northern Chumash, and Northern Chumash Tribal Council. A response was received from representatives the Xolon Salinan Tribe and the Northern Chumash Tribal Council. The letter from the Xolan Salinan tribe stated that the project falls within its traditional lands and boundaries and that ground disturbance would always remain a concern to the tribe. However, the response also acknowledged the minimal ground disturbance that the project proposes and no additional consultation was requested. The Northern Chumash Tribal Council had no comments with respect to the project.

Discussion

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

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

The County has provided notice of the opportunity to consult with appropriate tribes per the requirements of AB 52, and two responses were received, as summarized above. The project proposes 9,600 square feet of outdoor cannabis canopy within a previously disturbed backyard of a single-family residence. No grading or substantial ground disturbance would occur as part of the project. Any ground disturbance that does occur would be minimal and limited to areas required to support the installation of the security fence and construction of the 400-square-foot storage shed. As a result, the likelihood of uncovering tribal cultural resources would be low. However, in the unlikely event that the minimal ground-disturbing activities associated with installation of the security fence uncovered an archaeological resource, the project would be subject to LUO Section 22.10.040 (Archaeological Resources), which requires that in the event resources are encountered during project construction, construction activities shall cease, and the County Planning and Building Department shall be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with federal and

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

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

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

Conclusion

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

Mitigation

None necessary.

XIX. UTILITIES AND SERVICE SYSTEMS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(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?	☐	☒	☐	☐

Initial Study – Environmental Checklist

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(c)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
(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 County Public Works Department provides water and wastewater services for specific County Service Areas (CSAs) that are managed through issuance of water/wastewater "will serve" letters. The County Public Works Department currently maintains CSAs for the communities of Nipomo, Oak Shores, Cayucos, Avila Beach, Shandon, the San Luis Obispo County Club, and Santa Margarita. Other unincorporated areas in the county rely on on-site wells and individual wastewater systems. Regulatory standards and design criteria for on-site wastewater treatment systems are provided by the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (California OWTS Policy).

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

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

Discussion

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

The project includes the establishment of 9,200 square feet of outdoor cannabis canopy and associated site improvements. Employees would use the proposed portable restroom, which would be serviced regularly. The proposed cannabis cultivation would be watered by hand from water supplied by the existing well located on-site. The project would not result in a substantial increase in

demand on water, wastewater, or stormwater collection, treatment, or disposal facilities and would not require the construction of new or expanded water, wastewater, or stormwater facilities. Therefore, impacts would be *less than significant*.

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

The project would attain its water supply from an existing well located on-site. As described in Section X, Hydrology and Water Quality, the project would obtain its water supply from an existing well and an existing 275-gallon water tank located on-site. Based on a well pump test conducted in April 2019, the well has a depth of 116 feet and a sustained yield of approximately 7.5 gallons per minute.

The project is located within the PRGWB, which is categorized as being in a state of critical overdraft and is located outside the area that is categorized as being in severe decline and required to offset water usage at a 1:1 ratio per LUO requirements. Based on an estimation provided by the project applicant, the project would result in annual water demand of approximately 11,340 gallons. Because the project's sole water source is currently designated as being in a state of critical overdraft, the project may have the potential to not have sufficient water supplies available during normal, dry, and multiple dry years. Mitigation Measures WQ-1 and WQ-2 have been identified to require the project applicant implement one or a combination of actions that would result in the overall offset of project water use within the PRGWB at a 1:1 ratio, as required by the CWWCP and LUO Section 22.94.025. Through implementation of these measures, the project's water use would result in an overall net-zero increase of water use within the basin; therefore, the project's impacts associated with sufficient water supplies available during normal, dry, and multiple dry years would be *less than significant with mitigation.*

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

The project would employ two full-time employees. Employees would use the proposed portable restroom, which would be serviced regularly. The project would not substantially increase demands on existing wastewater collection, treatment, and disposal facilities. The project does not include new connections to wastewater treatment facilities; therefore, *no impacts* would occur.

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

Construction activities would result in the generation of minimal solid waste materials; no significant long-term increase in solid waste would occur. The applicant proposes to dispose of cannabis plant waste generated on the project site through on-site composting pursuant to the CCR. Ancillary non-plant waste would be collected and hauled by the applicant to a local waste facility on an as-needed basis. The nearest waste facility to the project site is Paso Robles Landfill, which has a remaining capacity of 4,216,402 cubic yards (CalRecycle 2020). The project would not be served by a public solid waste service and would not result in any significant demand or other impacts on public solid waste facilities or services; therefore, impacts would be *less than significant*.

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

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

Conclusion

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

Mitigation

Implement Mitigation Measures WQ-1 and WQ-2.

XX. WILDFIRE

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
(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?	☐	☐	☒	☐

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

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

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

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

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

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

building construction in fire hazard areas, and encouraging applicants applying for subdivisions in fire hazard areas to cluster development to allow for a wildfire protection zone.

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

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

Discussion

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

Based on the County's Land Use View tool and Dam and Levee Failure Plan (County of San Luis Obispo 2016), the project is not located within an area that would be inundated in the event of failure of a dam.

The project proposes improvements to the existing access approach along the private driveway off McMillan Canyon Road to accommodate emergency vehicle access. Given the narrow right-of-way along McMillan Canyon Road, it is possible that repaving activities associated with the private driveway may necessitate a lane closure and use of the public right-of-way. Therefore, Mitigation Measure HAZ-3 has been identified that would require attainment of an Encroachment Permit from the County Public Works Department and demonstration on submitted plans that at least one travel lane along McMillan Canyon Road would remain open at all times during construction. Any lane closure would be temporary, lasting only as long as the relatively short construction period. Therefore, implementation of the proposed project would not have a permanent impact on any adopted emergency response plans or emergency evacuation plans. Temporary construction activities would not substantially alter existing circulation patterns or trips. Access to adjacent areas would be maintained throughout the duration of the project. Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Potential impacts would be *less than significant with mitigation*.

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

The project is located within a High FHSZ on a previously disturbed parcel composed primarily of non-native grasses and forbs and several trees The average hourly wind speed in the project area (as measured in the town of Shandon, approximately 4 miles south of the project site) experiences mild seasonal variation over the course of the year. The windier part of the year lasts for 3.9 months, from March 15 to July 13, with average wind speeds of more than 7.1 miles per hour (Weatherspark.com 2019). The project does not include grading that would alter the site's slope or removal of buildings or other natural wind breaks or barriers. The project would not include trimming of any trees or vegetation beyond the CAL FIRE vegetation clearance requirements around the proposed storage shed. Further, the project does not involve any hot work such as welding, cutting, or brazing that would pose a potential increased fire risk. The project components would be required to be designed and constructed in accordance with the California Fire Code, which would require improvements (i.e., surface repaving) to the site access driveway to allow access of emergency fire apparatuses and may require vegetation clearing or trimming around the proposed storage shed. Therefore, potential impacts associated with exacerbation of wildfire risks would be *less than significant with mitigation*.

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

The project would be designed to comply with all fire safety rules and regulations including the California Fire Code and PRC, which would require improvements (i.e., surface repaving) to the site access driveway to allow access of emergency fire apparatuses and may require vegetation clearing or trimming around the proposed storage shed. The project does not include installation of new overhead power lines or other infrastructure that may exacerbate fire risk. Therefore, potential impacts would be *less than significant*.

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

The project development site is located on relatively level terrain. As described in Section VII, Geology and Soils, the potential for landslides in the project area is moderate, but the project is not proposing disturbance in areas of steep slopes that would be conducive to the formation of debris flows in the nearby existing channel. The project does not include any design elements that would expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, impacts would be *less than significant.*

Conclusion

Mitigation measure HAZ-3 is recommended to reduce potential impacts to an adopted emergency response plan or emergency evacuation plan resulting from repaving activities that may require use of the public right-of-way associated with McMillan Canyon Road. The project would not expose people or structures to new or exacerbated wildfire risks and would not require the development of new or expanded infrastructure or maintenance to reduce wildfire risks. Therefore, potential impacts associated with wildfire would be less than significant with mitigation.

Mitigation

Implement mitigation measure HAZ-3.

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?	☐	☒	☐	☐

Discussion

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

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

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

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

Existing and Reasonably Foreseeable Cannabis Facilities

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

Table 2 below provides a summary of the maximum possible cannabis cultivation activities that could be approved through permit applications that have been received by the County to date (December 9, 2019). Each of these proposed activities is considered a reasonably foreseeable future project for the purposes of this cumulative impact analysis. It is important to note, however, that many proposed activities are subject to change during the land use permit process and a portion of these applications may be withdrawn by the applicant or denied by the County approving body.

Table 2. Summary of Cannabis Facility Applications for Unincorporated San Luis Obispo County[1]

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

[1] As of December 9, 2019.

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

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

All 115 applications for cultivation sites would be approved and developed;

Each cultivation site would be developed with the maximum allowed cultivation uses:

a) 3 acres of outdoor cultivation;

b) 0.5 acres of indoor cultivation;

c) 19,000 square feet of ancillary nursery;

d) A total of six full-time employees;

e) A total of 12 average daily motor vehicle trips; and

f) All sites would be served by a well and septic leach field.

Aesthetics

The analysis provided in Section I, Aesthetics, provides an overview of the visual setting and concludes that the potential project-specific impacts would be less than significant. The project is located in a remote area and would not be visible from surrounding public roadways. The closest reasonably foreseeable future cannabis facility is located approximately 7.6 miles southwest of the project site. Probable future cannabis development projects would be subject to project specific environmental review as well as the setback and screening requirements specified in the County Inland LUO. Therefore, the impacts to aesthetic and visual resources of this project, when considered with the potential impacts of other reasonably foreseeable development in the area, would be *less than cumulatively considerable*.

Agriculture and Forestry Resources

The analysis provided in Section II, Agriculture and Forestry Resources, indicates that the project would not result in the permanent conversion of Prime Farmland based on the FMMP, and potential impacts to forest land or timberland would be less than significant. The project would not result in a conflict with existing zoning for agricultural use or Williamson Act contract. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the project's potential impacts to agriculture and forestry resources would be *less than cumulatively considerable*.

Air Quality

The analysis provided in Section III, Air Quality, concludes that the project's potential construction- and operational-related emissions would not have the potential to exceed SLOAPCD thresholds of significance for construction emissions. Probable future development of cannabis cultivation facilities in the project vicinity would be subject to environmental review and evaluation of their potential to contribute criteria pollutant emissions for which the county is nonattainment under applicable state standards.

The analysis provided in Section III concludes that the project's potential other emissions (such as those leading to odor) would be less than significant based on the distance of proposed odor-emitting uses from the closest off-site sensitive land use (approximately 1 mile). Probable future cannabis development projects would be required to comply with County LUO cannabis odor control requirements, including preparation of an odor control plan, minimum setback distances, and

installation of sufficient ventilation controls (for mixed-use indoor cannabis operations) to prevent odors from being detected off-site.

Therefore, the contribution of the project's potential impacts to air quality would be *less than cumulatively considerable*.

Biological Resources

The analysis provided in Section IV, Biological Resources, concludes that the project would have a less-than-significant impact upon implementation of the identified avoidance and mitigation measures for the protection and avoidance of special-status wildlife species and their habitats. With implementation of measures BIO-1 through BIO-10, potential impacts to biological resources would be less than significant with mitigation.

All probable future cannabis development projects would be subject to discretionary review and therefore would be evaluated for potentially significant environmental impacts, including impacts to biological resources. Proposed cannabis projects that are determined to have the potential to impact sensitive species and/or their habitats, sensitive natural communities, federal or state wetlands, migratory corridors, native trees, or conflict with state or local policies or habitat conservation plans would be required to implement mitigation measures to reduce these impacts.

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

Energy

As described in Section VI, Energy, the project proposes 9,200 square feet of outdoor cannabis canopy and no artificial grow lights would be used. Energy use associated with the project would primarily be limited to the construction vehicles used for repaving activities and installation of the proposed storage shed, as well as support of the proposed security system that would include motion-sensor lighting. Electrical power for the security lighting would be supplied by an existing on-site solar photovoltaic facility. Accordingly, the projects energy demand would be minimal. In addition, all probable future cannabis development projects within the county would be would be subject to discretionary review by County staff and, if determined to have a potential significant impact, would be required to implement mitigation measures to reduce their energy demand and use sources that result in less GHG emissions, in compliance with applicable state and local policies associated with energy efficiency and energy resources. Therefore, the project's potential impacts associated with energy use would be *less than cumulatively considerable.*

Geology and Soils

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. The project does not require grading or the installation of any structures that could make slopes more vulnerable to failure or pose a substantial risk to uncovering a previously unknown paleontological resource.

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 the project's minimal impacts to geology and soils 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 Emissions

As discussed in Section VI, Energy, the project proposes 9,200 square feet of outdoor cannabis canopy and no artificial grow lights would be used. Energy use associated with the project would primarily be limited to the construction vehicles used for repaving activities and installation of the proposed storage shed. The proposed security lighting would be supplied by an on-site solar photovoltaic facility, which would obviate the need to rely on the PG&E electrical grid, which is partly powered with fossil fuel energy sources. Accordingly, the projects energy demand and resulting GHG emissions would be minimal and would not exceed any applicable GHG thresholds identified in the SLOAPCD CEQA Air Quality Handbook.

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

Based on the project's minimal contribution to GHG emissions and discretionary review of other cannabis cultivation projects within the county, cumulative impacts associated with GHG emissions would be *less than cumulatively considerable*.

Hazards and Hazardous Materials

As discussed in Section IX, Hazards and Hazardous Materials, the project proposes to use organic farming practices free from the use of synthetic fertilizers and pesticides. The project does not propose the routine transport, use, or disposal of hazardous substances. Project construction activities associated with the repaving of the private driveway would involve the use of construction equipment that would utilize oil, gasoline, lubricants, fuels, and other potentially hazardous substances associated with the use of heavy construction equipment. A spill or leak of these materials under accident conditions during construction activities could create a hazard and impact the nearby ephemeral drainage. Mitigation Measures HAZ-1 and HAZ-2 have been identified to reduce potential impacts associated with hazards created by reasonably foreseeable upset or accident conditions during project construction by requiring immediate cleanup of any spills and location of refueling and other potentially hazardous activities within designated staging areas only

Probable future development of cannabis cultivation facilities would be subject to discretionary review and therefore would be evaluated for potentially significant environmental impacts, including impacts associated with hazards and hazardous materials. Impacts associated with hazards and hazardous

materials from other cannabis projects would likely require mitigation similar to the project, which may include, but would not be limited to, implementation of hazardous material spill response plans, staging and refueling location limitations, and vegetation management. Based on the project-specific mitigation measures identified above, and the discretionary environmental review of probable future cannabis projects, project impacts associated with hazards and hazardous materials would be *less than cumulatively considerable*.

Hydrology and Water Quality

As discussed in Section X, Hydrology and Water Quality, the project does not propose any grading, a substantial amount of new impervious surfaces, or substantial ground disturbance. Proposed ground disturbance would be limited in scale and limited to areas required to support the installation of the security fence and installation of the proposed storage shed. Mitigation Measures HAZ-1 and HAZ-2 have been identified to minimize potential impacts to water quality associated with construction activities to a less-than-significant level.

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

The project is located within the PRGWB, which is categorized as being in a state of critical overdraft, and is located outside the area that is categorized as being in severe decline (Spring Well Decline 1997–2013; County of San Luis Obispo 2018). A total of 33 applications for cannabis cultivation projects located within the PRGWB have been submitted to date (December 9, 2019). Table 3 details the estimated water demand from reasonably foreseeable cannabis cultivation in the PRGWB.

Table 3. Estimated Water Demand from Reasonably Foreseeable Cannabis Cultivation in the PRGWB

Bulletin 118 Groundwater Basin[1]	Number of Reasonably Foreseeable Cultivation Projects	Total Estimated Water Demand From Cannabis Cultivation (Acre-Feet/Year)[3]	Total Basin Storage Capacity (Acre-Feet)
Paso Robles Groundwater Basin	33[2]	190.09	Approximately 400,000

[1] Source: California Department of Water Resources Bulletin 118.

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

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

The project's proposed water use within a groundwater basin that is currently in critical overdraft would contribute to the overall cumulative impact of other proposed cannabis cultivation projects water use within the PRGWB. Mitigation Measures WQ-1 and WQ-2 would require the project applicant to offset the project's proposed water use at a 1:1 ratio within the PRGWB. All proposed cannabis cultivation projects located within the PRGWB would also be subject to discretionary review and would be required to offset proposed water use at least a 1:1 ratio in compliance with the CWWCP.

Proposed projects located in areas designated as being in severe decline would be required to offset proposed water use at a 2:1 ratio. Through water demand offsets and compliance with the CWWCP, cumulative impacts associated with substantially decreasing groundwater supplies and/or interfering substantially with groundwater recharge would be reduced.

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

Noise

As discussed in Section XIII, Noise, project construction activities, particularly those associated with the repaving of the private driveway and construction of the proposed storage shed, would result in temporary increases in noise levels. However, noise generated during construction activities would considerably attenuate over the distance to the nearest off-site sensitive receptor (approximately 1 mile to the west). Therefore, potential noise impacts would be less than significant.

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

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

Population and Housing

The most recent projection of regional growth for San Luis Obispo County is the 2050 Regional Growth Forecast (RGF) for San Luis Obispo County, prepared and adopted by SLOCOG in 2017. Using the Medium Scenario, the total county population, housing, and employment for both incorporated and unincorporated areas is projected to increase at an average annual rate of 0.50% per year. Between 2015 and 2050, the County's population is projected to increase by 44,000, or about 1,260 residents per year. Within the 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 15 full-time workers and up to seven additional seasonal workers during the harvest. The 2050 employment forecast does not account for employment in the cannabis industry because of the formerly illegal status of the industry. However, assuming 115 cultivation projects, total employment associated with cannabis cultivation could result in as many as 920 workers. It is most likely that these workers will be sourced from the existing workforce in San Luis Obispo County. If all 920 workers are new residents to the county, it would represent a 2% increase in the projected growth in population between 2015 and 2050. The small increase in projected population is not expected to result in a substantial increased demand for housing throughout the county. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to impacts related to housing and population is considered *less than cumulatively considerable*.

Public Services

The project and surrounding reasonably foreseeable future development would be subject to adopted public facility (County) and school (CGC Section 65995 et seq.) fee programs to offset impacts to public services.

The project proposes 9,200 square feet of outdoor cannabis canopy. The project would not induce population growth and does not consist of a land use that would otherwise require new or physically altered governmental facilities to serve the site. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to potential public services impacts would be *less than cumulatively considerable*.

Transportation

As discussed in Section XVII, Transportation, the project would not result in a conflict with a plan or policy addressing the circulation system, or increase hazards due to a geometric design feature. Given the narrow right-of-way along McMillan Canyon Road, it is possible that repaving activities associated with the private driveway may necessitate a lane closure and use of the public right-of-way. Therefore, mitigation measure HAZ-3 has been identified that would require attainment of an Encroachment Permit from the County Public Works Department and demonstration on submitted plans that at least one travel lane along McMillan Canyon Road would remain open at all times during construction. With implementation of Mitigation Measure HAZ-3, the project would not adversely affect existing emergency access. Probable future cannabis cultivation projects would be subject to discretionary review and potential impacts associated with these thresholds would be analyzed and required to be reduced on a case-by-case basis. Therefore, the project's potential impacts associated with these thresholds would be *less than cumulatively considerable*.

The County Public Works Department has derived trip generation rates for cannabis cultivation activities through the trip generation rates published by the Institute of Traffic Engineers. Table 4 provides an estimate of total average daily trips (ADT) and PM peak hour trips associated with buildout of the 115 currently proposed cannabis cultivation projects.

Table 4. Cumulative Average Daily Trips From Cannabis Cultivation

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

* Seasonal Trips are adjusted based on the annual frequency.

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

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

Other Impact Issue Areas

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

- Cultural Resources;
- Land Use Planning;
- Mineral Resources;
- Recreation;
- Tribal Cultural Resources;
- Utilities and Service Systems; and
- Wildfire.

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

Environmental impacts that may have an adverse effect on human beings, either directly or indirectly, are analyzed in each environmental resource section above. In addition, implementation of Mitigation Measures HAZ-1 through HAZ-3 identified in in the resource sections above would reduce potential adverse effects on human beings to less than significant; therefore, potential impacts would be *less than significant with mitigation*.

Conclusion

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

Mitigation

Implement measures BIO-1 through BIO-10, HAZ-1 through HAZ-3, and WQ-1 and WQ-2.

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	**In File****
☒	County Agricultural Commissioner's Office	**In File****
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☐	Air Pollution Control District	**None**
☒	County Sheriff's Department	**None**
☒	Regional Water Quality Control Board	**None**
☐	CA Coastal Commission	**Not Applicable**
☒	CA Department of Fish and Wildlife	**None**
☒	CA Department of Forestry (Cal Fire)	**None**
☐	CA Department of Transportation	**Not Applicable**
☐	Community Services District	**Not Applicable**
☒	Other Shandon Advisory Council	**In File****
☒	Other AB 52 Tribes	**In File****

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

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

- ☒ Project File for the Subject Application

County Documents

- ☐ Coastal Plan Policies
- ☒ Framework for Planning (Coastal/Inland)
- ☒ General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:
  - ☒ Agriculture Element
  - ☒ Conservation & Open Space Element
  - ☐ Economic Element
  - ☒ Housing Element
  - ☒ Noise Element
  - ☒ Parks & Recreation Element/Project List
  - ☒ Safety Element
- ☒ Land Use Ordinance (Inland/Coastal)
- ☒ Building and Construction Ordinance
- ☒ Public Facilities Fee Ordinance
- ☐ Real Property Division Ordinance
- ☐ Affordable Housing Fund
- ☐ Airport Land Use Plan
- ☒ Energy Wise Plan
- ☒ North County Area Plan/Shandon-Carrizo SA
- ☐ Design Plan
- ☐ Specific Plan
- ☐ Annual Resource Summary Report
- ☐ Circulation Study

Other Documents

- ☒ Clean Air Plan/APCD Handbook
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
- ☐ Archaeological Resources Map
- ☐ Area of Critical Concerns Map
- ☐ Special Biological Importance Map
- ☒ CA Natural Species Diversity Database
- ☒ Fire Hazard Severity Map
- ☒ Flood Hazard Maps
- ☒ Natural Resources Conservation Service Soil Survey for SLO County
- ☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
- ☐ Other

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

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Exhibit B – Other Agency Approvals That May Be Required

California Department of Food and Agriculture, CalCannabis Cultivation Licensing Division

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

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

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

Section 8102 – Annual State License Application Requirements

(p) For all cultivator license types except Processor, evidence of enrollment in an order or waiver of waste discharge requirements with the State Water Resources Control Board or the appropriate Regional Water Quality Control Board. Acceptable documentation for evidence of enrollment can be a Notice of Applicability letter. Acceptable documentation for a Processor that enrollment is not necessary can be a Notice of Non-Applicability;

(q) Evidence that the applicant has conducted a hazardous materials record search of the EnviroStor database for the proposed premises. If hazardous sites were encountered, the applicant shall provide documentation of protocols implemented to protect employee health and safety;

(s) For indoor and mixed-light license types, the application shall identify all power sources for cultivation activities, including but not limited to, illumination, heating, cooling, and ventilation;

(v) Identification of all of the following applicable water sources used for cultivation activities and the applicable supplemental information for each source pursuant to section 8107;

(w) A copy of any final lake or streambed alteration agreement issued by the California Department of Fish and Wildlife, pursuant to sections 1602 or 1617 of the Fish and Game Code, or written verification from the California Department of Fish and Wildlife that a lake and streambed alteration agreement is not required;

(dd) If applicable, the applicant shall provide evidence that the proposed premises is not located in whole or in part in a watershed or other geographic area that the State Water Resources Control Board or the Department of Fish and Wildlife has determined to be significantly adversely impacted by cannabis cultivation pursuant to section 8216.

Section 8106 – Cultivation Plan Requirements

(a) The cultivation plan for each Specialty Cottage, Specialty, Small, and Medium licenses shall include all of the following:

(3) A pest management plan.

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.

Other Potentially Applicable Permitting Requirements:

Federal Endangered Species Act

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

State Water Resources Control Board

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

California Department of Fish and Wildlife

Lake or Streambed Alternation

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

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

California Endangered Species Act

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

Exhibit C - Mitigation Summary

The applicant has agreed to incorporate the measures identified in the attached Developer's Statement 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.

DATE: October 15, 2020

DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM FOR MILNER MINOR USE PERMIT (DRC2019-00046)

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

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

For the purposes of this document, project construction activities include, but are not limited to, tree trimming, installation of security fencing, installation of shipping containers, re-paving activities, etc.

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

BIOLOGICAL RESOURCES (BIO)

BIO-1 Project construction, including, but not limited to tree trimming activities, shall be conducted outside of the migratory bird nesting season (February 1 through August 31), if feasible. If such activities cannot be avoided during this period, the applicant shall retain a County of San Luis Obispo-approved qualified biologist to conduct a preconstruction nesting bird survey no sooner than 1–4 weeks prior to tree removal activities and shall verify whether migratory birds are nesting in the site. If nesting activity is detected, the following measures shall be implemented:

a. The project shall be modified through the use of protective buffers, delaying construction activities, or other methods designated by the qualified biologist to avoid direct take of identified nests, eggs, and/or young protected under the Migratory Bird Treaty Act and/or California Fish and Game Code.

b. The qualified biologist shall monitor the nests within the vicinity of project-related disturbances and determine if construction activities are causing behavioral changes or affecting nesting activities. Monitoring results shall then be used to develop an appropriate buffer around the next site to minimize disturbance. Construction activities within the buffer zone shall be prohibited until the young have fledged the nest and achieved independence.

c. The qualified biologist shall document all active nests and submit a letter report to the County of San Luis Obispo documenting project compliance

with the Migratory Bird Treaty Act, California Fish and Game Code, and applicable project mitigation measures within 14 days of survey completion.

BIO-2 Site preparation and construction activities shall be conducted outside of the typical bat maternity roosting and pupping season (February 1 through August 31), if feasible. If construction activities are to occur within this season, the applicant shall retain a County of San Luis Obispo-approved qualified biologist to conduct a preconstruction survey within 14 days prior to commencement of proposed site disturbance activities. If any roosting bats are found during preconstruction surveys, no work activities shall occur within 100 feet of active roosts until bats have left the roosts. The County-approved qualified biologist shall prepare a report after each survey and a copy of the report shall be provided to the County within 14 days of completion of each survey. If no bat roosting activities are detected within the proposed work area, site disturbance and noise-producing construction activities may proceed and no further mitigation is required.

BIO-3 Prior to and within 30 days of initiation of any construction or site-disturbance activities, all personnel associated with the project shall attend a worker environmental awareness training, conducted by a County of San Luis Obispo-approved qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e., San Joaquin kit fox). At a minimum, as the program relates to kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the County of San Luis Obispo, and any related biological report(s) prepared for the project. The applicant shall notify the County of San Luis Obispo within 5 days prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program and distributed at the training program to all contractors, employees, and other personnel involved with the construction of the project. The County of San Luis Obispo-approved qualified biologist shall prepare a summary report of the training and provide a copy of the report to the County of San Luis Obispo within 14 days of training completion.

BIO-4 Between 14 and 30 days prior to the onset of grading, construction, or other site-disturbance activities, a County of San Luis Obispo-approved qualified biologist shall conduct presence/absence surveys of San Joaquin kit fox and/or their dens within 250 feet of the project disturbance site following the U.S. Fish and Wildlife Service standardized recommendations for protection of the San Joaquin kit fox. The biologist will survey for sign of San Joaquin kit fox and known or potential San Joaquin kit fox dens. The result of the survey shall be submitted to the County within 5 days of the survey and prior to the 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 San Joaquin kit fox sign, and/or known or potential San Joaquin kit fox dens, if present. If no San Joaquin kit fox sign or potential or known dens are identified, then the following San Joaquin Kit Fox Standard Protection Avoidance and Protection Measures shall be applied:

a. If the qualified biologist identifies potential San Joaquin kit fox den(s), the den(s) will be monitored for 3 consecutive nights with an infrared camera, prior to any project activities, to determine if the den is being used by San Joaquin kit fox. If no San Joaquin kit fox activity is observed during the 3

consecutive nights of camera placement, then project work can begin with the Standard San Joaquin Kit Fox Avoidance and Protection Measures; if kit fox are observed, then project work can begin with the San Joaquin Kit Fox Protection Measures.

b. If a known den is identified within 250 feet of any proposed project work areas, no work may start in that area.

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

BIO-5 During all construction and site disturbance activities, if San Joaquin kit fox are detected within the project site or immediate vicinity, consultation between the applicant, County of San Luis Obispo, and California Department of Fish and Wildlife shall occur immediately to discuss how to implement the project and avoid take, or, if avoidance is not feasible, an Incidental Take Permit shall be acquired pursuant to California Fish and Game Code Section 2081(b).

BIO-6 During all construction and site-disturbance activities, the applicant shall implement the following mitigation measures to avoid potential impacts to San Joaquin kit fox:

a. If a San Joaquin kit fox is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County of San Luis Obispo will be notified, and they will consult with other agencies as needed.

b. A maximum of 15-mile-per-hour (mph) speed limit shall be required at the project site during project activities. Speed limit signs shall be installed on the project site prior to start of all work.

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

d. To prevent entrapment of San Joaquin kit fox and other special-status wildlife, all excavations, steep-walled holes, or trenches greater than 2 feet deep shall be completely covered at the end of each work day by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for San Joaquin kit fox or other special-status species and immediately prior to being covered or filled. If a San Joaquin kit fox is entrapped, the U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and County of San Luis Obispo will be contacted immediately to document the incident and advise on removal of the entrapped San Joaquin kit fox.

e. All pipes, culverts, or similar structures with a diameter of 4 inches or greater stored overnight at the project site shall be thoroughly inspected for sheltering San Joaquin kit fox 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 San Joaquin kit fox present within or under the material. A 50-foot exclusion buffer will be established around the location of the San Joaquin kit fox until it leaves. The San Joaquin kit fox shall be allowed to leave on its own before the material is moved.

f. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in animal-proof closed containers only and regularly removed from the site.

g. No deliberate feeding of wildlife shall be allowed.

h. Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent San Joaquin kit fox from being drawn to the project area to drink water.

i. Trash will be disposed of into containers rather than stockpiling on-site prior to removal.

j. Materials or other stockpiles will be managed in a manner that will prevent San Joaquin kit fox from inhabiting them. Any materials or stockpiles that may have had San Joaquin kit fox take up residence shall be surveyed (consistent with preconstruction survey requirements) by a qualified biologist before they are moved.

k. The use of pesticides or herbicides shall be in compliance with all federal, state, and local regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which San Joaquin kit fox depend.

l. During project activities and/or the operation phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County of San Luis Obispo. In the event that any observations are made of injured or dead San Joaquin kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and County of San Luis Obispo 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.

m. If potential San Joaquin kit fox dens are identified on-site during the preconstruction survey, a qualified biologist shall be on-site immediately prior to the initiation of project activities to inspect the site and dens for San Joaquin kit fox activity. If a potential den appears to be active or there is sign of San Joaquin kit fox activity on-site and within the above-recommended buffers, no work can begin until such time the California Department of Fish and Wildlife or the County of San Luis Obispo determines it is appropriate to resume work.

BIO-7 If project construction activities proceed longer than 14 days, the County of San Luis Obispo-approved qualified biologist shall conduct weekly site visits during the site-disturbance activities for the purpose of monitoring compliance with required

Mitigation Measure BIO-6 above. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

BIO-8 Prior to issuance of a business license or encroachment permit, all San Joaquin kit fox protection measures required before construction (prior to any project activities) and during construction shall be included on all project plans.

BIO-9 Any temporary construction lighting or permanent lighting introduced for the project shall avoid nighttime illumination of potentially suitable habitat features for special-status species (i.e., off-site adjacent grasslands). Temporary construction lighting shall be kept to the minimum amount necessary and shall be directed toward active work areas and away from open spaces and/or drainages. To minimize the effects of exterior lighting on special-status wildlife species during project operation, all proposed outdoor lighting fixtures shall be positioned and/or shielded to avoid direct lighting of off-site natural habitat areas.

BIO-10 Prior to issuance of a business license or encroachment permit, the applicant shall submit evidence to the County of San Luis Obispo Planning and Building Department and CDFW that satisfactorily demonstrates one or a combination of the following San Joaquin kit fox mitigation measure options has been implemented:

a. Habitat Set Aside: Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 0.78 acres of suitable habitat in the kit fox corridor area (e.g., within the San Luis Obispo kit fox habitat area northwest of State Route 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Wildlife and County of San Luis Obispo.

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

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

   Mitigation alternative (b) could be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program. The program was established in agreement between the California Department of Fish and Wildlife and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act. This fee is calculated based on the current cost-per-unit of $2,500 per acre of required mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after the California Department of Fish and Wildlife provides written notification about mitigation options but prior to County of San Luis Obispo permit

issuance and initiation of any ground-disturbing activities. The fee, payable to "The Nature Conservancy" (see contact information below), would total approximately $1,950.00 based on $2,500 per acre (0.26 acre impacted x 3 acres mitigation per acre impacted x $2,500 per acre).

c. Conservation Bank Credit: Purchase 0.78 credits in a California Department of Fish and Wildlife-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. Credits can be purchased through the California Department of Fish and Wildlife-approved conservation bank, the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act. 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 of San Luis Obispo permit issuance and initiation of any ground-disturbing activities.

Monitoring: Prior to issuance of a business license or encroachment permit, construction plans shall be checked for inclusion of the general measures for site maintenance and general operations. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

HAZARDS AND HAZARDOUS MATERIALS

HAZ-1 During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be on-site at all times during construction.

HAZ-2 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 BMPs 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-3 Prior to issuance of a building permit or commencement of construction activities, the applicant shall obtain an Encroachment Permit from the County of San Luis Obispo Public Works Department and demonstrate on submitted improvement plans that one lane of travel would remain open at all times on McMillan Canyon Road.

Monitoring: Required prior to issuance of a building permit or commencement of construction and during construction activities associated with the proposed storage shed and driveway improvements. Compliance will be verified by the County Department of Planning and Building.

HYDROLOGY AND WATER QUALITY (WQ)

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

a. The quantification of water demand expressed in total acre-feet per year, consistent with the Water Management Plan required by Land Use Ordinance Sections 22.40.050 C. 1 and 22.40.060 C.1.

b. A program for achieving a water demand offset of the quantified water demand as required by Land Use Ordinance Sections 22.40.050.D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). Such a program may include, but is not limited to, the following:

    i. The permanent installation of water facilities and/or infrastructure to improve the efficient use of water on existing irrigated agricultural lands within the basin. Such improvements shall be accompanied by an audit of existing agricultural water demand prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of Planning and Building. Water efficiency improvements may include, but are not limited to, the following:

        1. Drip irrigation.

        2. Smart controllers, which are irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapo-transpiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.

        3. Installation of float valves on water tanks to prevent tanks from overflowing.

        4. Conversion from using overhead sprinklers to wind machines for frost protection. [Note: The installation of wind

machines shall be included in the project description for cannabis activities and subject to environmental review.]

5. Installation of rainwater catchment systems to reduce demand on groundwater. [Note: The installation of rainwater catchment facilities shall be included in the project description for cannabis activities and subject to environmental review.]

ii. Participation in an approved water conservation program within the 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 California Environmental Quality Act compliance document for the proposed cannabis project.

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

Monitoring: Required at the time of application for construction permits. Implementation required prior to occupancy. Compliance will be verified by the County Department of Planning and Building.

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

catherine milner	catherine milner	10/15/2020
Signature of Applicant	**Name (Print)**	**Date**