



## Negative Declaration & Notice Of Determination

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

**ENVIRONMENTAL DETERMINATION NO.** ED Number 20-226

**DATE:** December 17, 2020

**PROJECT/ENTITLEMENT:** Agzone Services LLC, Minor Use Permit;DRC2018-00078

**APPLICANT NAME:** Agzone Services LLC

**Email:** eric.is.powers@gmail.com

**ADDRESS:** PO Box 3202 Paso Robles, CA 93447

**CONTACT PERSON:** Eric Powers

**Telephone:** 805-441-7475

**PROPOSED USES/INTENT:** A request by Agzone Services LLC, for a Minor Use Permit (MUP) (DRC2018-00078) for up to three (3) acres of outdoor cannabis cultivation and ancillary transport. Project development would result in approximately four (4) acres of site disturbance and would include construction of a private gravel access road from the existing driveway to the proposed cultivation area, security fencing and equipment, and installation of one 5,000-gallon steel water tank. A modification from the setback standards set forth in Section 22.40.050.D.3.b of the County's LUO is requested to reduce the required setback from 300 feet to 91 feet from the southern property line and to 288 feet from the western property line. The project site is in the Agricultural land use category on a 40.7-acre property at 11330 Tule Elk Lane, approximately 39 miles east of the community of Santa Margarita in the Carrizo Planning Area.

**LOCATION:** The project site is located at 11330 Tule Elk Lane, approximately 39 miles east of the community of Santa Margarita in the Carrizo Planning Area of the North County Planning Area.

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

**STATE CLEARINGHOUSE REVIEW:** YES ☒ NO ☐

**OTHER POTENTIAL PERMITTING AGENCIES:** California Department of Fish and Wildlife  
California Department of Food and Agriculture California Department of Forestry (Calfire)  
Regional Water Quality Control Board Caltrans

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

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

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

**Notice of Determination**

State Clearinghouse No. \_\_\_\_\_

This is to advise that the San Luis Obispo County Planning Department Hearing Officer \_\_\_\_\_ as ☒ *Lead Agency*

☐ *Responsible Agency* approved/denied the above described project on \_\_\_\_\_, and has made the following determinations regarding the above described project:

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

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

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

County of San Luis Obispo

**Signature****Project Manager Name****Date****Public Agency**



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

PLN-2039  
04/2019

**Project Title & No. AGZONE Services, LLC, Minor Use Permit ED20-226 (DRC2018-00078)**

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

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Public Services
<input type="checkbox"/> Agriculture & Forestry Resources	<input checked="" type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Air Quality	<input type="checkbox"/> Hydrology & Water Quality	<input type="checkbox"/> Transportation
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Land Use & Planning	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Utilities & Service Systems
<input type="checkbox"/> Energy	<input type="checkbox"/> Noise	<input type="checkbox"/> Wildfire
<input type="checkbox"/> Geology & Soils	<input type="checkbox"/> Population & Housing	<input checked="" type="checkbox"/> Mandatory Findings of Significance

**DETERMINATION: (To be completed by the Lead Agency)**

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

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

Steve Conner

Prepared by (Print)

Signature

12/14/2020

Date

Eric Hughes

Reviewed by (Print)

Signature

(for) Steve McMasters  
Principal Environmental  
Specialist

12/17/2020

Date

## Initial Study – Environmental Checklist

### Project Environmental Analysis

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

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

### A. Project

**DESCRIPTION:** A request by Agzone Services LLC, for a Minor Use Permit (MUP) (DRC2018-00078) for up to three (3) acres of outdoor cannabis cultivation and ancillary transport. Project development would result in approximately four (4) acres of site disturbance and would include construction of a private gravel access road from the existing driveway to the proposed cultivation area, security fencing and equipment, and installation of one 5,000-gallon steel water tank. A modification from the setback standards set forth in Section 22.40.050.D.3.b of the County's LUO is requested to reduce the required setback from 300 feet to 91 feet from the southern property line and to 288 feet from the western property line. The project site is in the Agricultural land use category on a 40.7-acre property at 11330 Tule Elk Lane, approximately 39 miles east of the community of Santa Margarita in the Carrizo Planning Area.

The proposed cultivation area is in a vacant area of the site that has been previously farmed. Figure 1 shows the project location and Figure 2 shows an aerial image of the project site. Table 1 summarizes the project components and Figure 3 shows the site plan. Cannabis would be planted in north/south facing rows within a 3-acre cultivation area. Access to the site would be via Highway 58 and an existing north/south-aligned driveway. Access improvements would include installation of an access gate at the entry to the proposed cultivation area, another access gate at the northeastern corner of the security fence, and a new 16-foot wide gravel access road to connect the proposed cultivation area to the existing driveway, which would be widened to 16 feet. The site access road would include a hammerhead turnaround for fire department/emergency services access. Earthwork for project development would require clearing and grubbing (no grading), and the excavation of a trench for the proposed water line that would result in a total of 80 cubic yards of cut and fill balanced on site, and installation of the base for the new access road.

Employees would also work at three adjacent cannabis cultivation sites; the project would operate up to seven (7) days per week, starting approximately 30 minutes prior to sunrise and extending for eight-hour shifts. During harvest season, the project would employ up to 12 people for four (4) days. Operations may extend up to 24 hours per day during harvest season.

Security lighting would be located on the fence-line, one at each corner of the site and one at the western gated entrance to the cultivation site. Lighting would be provided via five (5), 15-foot-tall, solar-powered



## Initial Study – Environmental Checklist

portable security units. No signage is proposed. The cannabis operation would be enclosed within an eight-foot high chain link fence with privacy slats and 16-foot wide locked swing gates at the western entrance to the cultivation area and the northeastern corner of the security fence.

The project would use an existing water well for water supply. The well is located adjacent to the on-site residence near the southern property boundary. Approximately 350-linear feet of new water service line would be installed from the existing water well to the proposed water supply tank. The project would provide an on-site portable restroom for employees.

Five (5) 9-foot by 18-foot parking spaces would be provided. Solid waste would be stored on-site in an area outside of the cultivation area, to the west of the proposed parking spaces. All organic waste storage would either be shredded and tilled back into the soil or stored in a compost pile within the fenced area. Trash service would be provided by Waste Management Services.

**Table 1 Project Components**

Project Component	Count	Size	Footprint (sf)	Canopy(sf)
(N) Outdoor Cultivation	3 rows	varies	164,430	130,680
(N) Organic waste storage	1	20'x20'	400	N/A
(N) Water tank	1	5,000 gal.	113	N/A
<b>Sub-Total of Cannabis Activities/Uses</b>			<b>164,943</b>	<b>130,680</b>

(N) = new

(E) = existing

(sf) = square feet

Details regarding proposed operations and routine maintenance are provided in the Operations Plan which is incorporated by reference, attached in Exhibit A, and available for review at the Department of Planning and Building, 970 Osos Street, Suite 200, San Luis Obispo.

### Baseline Conditions:

Existing development on the site includes a single-family residence, a barn, water well, and multiple small agricultural accessory structures. The existing development would remain and not be a part of the cannabis operations, except for the existing well.

The Biological Resources Assessment reported that the survey area within the subject parcel is primarily composed of Dryland Grain Crop (PAX 2019). Soils within the project site are primarily Yeguas-Pinspring complex, with 0-2 percent slopes. The project site has a history of agricultural use dating back to at least 1994, as determined from a review of aerial imagery, and currently supports dryland grain crops. Vegetation is representative of long-standing agricultural use and is dominated by dryland grain crops that are tilled annually. Annual grassland (non-native grasses and ruderal species) was the second most prevalent habitat in the study areas, representing the only remaining semi-natural vegetation community present in fallow agricultural areas and the margins of active cropland.

Developed areas in the study area consist of graded roads, bare ground, accessory structures, domestic animal enclosures, and associated landscaping. The site is located in between two drainage features. The first is an east/west unnamed riverine drainage located north/northeast of the site and the second is an east/west ephemeral depression (swale), located south of the site. The swale drains from west to east and is a tributary to the unnamed riverine drainage. The riverine drainage is mapped as a blue-line stream by the U.S.G.S. and classified by the United States Fish and Wildlife Service (USFWS) as R\$SBC, a sparsely-vegetated,

## Initial Study – Environmental Checklist

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riverine system that is seasonally flooded with surface water for extended periods, especially early in the growing season, but is absent by the end of the growing season in most years. The swale is classified by USFWS as a palustrine system with surface water present for brief periods (from a few days to a few weeks) during the growing season, and is shown on the site plans as a non-wetland depression.

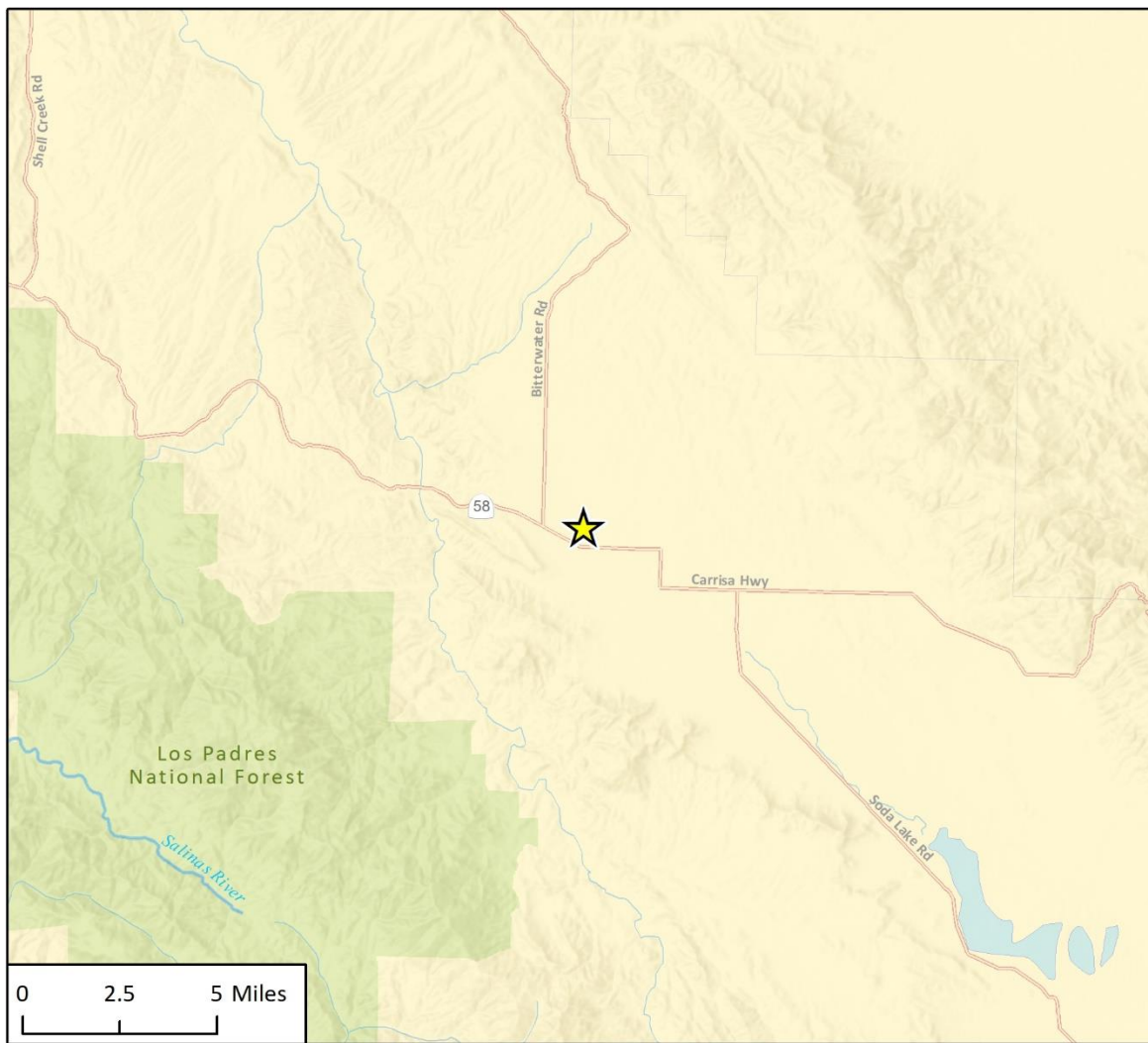
Surrounding land uses include similar agricultural operations in all directions, vineyard to the southeast, and rural residences to the east and south, and Topaz Solar Farm to the north, east and south.

### Ordinance Modifications

Setbacks. The project includes a request for modification from the setback provisions set forth in Section 22.40.050.D.3.b of the County Land Use Ordinance (LUO), which establishes a minimum 300-foot setback from the property line for outdoor cultivation. The outdoor cultivation area meets the 300' required setbacks to the north and east. As described in Sections 22.40.050.D.3.e and 22.40.050.E.7, the setback may be modified with a Use Permit if specific conditions of the site and/or vicinity make the required setback unnecessary or ineffective; and if the modification of the setback would not allow nuisance odor emissions from being detected offsite. The requested modification is for a reduced setback from 300 feet to 91 feet from the southern property line and to 288 feet from the western property line. Materials submitted with the application provide the following rationale to support the request:

- The southern and western setbacks are unnecessary because other applicants are also proposing outdoor cannabis cultivation on the adjacent properties (11520 Tule Elk Lane and 8710 Carissa Highway).

## Initial Study – Environmental Checklist



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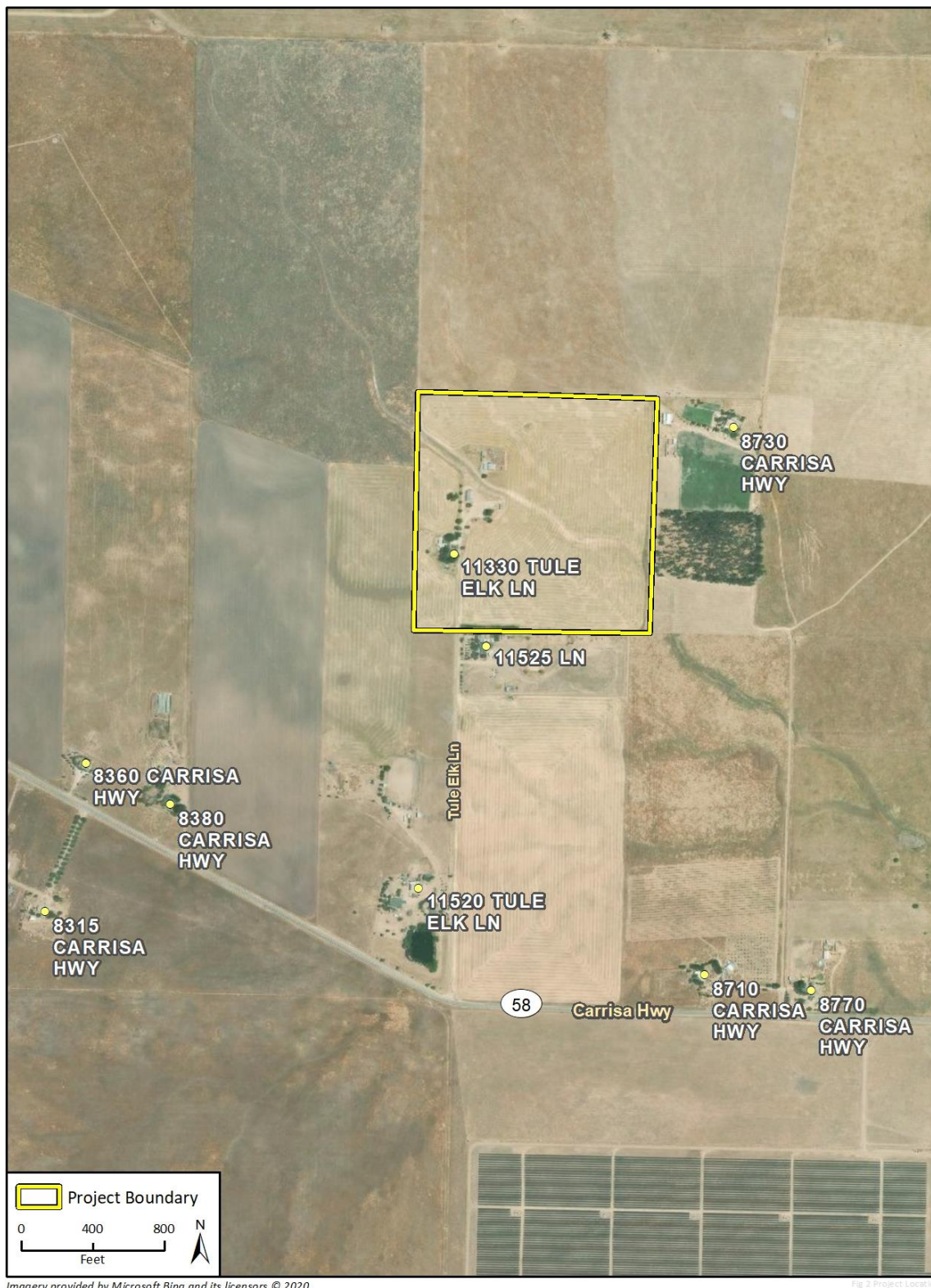
★ Project Location



Fig 1 Regional Location

**Figure 1 Regional Location**

## Initial Study – Environmental Checklist

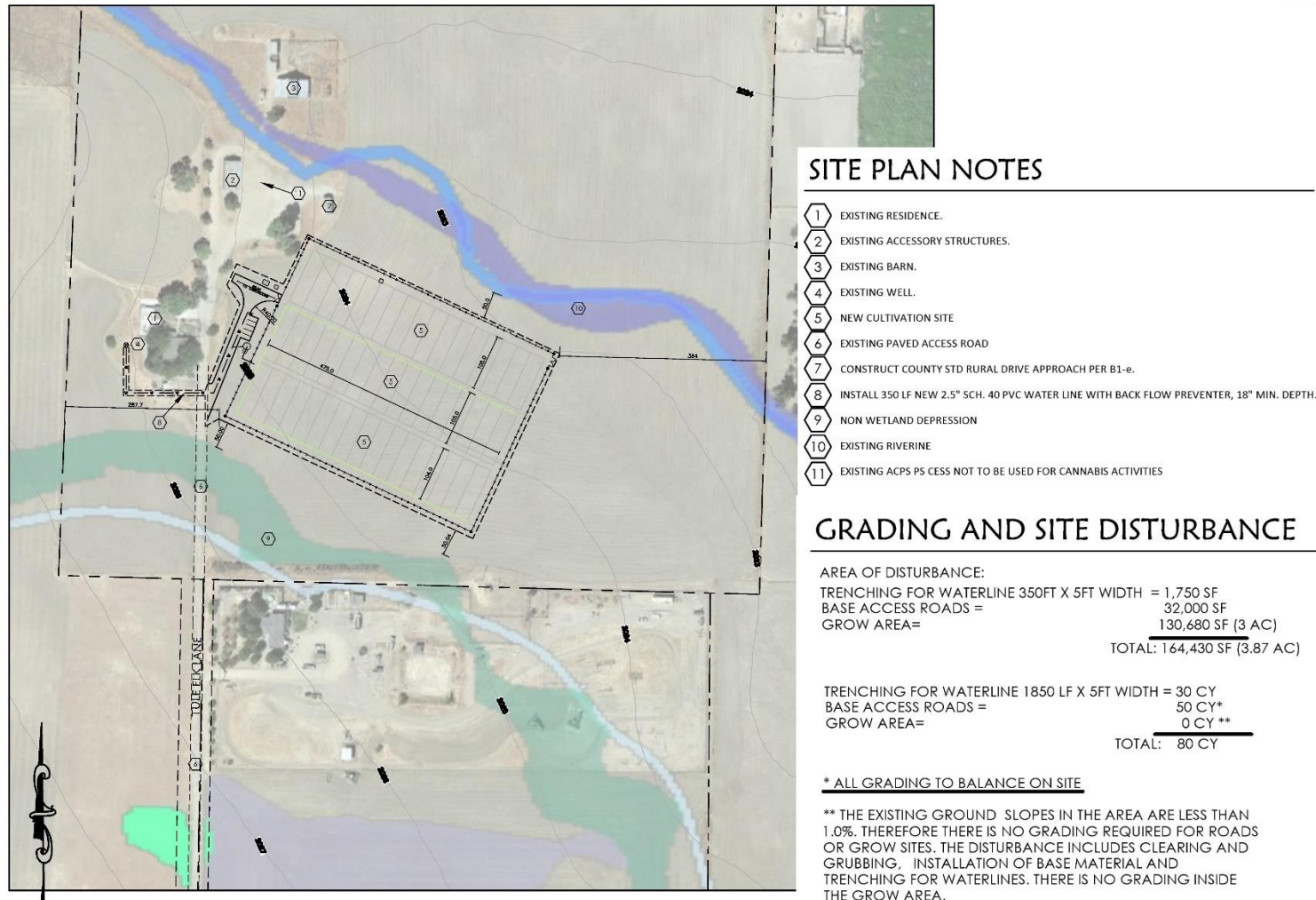
**Figure 2** Project Location



## Initial Study – Environmental Checklist

### 11330 Tule Elk Lane - Preliminary Grading, Drainage, & Erosion Control Plan

PROJECT DESCRIPTION: Outdoor Cannabis Cultivation Facility (3 acres)



**Figure 3 Site Plan**

## Initial Study – Environmental Checklist

**ASSESSOR PARCEL NUMBER(S):** 072-301-017

**Latitude:** 35.373080 N

**Longitude:** 120.076124 W

**SUPERVISORIAL DISTRICT #** 5

### Other Public Agencies Whose Approval is Required

Permit Type/Action	Agency
Cultivation Licenses	California Department of Food and Agriculture – CalCannabis
Central Coast Regional Water Quality Control Board. Order WQ-2017-0023-DWQ – General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities.	Regional Water Quality Control Board (RWQCB)
Safety Plan Approval and Final Inspection	California Department of Forestry (CalFire)

A complete discussion of potentially applicable regulations is provided in Appendix A.

### B. Existing Setting

**Plan Area:** Carrizo

**Sub:** None

**Comm:** Santa Margarita

**Land Use Category:** Agriculture

**Combining Designations:** Flood Hazard Area (FH) – 100 Year

**Parcel Size:** 40.7 acres

**Topography:** Nearly level

**Vegetation:** Agriculture, Ruderal, Herbaceous, Ornamental landscaping

**Existing Uses:** Agricultural uses; Single-family residence(s); Accessory structures

#### Surrounding Land Use Categories and Uses:

**North:** Agriculture

**East:** Agriculture

**South:** Agriculture

**West:** Agriculture

### C. Environmental Analysis

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

## Initial Study – Environmental Checklist

### I. AESTHETICS

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

#### Setting

The project site is located at the terminus of Tule Elk Lane, approximately 2,000 feet north of Highway 58 in the California Valley in a predominantly rural and agricultural area, with scattered rural residences. Views from Highway 58 through the Carrizo Plain/California Valley are expansive, with the Temblor and Caliente Ranges forming the visual backdrop. The site, as with most of the surrounding properties, is currently utilized for agricultural activities. Agricultural uses on surrounding properties include hay and barley. The properties to the west and south of the project site have filed applications to cultivate cannabis. The topography of the site is relatively flat. The majority of the property is undeveloped; there is a single-family residence, a barn, water well, and multiple small agricultural accessory structures. Ornamental trees surround the residence.

Per the County Conservation and Open Space Element, the project site is not located in a designated scenic vista containing protected scenic resources (County of San Luis Obispo 2010). There are no unique geological or physical features located on site. Table VR-2 of the Conservation and Open Space Element provides a list of Suggested Scenic Corridors, which includes Highway 58 from the Santa Margarita urban reserve line to the Kern County line. The project site is located along this Suggested Scenic Corridor (County of San Luis Obispo 2010). However, Highway 58 in the project vicinity is not a State Designated or State Eligible Scenic Highway (California Department of Transportation [Caltrans] 2020). Existing sources of lighting in the vicinity of the project site include lighting from single-family homes and vehicles traveling along Highway 58. State law sets

## Initial Study – Environmental Checklist

forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8304 (c) states: All outdoor lighting used for security purposes shall be shielded and downward facing. Section 8304 (g) states: mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare.

### Discussion

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

The project site is not located in a designated scenic vista and no impact would occur.

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

The project site is not visible from a designated State Scenic Highway, and it does not contain any scenic resources such as trees, rock outcroppings, or historic buildings. No impact 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 site is in a non-urbanized area. The project would involve clearing and grubbing of an approximately 3.9-acre area that currently supports barley cultivation in order to plant up to 3 acres of outdoor cannabis cultivation and install site access within a predominantly agricultural area.

The project would be located almost 3,000 feet north of Highway 58 and visible details of the cultivation operation would not be discernable by motorists travelling on the Highway. In addition, the roadway in the vicinity of the project site is relatively straight and traffic speeds are high, around 55 miles per hour (mph) or more. Assuming a speed of 55 mph, a vehicle would pass by the project site in about 9 seconds and the potential impacts to views from the highway would be very brief.

In compliance with LUO Section 22.40.050 D.6, cannabis plants associated with cultivation would not be easily visible from offsite. The project site would be fully enclosed within an 8-foot tall secure, slatted chain link fence to preclude visibility. The project would be compatible with adjacent uses and surrounding visual character (agricultural and rural residential uses). Therefore, the project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. 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?*

Existing sources of light in the project vicinity include exterior lighting on the on-site residence and the nearby residences; however, nighttime lighting in the area is minimal. The project would introduce new sources of light and glare, including exterior security lighting. Motion-activated security lighting would be located on the fence-line, one at each corner of the site and one at the western entrance to the cultivation site. Lighting would be provided via five (5), 15-foot-tall, solar-powered portable security units and would be consistent with California Code of Regulations Section 8304(c) and (g), which require that outdoor security lighting be shielded and downward facing to minimize light pollution. Impacts from exterior security lighting would be less than significant. In



## Initial Study – Environmental Checklist

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addition, Mitigation Measure BR-15 would place restrictions on nighttime lighting and further minimize the less than significant impact.

### *Conclusion*

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

### *Sources*

See Exhibit A.

## Initial Study – Environmental Checklist

### II. AGRICULTURE AND FORESTRY RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</i></p>				
(a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Setting

The project site is in a predominantly rural and agricultural area; agricultural activities occurring on the property have included tilling and barley cultivation.

Project Elements. The following area-specific elements relate to the property's importance for agricultural

## Initial Study – Environmental Checklist

production:

Land Use Category: Agriculture

Historic/Existing Commercial Crops: grains

State Classification: Farmland of Local Importance

In Agricultural Preserve? Yes, Carrizo  
Agricultural Preserve

Under Williamson Act contract? Yes

The developed and undeveloped portions of the project site are relatively flat. The average slope of the parcel is under two (2) percent.

Table SL-2 of the Conservation/Open Space Element lists the important agricultural soils of San Luis Obispo County. Table 2 identifies soils on the project site, their farmland classifications, and total acreages impacted by the project.

**Table 2 Classifications and Acreages of Soils Impacted by the Project**

Soil	Farmland Classifications		Acres Impacted by the Project
	Conservation/Open Space Element	Farmland Mapping and Monitoring Program	
Yeguas-Pinspring Complex (0-2 % slope)	Prime Farmland; Highly Productive Rangeland Soils	Farmland of Local Potential	3.9 acres

Sources: NRCS Web Soil Survey; Classifications based on Table SL-2 of the County General Plan's Conservation/Open Space Element; California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) 2016

Based on the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP), the project site is mapped as Farmland of Local Importance and based on the San Luis Obispo County General Plan's Conservation/Open Space Element, the project site soils are considered Prime Farmland (if irrigated) and Highly Productive Rangeland Soils.

The soil type(s) and characteristics on the subject property include:

Yeguas-Pinspring Complex (0-2% slope) +/- 40 acres

The parent material of this soil type is alluvium derived from sandstone, shale, and basalt. The drainage class of this unit is well drained, and it is composed mostly of loam, clay, and clay loam. This soil type tends to occur on alluvial flats, and toeslopes, at elevations between 2,000 and 2,300 feet, or 609 to 701 meters. This soil type is considered prime farmland if irrigated per the County Conservation and Open Space Element.

### Discussion

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

The project would result in the disturbance of approximately 4 acres of Prime Farmland, per the County General Plan Conservation and Open Space Element, to allow for up to three acres of

## Initial Study – Environmental Checklist

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outdoor cannabis cultivation and access. However, the project does not include the construction of any structures and would not permanently convert this land to non-agricultural use. Impacts would be less than significant. As analyzed in Discussion (b) below, the project was also referred to the County of San Luis Obispo Department of Agriculture/Weights & Measures for review.

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

The project site is within the Agriculture land use category where cannabis is an allowable use. The project site is located in the Carrizo Agricultural Preserve. The site is under a 20-year-term Williamson Act contract that began on October 18, 2005. The property owner filed a notice to terminate the contract under County Plan Case AGP2012-00006. The contract will expire December 20, 2025. Under Table 2 of the Rules of Procedure to Implement the California Land Conservation Act of 1965 (Williamson Act), adopted by the County Board of Supervisors, the proposed outdoor cultivation use would be compatible and allowable on property under contract.

The project was referred to the County of San Luis Obispo Department of Agricultural/Weights & Measures and was reviewed for ordinance and policy consistency. The recommended conditions of approval set forth in their letter of July 11, 2018, will be incorporated into the project conditions to ensure consistency with ordinance and policy (Auchinachie 2018). Therefore, the project would not conflict with existing zoning for agricultural use or a Williamson Act contract. Impacts would be less than significant.

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

The project site does not contain land which is zoned as forest land or timberland. Therefore, the project would not conflict with existing zoning for, or cause rezoning of, forest land or timberland. No impact would occur.

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

The project site and immediate vicinity do not include any forest land. Therefore, the project would not result in the loss of forest land or conversion of forest land to non-forest use. No impact would occur.

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

The project would result in the disturbance of approximately 4 acres of Prime Farmland to allow for up to three acres of outdoor cannabis cultivation and access. The project would not continue to support agricultural uses and no other changes to the existing environment would result in conversion to non-agricultural use. No forest land would be affected. Impacts would be less than significant.

### Conclusion

The proposed project would result in less than significant impacts to agriculture resources and no impact to forestry resources. No mitigation measures are necessary.

### Sources

See Exhibit A.

## Initial Study – Environmental Checklist

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## Initial Study – Environmental Checklist

### III. AIR QUALITY

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

#### Setting

The project site is located in the South Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (SLOAPCD). The SLOAPCD is in non-attainment for the 24-hour state standard for particulate matter (PM<sub>10</sub>) and the eight-hour state standard for ozone (O<sub>3</sub>) (SLOAPCD 2015). The SLOAPCD adopted the 2001 Clean Air Plan (CAP) in 2002, which sets forth strategies for achieving and maintaining Federal and State air pollution standards. The CAP provides a complete description of the air basin and the environmental and regulatory setting and is incorporated by reference. The CAP may be reviewed in its entirety by following this link <https://www.slocleanair.org/rules-regulations/clean-air-plan.php>.

The SLOAPCD identifies significant impacts related to consistency with the CAP by determining whether a project would exceed the population projections used in the CAP for the same area, whether the vehicle trips and vehicle miles traveled generated by the project would exceed the rate of population growth for the same area, and whether applicable land use management strategies and transportation control measures from the CAP have been included in the project to the maximum extent feasible.

Thresholds of Significance for Construction Activities. The SLOAPCD developed and updated their San Luis Obispo County CEQA Air Quality Handbook (2012) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. The Handbook includes screening criteria for project impacts (Table 3). According to the Handbook, a project with grading in excess of 4.0 acres and moving 1,200 cubic yards of earth per day can exceed the construction threshold for diesel particulate matter (PM<sub>10</sub>) and ozone precursors (ROG + NOx). The SLOAPCD has estimated that a project with operations that include an unpaved roadway of one mile in length carrying 6.0 round trips would likely exceed the 25 lbs/day PM<sub>10</sub> threshold.

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**Table 3 Thresholds of Significance for Construction**

Pollutant	Threshold <sup>1</sup>		
	Daily	Quarterly Tier 1	Quarterly Tier 2
ROG + NOx (combined)	137 lbs	2.5 tons	6.3 tons
Diesel Particulate Matter	7 lbs	0.13 tons	0.32 tons
Fugitive Particulate Matter (PM <sub>10</sub> ), Dust <sup>2</sup>	--	2.5 tons	--

Source: SLOAPCD CEQA Air Quality Handbook, page 2-2.

Notes:

1. Daily and quarterly emission thresholds are based on the California Health and Safety Code and the California Air Resources Board Carl Moyer Guidelines.

2. Any project with a grading area greater than 4.0 acres of worked area can exceed the 2.5-ton PM<sub>10</sub> quarterly threshold.

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

The SLOAPCD has also estimated the number of vehicular round trips on an unpaved roadway necessary to exceed the 25 lbs/day threshold of significance for the emission of particulate matter (PM<sub>10</sub>). According to the SLOAPCD estimates, an unpaved roadway of one mile in length carrying 6.0 round trips would likely exceed the 25 lbs/day PM<sub>10</sub> threshold.

If a project has the potential to cause an odor or other nuisance problem which could impact a considerable number of people, then it may be significant. The nearest offsite sensitive receptor to the site is a single-family residence located approximately 280 feet south of the proposed outdoor cultivation area.

### Discussion

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

The applicable air quality plan is the SLOAPCD Clean Air Plan (SLOAPCD 2002). In order to be considered consistent with the 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 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. Project employees would generally be performing manual tasks such as

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planting, harvesting, and monitoring the irrigation equipment; therefore, the project would not be a feasible candidate for participation in a telecommuting program. No regional transit system serves this area and therefore improvements to the transit system are not feasible. The project site is in a rural area, off an established bikeway system, and therefore bikeway enhancements are not feasible. 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?*

Construction-related impacts. Ground disturbance includes clearing and grubbing, installation of base material, and trenching for the waterline. The earthwork associated with the proposed project would be approximately 80 cubic yards of cut and fill for trenching for the water line and the installation of base material for the access road. No grading is proposed for the grow sites or roads. The area of disturbance will not exceed 4 acres. 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 4 below. As shown in Table 4, construction related emissions will exceed the general thresholds triggering construction-related mitigation for fugitive particulate matter and are considered significant unless mitigated.

**Table 4 Estimated Construction-Related Emissions**

Pollutant	Total Estimated Project Emissions	APCD Emissions Threshold	Mitigation Required?
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO <sub>x</sub> ) (combined)	9.04 lbs per day (0.099 tons per quarter) <sup>1</sup>	137 lbs./day 2.5 tons/quarter	No
Diesel Particulate Matter (DPM)	0.39 lbs. (0.00088 tons) <sup>2</sup>	7 lbs./day 0.13 tons/quarter	No
Fugitive Particulate Matter (PM <sub>10</sub> )	2.92 tons <sup>3</sup>	2.5 tons/quarter	Yes

Notes:

1. Based on 80 cubic yards of material moved and 0.113 pounds of combined ROG and NO<sub>x</sub> emissions per cubic yard of material moved and 22 days of construction.
2. Based 80 cubic yards of material moved and 0.0049 pounds of diesel particulate emissions per cubic yard of material moved and 22 days of construction.
3. Based on 3.9 acres of disturbance and 0.75 tons of PM<sub>10</sub> generated per acre of disturbance per month and 22 days of construction.

Therefore, with mitigation the project's potential impacts related to the exceedance of federal, state, or SLOAPCD ambient air quality standards due to construction activities would be less than significant and less than cumulatively considerable.

Operational impacts. During operations, the project has the potential to generate criteria pollutants (ozone precursors and fine particulates), primarily from new vehicle trips. According to trip generation rates for cannabis activities applied by the Department of Public Works (Letter from David E. Grim dated November 16, 2018), the project is expected to generate six (6) average daily



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motor vehicle trips. Employees would be required to carpool. According to the 2012 SLOAPCD CEQA Handbook, a project that generates fewer than 99 average daily motor vehicle trips will generate emissions that fall below the threshold of significance for ozone precursors. In addition, the site would be accessed via a 0.1-mile access roadway off Highway 58 that would be improved with a gravel base. According to the SLOAPCD, an unpaved roadway of one mile in length carrying 6.0 round trips would likely exceed the 25 lbs/day PM<sub>10</sub> threshold. Because the road is less than one mile in length, project operations would not exceed the 25 lbs/day PM<sub>10</sub> threshold. Therefore, impacts related to exceedance of federal, state, or APCD ambient air quality standards due to operational activities would be less than significant and less than cumulatively considerable.

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

Sensitive receptors are people who have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residential dwelling unit(s). The nearest offsite sensitive receptor to the site is a single-family residence located approximately 280 feet south of the proposed outdoor cultivation area, on a site also proposed for cannabis cultivation.

As proposed, the project would result in the disturbance of approximately 3.9 acres of land to allow for up to 3 acres of outdoor cannabis cultivation and a new gravel access road to connect the proposed cultivation area to the existing driveway, which would be widened to 16 feet. Ground disturbance includes clearing and grubbing, installation of base material, and trenching for the waterline, which would be temporary and minimal, lasting two weeks or less. No grading is proposed for the grow sites or roads. Based on the analysis in III.b above, the project would not result in substantial pollutant exposure due to construction or operations. Further, according to ARB's Community Health Perspective Handbook (2005), temporary activities do not typically result in particulate matter emissions concentrations that would cause a significant health risk effect. Therefore, the project would not expose sensitive receptors to substantial pollutant concentrations and impacts would be less than significant.

According to the SLOAPCD CEQA Air Quality Handbook, Naturally Occurring Asbestos (NOA) has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities a geologic evaluation should be conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Based on the APCD online map of potential NOA occurrence, the project site does not lie in the area where a geologic study for the presence of NOA is required (ARB 2000; County of San Luis Obispo Online Land Use Viewer). In addition, the project does not involve grading. Therefore, impacts would be less than significant.

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

The project includes outdoor cannabis cultivation which can produce potentially objectionable odors during the flowering, harvest, drying, and processing stages. Although the project would not affect a

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substantial number of people, these odors could disperse through the air and be sensed by surrounding receptors. Accordingly, Section 22.40.050 of the LUO mandates the following:

*All cannabis cultivation shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite.*

The project is located in an area designated for agricultural uses. Surrounding land uses include active agriculture, rural residential, and undeveloped lands on parcels of similar size (25-60 acres). The nearest offsite receptor to the project site is a single-family residence located approximately 280 feet south of the proposed outdoor cultivation area.

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

Exposure to unpleasant odors may affect an individual’s quality of life. As discussed above, odors are not considered an air pollutant under federal or state air quality laws.

The Project incorporates the following features to address odors:

- The outdoor cannabis cultivation would be sited in the southern portion of the site, set back a minimum of 300 feet from the eastern and northern property lines. The proposed cultivation area would be set back approximately 91 feet from the southern property line and 288 feet from the western property line. However, the proposed southern and western setbacks are unnecessary because other applicants are also proposing outdoor cannabis cultivation on the adjacent properties. Nuisance odors would not be an issue.
- The Operations Plan required by LUO Section 23.08.416.A.3. sets forth operating procedures to be followed to help ensure nuisance odors associated with cannabis-related activities do not leave the project site.
- The project has been conditioned to participate in an ongoing cannabis monitoring program. Once implemented by the County, the project site will be inspected four times per year to ensure ongoing compliance with conditions of approval, including those relating to odor management.

The incorporated features as required by the LUO and conditions of approval would ensure that the project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Impacts would be less than significant.

### Conclusion

The project will result in 3.9 acres of disturbance that will involve grubbing and roadway work that will generate fugitive particulates in excess of SLOAPCD thresholds. With mitigation, project related impacts are considered less than significant and less than cumulatively considerable.

### Mitigation

**AQ-1 Fugitive Dust Construction Control Measures.** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

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1. Reduce the amount of the disturbed area where possible;
2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;
3. All dirt stock-pile areas shall be sprayed daily as needed;
4. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
5. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
6. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

### Sources

See Exhibit A.

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### IV. BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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### Setting

The following are existing biological resources on or near the proposed project site.

On-site Vegetation: Nonnative annual grasses and forbs; windrow and landscaping trees and ruderal vegetation.

Name and distance from blue line creek(s): An unnamed drainage (riverine) is located approximately 50 feet northeast of the project site (Figure 2).

Habitat(s): Dryland grain crops, annual grassland, and disturbed/developed areas.

PAX Environmental, Inc. (PAX) prepared a combined Biological Resources Assessment (BRA) for the project site plus three other sites in the immediate vicinity of the project (PAX 2019a). The purpose of the BRA was to characterize the site's existing conditions and identify biological resources that would potentially be impacted by the project. In response to an information request by the California Department of Fish and Wildlife (CDFW) PAX also completed an addendum to their BRA that included an assessment of potential jurisdictional features found on the project site plus the three additional sites that were the subject of the BRA study area (PAX 2019b). Kevin Merk and Associates, LLC. (KMA) prepared a supplement to the PAX BRA on August 12, 2020 (KMA 2020). The supplement by KMA was in response to a project re-design following the PAX addendum, where the project footprint was altered to avoid impacting potentially jurisdictional features.

### Special Status Plants

Based on searches of the California Natural Diversity Database (CNDDDB) and California Native Plant Society (CNPS) the following seven special status plant species were identified by PAX (2019a) as having a low potential to occur on the project site where the presence of suitable habitat occurs:

- California jewelflower (*Caulanthus californicus*) - Federally Endangered (FE); State Endangered (SE); California Rare Plant Rank (CRPR) 1B.1
- Kern mallow (*Eremalche parryi* ssp. *kernensis*) - FE; CRPR 1B.1
- Dwarf calycadenia (*Calycadenia villosa*) - CRPR 1B.1
- Hall's tarplant (*Deinandra halliana*) - CRPR 1B.2
- Recurved larkspur (*Delphinium recurvatum*) - CRPR 1B.2
- Diamond-petaled California poppy (*Eschscholzia rhombipetala*) - CRPR 1B.1
- San Joaquin woollythreads (*Monolopia congdonii*) - CRPR 1B.2

Based on a history of previous extensive disturbance on the project site for agricultural activities and lack of detection of any special status plant species during the reconnaissance-level field survey, PAX determined that these special status plant species have a low potential to occur within the project site. However, the reconnaissance survey was not timed during the blooming periods for all species with potential to occur and there is potentially an abundance of suitable habitat in the area.

### Special Status Wildlife

Based on field observations and search of CNDDDB the following 15 special status wildlife species were identified as having some potential to occur on site based on the presence of suitable habitat:

- California condor (*Gymnogyps californianus*) - FE; SE

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- San Joaquin kit fox (*Vulpex macrotis mutica*) - FE; State Threatened (ST)
- Tri-colored blackbird (*Agelaius tricolor*) - SE; CDFW Species of Special Concern (SSC)
- Western spadefoot toad (*Spea hommondii*) - SSC
- Northern California legless lizard (*Spea hommondii*) - SSC
- California glossy snake (*Arizona elegans occidentalis*) - SSC
- San Joaquin coachwhip (*Coluber flagellum ruddocki*) - SSC
- American badger (*Taxidea taxus*) - SSC
- Burrowing owl (*Athene cunicularia*) - SSC
- Long-eared owl (*Asio otus*) - SSC
- Loggerhead shrike (*Lanius ludovicianus*) - SSC
- California horned lark (*Eremophila alpestris actia*) - CDFW Watch List (WL) species
- Merlin (*Falco columbarius*) - WL
- Prairie falcon (*Falco mexicanus*) - WL
- Ferruginous hawk (*Buteo regalis*) – WL
- Crotch bumble bee (*Bombus crotchii*) – Candidate SE

One special status wildlife species, loggerhead shrike, was detected on the project site during the reconnaissance survey conducted by PAX (PAX 2019a). Two watch list bird species, ferruginous hawk and California horned lark, were also observed in the study area (PAX 2019a). Burrow complexes with evidence of historic use by San Joaquin kit fox were documented to the northwest portion of the project site, and in the study area of the BRA (PAX 2019a).

The County has established procedures for the mitigation of potential impacts to San Joaquin kit fox. If the project site lies within the kit fox habitat area (Figure 4) and the site is less than 40 acres in size, the pre-determined standard mitigation ratio for the project area is applied. The standard mitigation ratio is based on the results of previous kit fox habitat evaluations and determines the amount of mitigation acreage based on the total area of disturbance from project activities.

If the project occurs on a site of 40 acres or more, a habitat evaluation must be prepared by a qualified biologist. The habitat evaluation is submitted to the County who reviews the application for completeness and conducts a site visit. A SJKF habitat evaluation was completed by PAX and submitted to the CDFW for review in August 2020. After review, CDFW will then determine the mitigation ratio for the project which in turn determines the total amount of acreage needed to mitigate for the loss of habitat based on the total area of permanent disturbance. Mitigation for the loss of kit fox habitat may be provided by one of the following:

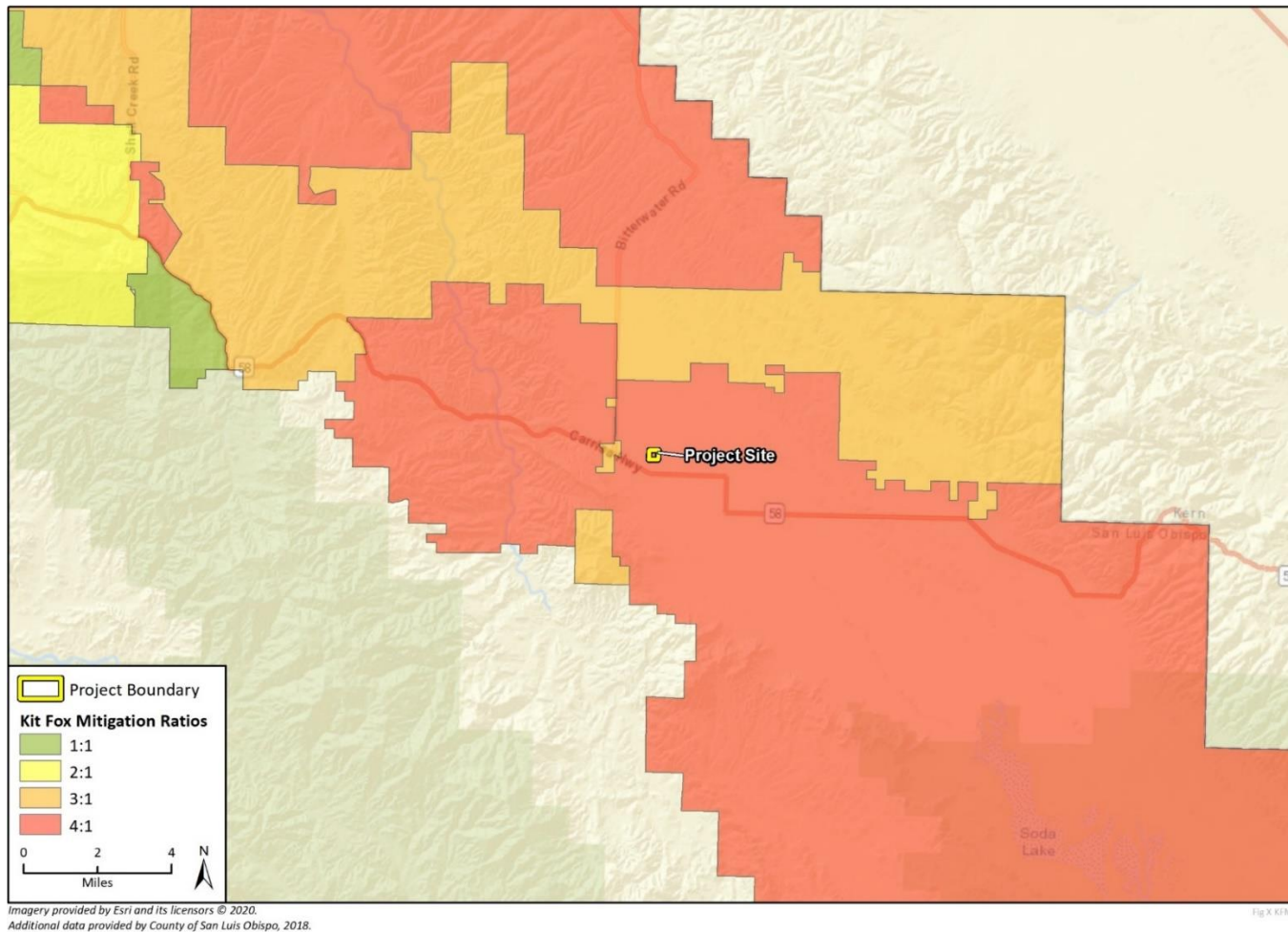
1. Establishing a conservation easement on-site or off-site in a suitable San Luis Obispo County location and provide a non-wasting endowment for management and monitoring of the property in perpetuity;
2. Depositing funds into an approved in-lieu fee program; or
3. Purchasing credits in an approved conservation bank in San Luis Obispo County.

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**Figure 4** San Joaquin Kit Fox Standard Mitigation Ratio Map



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### Discussion

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

#### Special Status Wildlife

As described above, PAX identified 15 special status wildlife species that have the potential to be on and/or in the vicinity of the project site based on CNDDB occurrence records and presence of at least some suitable habitat within the project site. The project site has been subject to repeated disturbance over many years as a result of active agricultural operations.

The project site was determined to have a low potential for occurrence of the following species: western spadefoot toad, northern California legless lizard, California glossy snake, San Joaquin coachwhip, and American badger.

The project site has moderate potential for special status ground-nesting bird species, including California horned lark and burrowing owl. Loggerhead shrike, a species that can nest in shrubs or trees, and that was positively identified on the site during biological surveys, also has moderate potential to nest on or near the project site. Common nesting birds and raptors also have moderate potential to nest in nearby ornamental shrubs and/or trees and these species are protected by the Migratory Bird Treaty Act (16 United States Code Sections [§§] 703–712) and California Fish and Game Code (CFG Code Division 4, Part 2, §§ 3503 and 3513).

The following special status bird species were determined to only have potential to forage on and/or in the vicinity of the project site (i.e., no breeding habitat occurs on the project site): merlin, California condor, long-eared owl, and tri-colored blackbird. These species are not expected to be subject to direct or indirect impacts as a result of the project.

San Joaquin kit fox was determined to have a high potential to occur on and/or adjacent to the project site.

In addition to the 15 special status wildlife species identified by PAX (2019a) through field observations and CNDDB query, the CDFW has provided input regarding two invertebrate candidates for listing as State Endangered: Crotch bumble bee (*Bombus crotchii*) and western bumble bee (*Bombus occidentalis occidentalis*). The current distribution (2002 - 2017) of Crotch bumble bee is restricted to the coast in central and southern California, except for three occurrences in the vicinity of the San Gabriel Mountains and San Bernardino Mountains. However, the project site is located within the historic distribution of Crotch bumble bee and, therefore, has some potential to occur on the project site (Xerces Society, 2018). The current and historic distribution of western bumble bee is predominantly in northern California along the coast and in mountains. There are no current reports of western bumble bee in San Luis Obispo County and only one historic record on the coast near Pismo Beach. The nearest current records are to the south near the Santa Monica Mountains and on the northern Channel Islands (Xerces Society, 2018). Therefore, it was determined that the western bumble bee has no potential to occur on the project site.

San Joaquin Kit Fox. Site preparation, project construction, and ongoing operational ground disturbance related to outdoor cultivation activities could impact San Joaquin kit fox if active dens are present on or within 200 feet of the project site and/or an individual is traversing the site. San

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Joaquin kit fox was determined to have high potential to occur within the project area due to presence of potential dens and suitable habitat and known CNDDDB occurrences in the project vicinity. The project would impact a small area in relation to the regional habitat availability and the large amount of available open space surrounding the proposed project. Burrow complexes with evidence of historic use by San Joaquin kit fox were documented during the PAX surveys (PAX 2019a). Construction and implementation of the proposed project would result in disturbance to dryland grain crop and annual grassland habitats. For projects less than 40 acres in size, completion of a SJKF habitat evaluation form may optionally be completed to receive approval for a lower mitigation ratio than what is mapped for the project site, based on site-specific conditions. Mitigation must be fulfilled by contribution to the preservation of habitat through a conservation easement agreement, compensation to a predetermined mitigation bank, or payment of an in-lieu fee to the San Francisco office of The Nature Conservancy. A Kit Fox Habitat Evaluation form was prepared for the project by PAX (PAX 2019a) and submitted to CDFW on August 20, 2020 for review. CDFW made a preliminary determination that the project earned a score of 78 on the evaluation; which requires that all impacts to be mitigated at a ratio of three (3) acres conserved for each acre impacted (3:1). Total compensatory mitigation required for the project will be 16.17 acres, based on three (3) times 5.39 acres impacted (CDFW 2020).

Potential direct impacts to kit fox, if present, could occur during initial site preparation, construction, and operational activities that may directly result in take of an individual or entomb an animal in an active den. Indirect impacts include an increase in anthropogenic activities (e.g., site lighting, trespass outside of project footprint) that may deter denning, a reduction in the prey base for foraging kit fox, and alteration or removal of suitable habitat. Potentially significant impacts associated with project construction activities would be reduced to less than significant with implementation of BR-1, BR-3 through BR-5, and BR-11 through 14. Potentially significant impacts associated with project operation activities would be reduced to less than significant with implementation of BR-11 through 14 and BR-16. Indirect impacts would be reduced to less than significant with incorporation of mitigation measures BR-11, which would reduce potential impacts related to trespass outside of the project footprint and site disturbance to less than significant.

American Badger. Although American badger was not present during the reconnaissance-level survey conducted by PAX, this species is known to occur throughout the project vicinity. Further, due to their transient nature, American badger could occupy the site or move through the site at any time. Site preparation and project construction activities could impact American badger if active dens are present. The project would impact a small area in relation to the regional habitat availability and the large amount of open space surrounding the project. Direct impacts to American badger, if present, may occur as a result of construction activities that may result in direct impacts to an individual or entomb an animal in an active den. Indirect impacts include an increase in anthropogenic activities (e.g., site lighting, trespass outside of project footprint) that may deter denning and alteration or removal of suitable habitat. As such, impacts would be potentially significant, and mitigation is required in order to reduce construction impacts to badgers. Implementation of mitigation measures BR-1, BR-6, and BR-11 through 14 would reduce construction impacts to a less than significant level by requiring pre-construction surveys, worker awareness training, and biological monitoring. Indirect impacts to would be reduced to less than significant with incorporation of mitigation measures BR-11, which would reduce potential impacts related to trespass outside of the project footprint and site disturbance to less than significant.

Special Status Nesting Birds. Suitable foraging and nesting habitat is present for special status nesting

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birds on and surrounding the project site. Site preparation and project construction activities could indirectly impact special status nesting bird species such as California horned lark and loggerhead shrike that may nest within suitable habitat found adjacent to the project and within the project area. These impacts would occur if construction activities take place during the typical avian nesting season, generally February 1 through September 15. Other indirect impacts may occur due to habitat loss (e.g., conversion of grassland habitat) or construction-related disturbances that may deter nesting or cause nests to fail. Increased short- and long-term anthropogenic activity including increased light pollution may also result in nest failures or deterring nesting behavior. Impacts to special status nesting birds would be less than significant with the incorporation of mitigation measures BR-1 and BR-7, which would require worker awareness training and nesting bird surveys. Indirect impacts to would be less than significant with incorporation of mitigation measures BR-11, which would reduce potential impacts related to trespass outside of the project footprint and site disturbance to less than significant.

Western Burrowing Owl. Site preparation and project construction activities could impact western burrowing owl if active burrows are present. Western burrowing owl was determined to have the potential to occur within the project site and surrounding area, due to presence of suitable habitat and ground squirrel burrows. The project would impact a small area in relation to the regional habitat availability and the large amount of open space surrounding the project. Potential impacts to western burrowing owl would only be anticipated to occur during initial construction activities. Direct impacts to burrowing owls, if present, may occur as a result of construction activities that may result in direct impacts to an individual or entomb an active nest burrow that has eggs or nestlings. Indirect impacts include an increase in anthropogenic activities (e.g., site lighting, trespass outside of project footprint) that may deter nesting or cause a nearby nest to fail, and alteration or removal of suitable habitat. Impacts to western burrowing owl would be less than significant with incorporation of the avoidance, protection, and monitoring measures provided in mitigation measures BR-1, BR-8, and BR-12 through BR-14, which would require worker awareness training, pre-construction surveys, and biological monitoring. Indirect impacts to would be less than significant with incorporation of mitigation measures BR-11, which would reduce potential impacts related to trespass outside of the project footprint and site disturbance to less than significant.

Special Status Reptiles and Amphibians. Site preparation and project construction activities could impact special status reptiles and amphibians, including the California glossy snake, Northern California legless lizard, San Joaquin coachwhip, and Western spadefoot toad. Direct impacts to these species, if present, may occur as a result of construction activities that may crush, trample, or entomb individuals underground. Indirect impacts include an increase in anthropogenic activities (e.g., site lighting, trespass outside of project footprint) and alteration or removal of suitable habitat. Direct impacts to these species would be less than significant with incorporation of mitigation measures BR-1, BR-9, and BR-12 through BR-14, which would require worker awareness training, surveys, and biological monitoring. Indirect impacts to would be less than significant with incorporation of mitigation measures BR-11, which would reduce potential impacts related to trespass outside of the project footprint and site disturbance to less than significant.

Special Status Small Mammals. No special status small mammals (e.g., Nelson's antelope squirrel, giant kangaroo rat) were detected within the project site and there are no anticipated direct impacts to these species as a result of the construction phase of the project. However, there is suitable habitat for these species south of the project site, and there is potential for direct impacts as a result of ongoing operational ground disturbance related to outdoor cultivation that may crush, trample, or

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entomb individuals underground, should they colonize the project site in the future from this adjacent suitable habitat. Indirect impacts may include an increase in anthropogenic activities (e.g., site lighting, trespass outside of project footprint). Impacts to special status small mammal species would be less than significant with incorporation of the avoidance and minimization measures provided in mitigation measures BR-1 and BR-3, which requires an annual survey.

Crotch Bumble Bee. Crotch bumble bee was determined to have the potential to occur within the project site and surrounding area, due to presence of suitable habitat and location of project site in relation to this species' historic range. The project would impact a small area in relation to the regional habitat availability and the large amount of open space surrounding the project. Site preparation and project construction activities could impact Crotch bumble bee if ground nests are present. Ground nests are often in abandoned holes made by ground squirrels, mice and rats, or occasionally abandoned bird nests (Osborne et al. 2008). Other indirect impacts may occur due to habitat loss (e.g., loss of foraging habitat). Impacts to Crotch bumble bee would be less than significant with incorporation of mitigation measures BR-10, which requires pre-construction surveys and avoidance measures in consultation with CDFW.

### Special Status Plants

No special status plants were observed during the reconnaissance survey conducted by PAX; however, the survey was not a protocol-level botanical survey effort because it occurred outside the typical blooming period for many of the plants that were determined to have a low potential to occur within suitable habitat found within portions of the project site (PAX 2019a). Direct impacts from project construction would include ground-disturbing activities that could result in removal of special status plant species, if present. Indirect impacts would occur if construction equipment inadvertently transports residual plant material from other construction sites (e.g., seeds of invasive plant species carried to the site within the undercarriage or tires of heavy equipment that has not been cleaned thoroughly between construction sites), which could lead to the spread of invasive, non-native species from construction equipment. Direct and indirect impacts to special status plant species would be less than significant with incorporation of mitigation measures BR-1, BR-2, and BR-11.

- (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?*

No sensitive vegetation communities or riparian habitat were mapped by PAX (PAX 2019a, 2019b) within the footprint of the project; therefore, no impacts would occur.

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

No state or federally protected wetlands were observed within the footprint of the project site (PAX 2019b, KMA 2020). A non-jurisdictional depressional swale was mapped approximately 50 feet south of the proposed outdoor grow area (Figure 3). The swale drains to an unnamed drainage (riverine) located approximately 50 feet north of the outdoor grow area. These drainages will be avoided by the project; therefore, 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?*

Suitable foraging and nesting habitat is present for migratory birds on the project site. Potential

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direct impacts to nesting birds (e.g., destruction of a nest) could occur if tree or ground nesting birds are present within the disturbance area of the project site during construction activities. Potential indirect impacts to nesting activities of birds could occur near construction related activities that create noise and other disturbances that deter nesting or cause a nest to fail. Impacts to nesting birds would be temporary. With implementation of mitigation measure BR-7, which requires nesting bird surveys and avoidance if identified, impacts to migratory nesting birds would be less than significant.

Addition of chain link security fencing surrounding the outdoor grow area of the project site would not represent a significant additional movement impediment for large animals in the region. The outdoor grow area would be approximately three acres within the larger 40-acre parcel, or approximately 8% of the parcel. The proposed fencing at the project will be required to be set back from the property boundary at least 300 feet on the north and east sides of the property. The required setbacks from the property boundary would create open corridors for movement in a north south direction on either side of the fenced area, and east-west on the northern portion of the project site.

Measures are proposed below to mitigate for small animal movement through the solid fencing required to surround the outdoor growing facilities. All of these proposed cannabis facilities will be required to contain similar measures to allow for small animal movement under solid fencing and will have setbacks from property lines that will also create corridors for movement that are free from the fenced barriers.

Implementation of mitigation measure BR-5, which requires a gap at the bottom of solid fencing, would reduce impacts to movement of native resident or migratory wildlife species or with established native resident or migratory wildlife corridors to 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 result in the removal or trimming of any oak trees and therefore would not conflict with the County's Oak Woodland Ordinance. In addition, the proposed project was reviewed for consistency with other local policy and regulatory documents relating to biological resources (e.g., County LUO, General Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used). Therefore, the project would not conflict with local policies or ordinances protecting biological resources and impacts would be less than significant.

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- (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?*

There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved habitat conservation plans that apply to the project site. The project would not conflict with the provisions of any applicable plans and there would be no impact.

### Conclusion

Potential impacts to biological resources would be reduced to a less than significant level with incorporation of mitigation measures BR-1 through BR-16 as described below and in Exhibit B. These measures require: construction and employee training program; offset of potential impacts to suitable habitat for San Joaquin kit fox; preconstruction and weekly construction site surveys for San Joaquin kit fox; San Joaquin kit fox avoidance; pre-construction surveys and avoidance for American badger; pre-construction surveys for burrowing owl; special status reptile and amphibian avoidance; and preconstruction surveys for nesting raptors and birds. Also, mitigation measures BR-10 through BR-14 include requirements for site maintenance, operations, monitoring, and site restoration.

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

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

### Mitigation

**BR-1 Environmental Awareness Training.** Prior to major construction activities (e.g., site mobilization, clearing, grubbing, preparation for installing new facilities, etc.), an environmental awareness training shall be presented to all project personnel by a qualified biologist prior to the start of any project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the project's discretionary permits, an overview of the federal Endangered Species Act, the California Endangered Species Act, and implications of noncompliance with these regulations, as well as an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the trainees will be kept and provided to the County. If new project personnel join the project after the initial training period, they will receive the environmental awareness training from a designated crew member on site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

**BR-2 Special Status Plant Species Avoidance and Minimization Measures.** Prior to initial ground disturbance and staging activities in areas of suitable habitat for special-status plants, focused surveys shall be completed by a qualified biologist. The surveys shall be floristic in nature and shall be seasonally timed to coincide with the blooming period of the



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target species. Surveys shall be conducted in accordance with the most current protocols established by the CDFW and USFWS, and consistent with the County's policies. All special status plant species identified on-site shall be mapped onto a site-specific aerial photograph and topographic map. Survey results shall be submitted to the County Department of Planning and Building prior to initiation of construction.

If special status plant species, including, but not limited to, California jewelflower, Kern mallow, dwarf calycadenia, Hall's tarplant, recurved larkspur, diamond-petaled California poppy, or San Joaquin woollythreads, are identified within the proposed development footprint, impacts to these species will be avoided to the extent feasible.

If avoidance of state or federally listed plant species is not feasible, consultation with the applicable resource agency (CDFW, USFWS, or both) shall be initiated, depending on the designated FESA/CESA listing status of the plant. Work shall not begin at the location of the listed plant species until authorization to continue is provided by the applicable resource agency, or until applicable measures from a permit issued by the resource agency (CDFW, USFWS, or both) for the project are successfully implemented. All impacts to state or federally listed plant species shall be mitigated at a minimum ratio of 2:1 (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration.

If non-listed special status plants species cannot be avoided, impacts shall be mitigated for all impacts that could cause the regional population of any of these species to drop below self-sustaining levels, threaten to eliminate any plant community of which the species is a key part, or substantially reduce the number of occurrences or individuals or restrict the range of that species. The threshold for impacts above which mitigation must be implemented shall be impacts that remove over 10 percent of the local (onsite and immediate vicinity) population of any CRPR 1B species that forms a unique vegetation type, is present in unusually large numbers, with implications for status of the species throughout its range, or is otherwise designated as locally rare. Impacts shall be mitigated at a minimum ratio of 1:1 (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration. A restoration plan shall be prepared and submitted to the County for approval. (Note: if a state listed plant species will be impacted, the restoration plan shall also be submitted to the CDFW for approval). The restoration plan shall include, at a minimum, the following components:

1. Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type)
2. Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved]
3. Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values)
4. Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan).
5. Maintenance activities during the monitoring period, including weed removal as appropriate (activities, responsible parties, schedule)

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6. Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports)
7. Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type
8. An adaptive management program and remedial measures to address any shortcomings in meeting success criteria
9. Notification of completion of compensatory mitigation
10. Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

The restoration plan shall be prepared and submitted to the County Department of Planning and Building for approval prior to initial site disturbance.

### BR-3

#### **San Joaquin Kit Fox (*Vulpes macrotis multica*; SJKF) Habitat Mitigation Alternatives.**

Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County that states that one or a combination of the following three San Joaquin kit fox (SJKF) mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 16.17 acres of suitable habitat in the kit fox corridor area (e.g., within the San Luis Obispo County kit fox habitat area), either on site or off site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the CDFW and the County.

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

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

Mitigation alternative (b.) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-unit of \$2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to "The Nature Conservancy", would total \$40,425, based on \$2,500 per acre (5.39 acres impacted \* 3 \* \$2,500 per acre).



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- c. Purchase 16.17 (5.39 acres \* 3) credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c.) can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total \$40,425 (5.39 acres \* 3\* \$2,500). This fee is calculated based on the current cost-per-credit of \$2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

### BR-4

#### San Joaquin Kit Fox Protection Measures.

1. **SJKF Protection Measures on Plans.** All SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.
  - a. Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate the following as a note on the project plans: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.
2. **Pre-construction Survey for SJKF.** Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:
  - a. A qualified biologist shall complete a pre-construction survey for SJKF no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure SJKF is not present within all proposed work areas and at least a 250-foot buffer around work areas per USFWS Standard Recommendations (2011). The biologist will survey for signs of SJKF and known or potential SJKF dens. The result of the survey shall be submitted to the County within 5 days of the survey and prior to start of initial project activities. The submittal shall include the date the survey was conducted, survey method, and survey results, including a map of the location of any SJKF signs, and/or known or potential SJKF dens, if present. If no SJKF signs, potential or known SJKF dens are identified, then the SJKF Standard Protection Avoidance and Protection Measure shall be applied.
    - i. If the qualified biologist identifies potential SJKF den(s), the den(s) will be monitored for 3 consecutive nights with an infra-red camera, prior to any project activities, to determine if the den is being used by SJKF. If no SJKF activity is observed during the 3 consecutive nights of camera placement then project work

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can begin with the Standard SJKF Avoidance and Protection Measures and the SJKF Protection Measures if SJKF are observed.

- ii. If a known den is identified within 250-feet of any proposed project work areas, no work may start in that area.
- iii. If 30 days lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), where no or minimal work activity occurs, the SJKF survey shall be updated.

**BR-5**

**Standard SJKF Avoidance and Protection Measures.** Throughout the life of the project,

1. If a SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other agencies as needed.
2. A maximum of 25 mph speed limit shall be required at the project site during project activities. Speed limit signs shall be installed on the project site prior to start of all work.
3. All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.
4. To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes or trenches greater than two feet deep shall be completely covered at the end of each work day by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If a SJKF is entrapped, CDFW, USFWS, and the County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.
5. All pipes, culverts, or similar structures with a diameter of 4 inches or greater, stored overnight at the project site shall be thoroughly inspected for sheltering SJKF before burying, capping, or moving. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day. No pipes, culverts, similar structures, or materials stored on site shall be moved if there is a SJKF present within or under the material. A 50-foot exclusion buffer will be established around the location of the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.
6. 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.
7. No deliberate feeding of wildlife shall be allowed.
8. Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.
9. Trash will be disposed of into containers rather than stockpiling on site prior to removal.
10. Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence

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shall be surveyed (consistent with pre-construction survey requirements) by a qualified biologist before they are moved.

11. The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which SJKF depend.
12. Permanent fences shall allow for SJKF passage through or underneath by providing frequent openings (8-inch x 12-inch) or an approximately 4-inch or greater passage gap between the ground and the bottom of the fence. Any fencing constructed after issuance of a final permit shall follow the above guidelines.
13. During project activities and/or the operation phase, any contractor or employee that inadvertently kills or injures a SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead SJKF, the applicant shall immediately notify the USFWS, CDFW, and the County by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident.
14. If potential SJKF dens are identified on site during the pre-construction survey, a qualified biologist shall be on site immediately prior to the initiation of project activities to inspect the site and dens for SJKF activity. If a potential den appears to be active or there is sign of SJKF activity on site and within the above-recommended buffers, no work can begin.

### BR-6

#### **American Badger (*Taxidea taxus*) Protection Measures**

1. **Pre-construction Survey for American Badger.** A qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.
  - a. If a potential den is discovered, it shall be inspected to determine whether they are occupied. The survey shall cover the entire property and shall examine both old and new dens. The den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction.
  - b. If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season, nursing young may be present), measured outward from the burrow entrance. To avoid disturbance and the possibility of direct take of adults

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and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February and July. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

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

### BR-7

#### Nesting Birds Protection Measures

1. **Pre-construction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. This includes nests of all common bird species (under the MBTA), as well as special status birds and raptor nests. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.
  - a. A 250-foot exclusion zone shall be placed around non-listed, passerine species, and a 500-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 250 feet (non-listed passerine species) or 500 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
  - b. If special status avian species (aside from the burrowing owl) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
  - c. The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).
  - d. If two weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

### BR-8

#### Western Burrowing Owl (*Athene cunicularia*) Avoidance and Minimization

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1. **Pre-construction Survey for Burrowing Owl.** If work is planned to occur within 150 meters (approximately 492 feet) of Western burrowing owl habitat, a qualified biologist shall conduct a pre-construction survey for the species within 14 days prior to initial project activities. This applies year-round [i.e., within the breeding (February 1 to August 31) or non-breeding (September 1 to January 31) seasons]. A second survey shall be completed immediately prior to initial project activities (i.e., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on Western burrowing owl Mitigation, which specifies that 7- to 20-meter transects shall be walked, such that the entire project area is visible. These surveys may be completed concurrently with SJKF, American badger, or other special-status species surveys. If occupied Western burrowing owl burrows are identified the following exclusion zones shall be observed during project activities, unless otherwise authorized by CDFW:

Location	Time of Year	Level of Disturbance		
		Low	Medium	High
Nesting Sites	April 1 – Aug 15	656 feet	1,640 feet	1,640 feet
Nesting Sites	Aug 16 – Oct 15	656 feet	656 feet	1,640 feet
Any Occupied Burrow	Oct 16 – Mar 31	164 feet	328 feet	1,640 feet

Each exclusion zone shall encircle the burrow and have a radius as specified in the table above. All foot and vehicle traffic, as well as all project activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the burrow is no longer in use.

If two weeks lapse between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the Western burrowing owl survey shall be repeated.

### BR-9

#### Special Status Reptiles and Amphibians Avoidance and Protection.

**Pre-construction Survey for Special-status Reptiles and Amphibians.** Prior to issuance of grading and/or construction permits and immediately prior to initiation of site disturbance and/or construction, a qualified biologist shall conduct a pre-construction survey immediately before any initial ground disturbances (i.e. the morning of the commencement of disturbance) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special status reptiles and/or amphibians are found in the area of disturbance, the biologist shall move the animal(s) to an appropriate location outside the area of disturbance. The candidate site(s) for relocation shall be identified before construction and shall be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the species' range.

If any additional ground- or vegetation-disturbing activities occur on the project site, the above surveys and monitoring shall be repeated.

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**BR-10****Crotch Bumble Bee (*Bombus crotchii*) Avoidance and Minimization**

1. **Pre-construction Survey for Crotch Bumble Bee.** The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for Crotch bumble bee within suitable habitat (i.e., small mammal burrows, thatched/bunch grasses, upland scrubs, brush piles, unmowed/overgrown areas, dead trees, hollow logs, etc.) on the project site. Survey(s) shall be conducted over an extended period of time to document and establish the presence of the bees within the areas of disturbance.
2. **Avoidance and Take Authorization.** If the survey(s) establish the presence of Crotch bumble bee within the areas of disturbance, the applicant shall retain a qualified biologist to prepare a Biological Resources Management Plan (Management Plan) subject to review and approval by the County Planning and Building Department in consultation with CDFW. The Management Plan shall include at least the following:
  - a. Avoidance measures to include a minimum 50-foot no-disturbance buffer to avoid take and potentially significant impacts.
  - b. If ground-disturbing activities will occur during the overwintering period (October through February), the applicant, in coordination with the County Planning and Building Department, shall consult with CDFW to identify specific measures to be undertaken to avoid take as defined by the California Endangered Species Act (CESA).
  - c. In the event that CBB is denied listing under CESA by state law, this mitigation measure shall no longer be required.

**BR-11**

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

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



## Initial Study – Environmental Checklist

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6. Equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

**BR-12**

**Weekly Site Visits.** During the site disturbance and/or construction phase, a qualified biologist shall conduct weekly site visits during site-disturbance activities (e.g., clearing, grading, diking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, to check the site for special-status species. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by a biologist unless a potential SJKF den or special status small mammal burrow was identified on-site or the qualified biologist recommends monitoring for other sensitive species protection. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

**BR-13****Monthly Biological Monitoring.**

1. Before (prior to ground disturbance), during, and after (one month following the end of annual operations) cannabis activities, the Applicant or project proponent must hire a qualified biologist to conduct monthly biological monitoring inspections. The qualified biologist will inspect the site to ensure compliance with the above-measures and to determine if any new activities have occurred. The biologist will provide a refresher survey and/or environmental training, as needed, during the monthly inspection. The biologist will be required to submit a report to the County within a week of the inspection. If major issues are identified during the inspection (e.g., encroachment into buffer zones, new activity outside previously surveyed area, etc.), then the biologist will notify the County immediately (via phone and/or in writing). If the results of monthly inspections show repeated noncompliance, the frequency of the inspections may be increased by the County. If the results of the monthly inspections consistently show compliance, the frequency of the inspections may be reduced by the County.
2. Alternatively, if the County implements a biological monitoring program, then the Applicant or project proponent will participate in that program and pay County-generated invoices in lieu of hiring the biologist directly.

**BR-14****Annual Biological Resource Surveys.****Annual Pre-activity Survey for SJKF, Special-status Small Mammals, and Burrow Mapping.**

Throughout the life of the project, the applicant or project proponent must hire a qualified biologist to complete an annual pre-activity survey for SJKF and special status small mammal species (e.g., giant kangaroo rat) no more than 14 days prior to the start of initial ground disturbance associated with the outdoor grow sites to ensure SJKF and special status small mammal species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active SJKF and special status mammal burrows within the grow site areas plus a 50-foot buffer for small mammals and 250-foot buffer for SJKF. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of state or federally-listed species burrows is not feasible, no work shall begin within 250 feet (for SJKF dens) or within 50 feet (state or federally-listed small mammal) and consultation with the applicable resource agency (CDFW, USFWS, or both) shall be initiated, depending on the designated FESA/CESA listing status of the animal. Work shall not begin until authorization to continue is provided by the applicable resource agency, or until applicable measures from a permit issued by the resource agency (CDFW, USFWS, or both) for the project are successfully implemented.

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**BR-15      Site Restoration Following End of Operations.**

Upon revocation of a use permit or abandonment of a licensed cultivation or nursery site, the permittee and/or property owner shall provide a restoration plan that re-establishes the previous natural conditions of the site. The plan shall include removal of all materials, equipment, and improvements on the site that were devoted to cannabis use, including but not limited to concrete foundation and slabs; bags, pots, or other containers; tools; fertilizers; pesticides; fuels; hoop house frames and coverings; irrigation pipes; water bladders or tanks; pond liners; electrical lighting fixtures; wiring and related equipment; fencing; cannabis or cannabis waste products; imported soils or soils amendments not incorporated into native soil; generators; pumps; or structures not adaptable to non-cannabis permitted use of the site. If any of the above described or related material or equipment is to remain, the permittee and/or property owner shall prepare a plan and description of the non-cannabis continued use of such material or equipment on the site. The property owner shall be responsible for execution of the restoration plan that will re-establish the previous natural conditions of the site, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the County.

**BR-16      Nighttime Lighting.**

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

1. Exterior lighting used for security purposes shall be motion activated, be designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off site and shall be of the lowest lumen necessary to address security issues.

### *Sources*

See Exhibit A.



## Initial Study – Environmental Checklist

### V. CULTURAL RESOURCES

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

#### Setting

Hoover Archaeological Consultants conducted and prepared a Phase I Archaeological Surface Survey in October 2018, which included a records and literature search, as well as a field inspection of the site (Hoover 2018). The literature and records search conducted at the Central Coast Information Center (CCIC), University of California, Santa Barbara did not reveal any listed properties or any archaeological sites within the study area or within a 0.25-mile radius of the project site. The field inspection in October 2018 did not indicate the presence of any cultural resources. There are no historic structures present on site.

Per US Geographical Survey maps, the project disturbance area is within 300 feet of a National Hydrography Dataset (NHD) stream or other feature which would be indicative of prehistoric human occupation. Per the SLO County Online Land Use Viewer, an NHD stream bisects the project parcel roughly from the northwest corner to the southeast corner (County of San Luis Obispo Online Land Use Viewer 2020). The Salinan Tribe of Monterey and San Luis Obispo Counties was contacted for review of the project.

Per County LUO Section 23.05.140, if during any future grading and excavation, buried or isolated cultural materials are unearthed, work in the area shall halt until they can be examined by a qualified archaeologist and appropriate recommendations made. State law sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8304 (d) requires the project to immediately halt cultivation activities and implement section 7050.5 of the Health and Safety Code if human remains are discovered.

#### Discussion

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

No historic resources are located on site. Therefore, the project would not cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5. There would be no impact.

## Initial Study – Environmental Checklist

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

As discussed in the *Setting*, the literature and records search did not reveal any listed environment properties or any archaeological sites within the study area or within a 0.25-mile radius of the project site. The field inspection in October 2018 did not indicate the presence of any cultural resources. However, in the unlikely event resources are uncovered during project construction activities, implementation of LUO Section 22.10.040 (Archaeological Resources Discovery) would be required. This section requires that, in the event archaeological resources are encountered during project construction, construction activities cease, and the County Planning Department be notified of the discovery. Therefore, the project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5 and potential impacts would be less than significant.

In compliance with AB 52 Cultural Resources requirements, outreach to four Native American tribes was conducted (Northern Salinan, Xolon Salinan, Yak Tityu Tityu Northern Chumash, and the Northern Chumash Tribal Council). No Native American Tribes requested consultation for the project. The Tribal Administrator for the Salinan Tribe of Monterey and San Luis Obispo Counties reviewed the project and had no concerns (Dunton 2018).

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

No human remains have been associated with the project site. However, in the unlikely event resources are uncovered during construction activities, implementation of LUO Section 22.10.040 (Archaeological Resources Discovery) would be required. This section requires that, in the event archaeological resources are encountered during project construction, construction activities cease, and the County Planning Department be notified of the discovery. If the discovery includes human remains, the County Coroner shall also to be notified. In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8304 (d) requires the project to immediately halt cultivation activities and implement section 7050.5 of the Health and Safety Code if human remains are discovered. Potential impacts would be less than significant.

### Conclusion

The record search and field inspection did not identify any prehistoric or historic materials located on or near the project site. Therefore, significant impacts are not anticipated and no mitigation measures are necessary.

### Sources

See Exhibit A.

## Initial Study – Environmental Checklist

### VI. ENERGY

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

#### Setting

Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within the County of San Luis Obispo. Approximately 33% of electricity provided by PG&E is sourced from renewable resources and an additional 45% is sourced from GHG-free resources (PG&E 2017).

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 kWh basis for clean solar power. The fee depends on the type of service, rate plan and enrollment level. Customers may choose to have 50% or 100% of their monthly electricity usage to be generated via solar projects. The Regional Renewable Choice program enables customers to subscribe to renewable energy from a specific community-based project within PG&E's service territory. The Regional Renewable Choice program allows a customer to purchase between 25% and 100% of their annual usage from renewable sources.

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

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

In 2010, the EWP established a goal to reduce community-wide GHG emissions to 15% below 2006 baseline levels by 2020. Two of the six community-wide goals identified to accomplish this were to "address future energy needs through increased conservation and efficiency in all sectors" and "increase the production of renewable energy from small-scale and commercial-scale renewable energy installations to account for 10% of local energy use by 2020." In addition, the County has published an EnergyWise Plan 2016 Update to summarize progress toward implementing measures established in the EWP and outline overall trends in energy use and emissions since the baseline year of the EWP inventory (2006).

## Initial Study – Environmental Checklist

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The goals and policies in the COSE and EWP address the 2005 GHG emissions reduction targets for California (Executive Order S-03-05) issued by California's Governor in 2005. The targets include:

- By 2010 reduce GHG emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels;
- By 2050, reduce GHG emissions to 80% below 1990 levels.

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.

The County LUO includes a Renewable Energy Area combining designation to encourage and support the development of local renewable energy resources, conserving energy resources and decreasing reliance on environmentally costly energy sources. This designation is intended to identify areas of the county where renewable energy production is favorable and establish procedures to streamline the environmental review and processing of land use permits for solar electric facilities. The LUO establishes criteria for project eligibility, required application content for solar electric facilities proposed within this designation, permit requirements, and development standards (LUO 22.14.100). The project site is not located in a Renewable Energy Area combining designation.

### 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, as well as 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, and climate control systems) (County of Santa Barbara 2017).

### Discussion

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

This analysis evaluates the use of energy resources (e.g., fuel and electricity) associated with construction activities, as well as operation and maintenance of the project. For construction, the analysis considers whether construction activities would use large amounts of fuels or energy, and whether they would be used in a wasteful manner. For energy used during operations, the analysis identifies energy use that would occur with implementation of the project to determine whether large amounts would be used and whether they would be used in a wasteful manner.

Project development would result in approximately 3.9 acres of site disturbance for 3 acres for outdoor cannabis cultivation.

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Construction-related Impacts. Construction would require the use of fossil fuels (primarily gas, diesel, and motor oil) for construction equipment and vehicle travel. The precise amount of construction-related energy consumption is uncertain. However, construction would not require a large amount of fuel or energy usage because of the limited extent and nature of the proposed improvements and the minimal number of construction vehicles and equipment, worker trips, and truck trips that would be required for a project of this small scale. State and federal regulations in place require fuel-efficient equipment and vehicles and prohibit wasteful activities, such as diesel idling. Construction contractors, in an effort to ensure cost efficiency, would not be expected to engage in wasteful or unnecessary energy and fuel practices. Therefore, project construction would not include activities that would result in the use of large amounts of fuel and energy in a wasteful manner. Energy consumption during construction would not conflict with a state or local plan for renewable energy; construction period impacts would be less than significant.

### Operational Impacts

Operation of the proposed project would require electricity for security lighting and the irrigation pump and fossil fuels (gasoline) for employee vehicle travel. Security lighting would be solar-powered and therefore, would not require electricity or fuel. Irrigation would require a single  $\frac{3}{4}$  horsepower water pump that the applicant estimates would require 1,060 kWh per year.

During the operational phase, energy (i.e., gasoline and/or diesel fuel) would also be consumed through daily worker trips to the facility, and truck trips associated with delivery of supplies and distribution. As discussed in Section III.b, the project is anticipated to generate up to 6 trips per day. However, 6 trips would not be expected to result in the use of large amounts of fuel or in a wasteful manner; the impact would be less than significant.

While the long-term operation of the project would result in an increase in energy consumption compared to existing conditions, due to the small scale of the project, operation of the project would not use large amounts of energy and would not use it in a wasteful manner. Energy consumption during operations would not conflict with a state or local plan for renewable energy; operational impacts would be less than significant.

### *Conclusion*

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

### *Sources*

See Exhibit A.

## Initial Study – Environmental Checklist

### VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Setting

The following relates to the project's geologic aspects or conditions:

Topography: Nearly level

Within County's Geologic Study Area?: No

Landslide Risk Potential: Low

Liquefaction Potential: Moderate

Nearby potentially active faults?: No Distance? NA

Area known to contain serpentine or ultramafic rock or soils?: No

Shrink/Swell potential of soil: Not known

Other notable geologic features? None

Geology and Soils: The project site is not located within the Geologic Study Area designation and is not within a high liquefaction area. The Setting in Section II, Agriculture and Forestry Resources, describes the soil types and characteristics on the project site. The site's potential for liquefaction hazards are considered moderate. The project site is not located in an Alquist Priolo Fault Zone and no active fault lines cross the project site. The project site lies on Quarternary alluvium (Qa), which has low paleontological sensitivity at the surface and high sensitivity at depths below 5 feet (County of San Luis Obispo Online Land Use Viewer 2020).

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Section 22.52.120) to minimize impacts. The plan must be prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. It must be submitted to the County for review and approval at the time of application for construction permits. Projects involving more than one acre of disturbance are also subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board monitors this program.



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### 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 in an Alquist-Priolo Fault Zone and no active fault lines cross the project site (CGS 2018). Therefore, the project site would not be susceptible to rupture of a known earthquake fault and the project would not exacerbate any existing hazards. Impacts would be less than significant.

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

The project site is not located in an Alquist Priolo Fault Zone and no active fault lines cross the project site (CGS 2018). A fault zone exists approximately 0.8 miles to the north; however, the project does not propose any structures that would be affected by ground shaking and the project would not exacerbate any existing hazards. Impacts would be less than significant.

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

The project site is not located within the Geologic Study Area designation and is not within a high liquefaction area. The Setting in Section II, Agriculture and Forestry Resources, describes the soil types and characteristics on the project site. The site's potential for liquefaction hazards is moderate. The project does not propose new structures; therefore, the project would not directly or indirectly cause potential substantial adverse effects involving seismic-related ground failure, including liquefaction or exacerbate any existing hazards; impacts would be less than significant.

(a-iv) *Landslides?*

The site's potential for landslides is low and the site's topography is nearly level. The project would not exacerbate any existing hazards related to landslides; impacts would be less than significant.

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

The proposed project would result in approximately 3.9 acres of ground disturbance for the access road, water tank, water line, and 3 acres of outdoor cultivation. During ground disturbing activities, there is a potential for erosion and down-gradient sedimentation to occur. The required SWPPP and sedimentation and erosion control plan for construction would ensure that potential impacts associated with erosion and the loss of topsoil would be less than significant.

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

The project site is relatively flat. The average slope of the parcel is under two (2) percent. The Setting in Section II, Agriculture and Forestry Resources, describes the soil types and characteristics on the project site. No new structures are proposed that would be at risk or would exacerbate existing hazardous conditions. Impacts would be less than significant.



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

The soils associated with the project site are described in Section II, Agriculture and Forestry Resources. None of the soils are considered expansive as defined by Table 18-1-B of the Uniform Building Code. No impact would occur.

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

The proposed project would include the installation of a portable restroom; however, the project does not include the use of septic tanks or alternative wastewater disposal systems. Also, the project would not require use of a septic/leach system. Therefore, the project would have no impact related to the use of septic tanks or alternative wastewater disposal systems.

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

The project site lies on Quaternary alluvium (Qa), which has low paleontological sensitivity at the surface and high sensitivity at depths below 5 feet (County of San Luis Obispo Online Land Use View; Aspen Environmental Group 2011). The cultivation area is located in a previously disturbed area and the project does not involve ground disturbing activities that have the potential to go beyond a depth of 5 feet and damage paleontological resources. Therefore, impacts would be less than significant.

### Conclusion

Compliance with ordinance requirements will ensure that potential impacts associated with geology and soils are less than significant. Therefore, no mitigation measures are necessary.

### Sources

See Exhibit A.

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### VIII. GREENHOUSE GAS EMISSIONS

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

#### Setting

Greenhouse gases (GHG) are any gases that absorb infrared radiation in the atmosphere, and are different from the criteria pollutants discussed in Section III, Air Quality, above. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), and fluorinated gases. These are most commonly emitted through the burning of fossil fuels (oil, natural gas, and coal), agricultural practices, decay of organic waste in landfills, and a variety of other chemical reactions and industrial processes (e.g., the manufacturing of cement).

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

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

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

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

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

In March 2012, SLOAPCD approved thresholds for GHG emission impacts, and these thresholds have been incorporated into the CEQA Air Quality Handbook. . For GHG emissions, the Air Quality Handbook recommended applying a 1,150 MTCO<sub>2</sub>e per year Bright Line Threshold for commercial and residential projects and included a list of general land uses and estimated sizes or capacities of uses expected to exceed this threshold. According to the SLOAPCD, this threshold was based on a 'gap analysis' and was used for CEQA compliance evaluations to demonstrate consistency with the state's GHG emission reduction goals associated with the AB32 and the 2008 Climate Change Scoping Plan. However, in 2015, the California Supreme Court issued an opinion in the *Center for Biological Diversity vs California Department of Fish and Wildlife* ("Newhall Ranch") which determined that AB 32 based thresholds derived from a gap analysis are invalid for projects with a planning horizon beyond 2020. Since the bright-line and service population GHG thresholds in the 2012 Handbook are AB 32 based and project horizons are now beyond 2020, the SLO County APCD no longer recommends the use of these thresholds in CEQA evaluations. Instead, the County, as the lead agency, recommends a bright-line threshold of 690 MTCO<sub>2</sub>e for the following reasons.

- According to an update of the County's EnergyWise Plan prepared in 2016, overall GHG emissions in San Luis Obispo County decreased by approximately seven percent between 2006 and 2013, or about one-half of the year 2020 target of reducing greenhouse gas emissions by 15% relative to the 2006 baseline. According to the *California Greenhouse Gas Emissions for 2000 to 2017, Trends of Emissions and Other Indicators*, published in 2019 by the California Air Resources Board, in 2017, emissions from GHG emitting activities statewide were 424 million MTCO<sub>2</sub>e, which is 7 million MTCO<sub>2</sub>e below the 2020 GHG Limit of 431 million MTCO<sub>2</sub>e established by AB 32. Therefore, application of the 1,150 MTCO<sub>2</sub>e Bright Line Threshold in San Luis Obispo County, together with other local and State-wide efforts to reduce GHG emissions, proved to be an effective approach for achieving the reduction targets set forth by AB32 for the year 2020.

As discussed above, Senate Bill (SB) 32 and Executive Order (EO) S-3-05 extend the state's GHG reduction goals to meet a state goal of reducing GHG emissions to 1990 levels by 2020, 40% below 1990 levels by 2030, and 80% below 1990 levels by 2050. Since SB 32 requires the state to reduce GHG levels by 40 percent below 1990 levels by the year, a reasonable SB 32-based working threshold would be 40 percent below the 1,150 MTCO<sub>2</sub>e Bright Line threshold, or  $1,150 \times 0.6 = 690$  MTCO<sub>2</sub>e. Therefore, for the purpose of evaluating the significance of GHG emissions for a project after 2020, a project estimated to generate 690 MTCO<sub>2</sub>e or more GHG is assumed to have a significant adverse impact that is cumulatively considerable.

### Discussion

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

The California Energy Emissions Model (CalEEMod) was used to determine the approximate GHG emissions per square foot associated with construction and operation of an outdoor cultivation operation based on an energy use factors for construction and operation. These emission factors were then multiplied by the total area proposed for outdoor cultivation to estimate the project's construction-related and annual operational carbon dioxide equivalent emissions in metric tons (MTCO<sub>2</sub>e; Table 5).

**Table 5 Projected Project GHG Emissions Without Mitigation**

Project Component	Quantity	Emissions Rate (Annual MTCO <sub>2</sub> e/sf)		Estimated Projected Annual CO <sub>2</sub> Emissions (MT/year)
		Construction <sup>1</sup>	Operation	
Existing single family residence	1 dwelling	n/a	4.2 <sup>1</sup>	4.2
Crop Production	32 acres	n/a	0.000020 <sup>2</sup>	0.00064
<b>Existing/Baseline GHG Emissions</b>				<b>4.20</b>
Outdoor cultivation	3 acres	n/a	0.000020 <sup>2</sup>	2.61
<b>Net Change (Increase)</b>				<b>2.61</b>

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

Notes:

1. Based on 18,000 kWhr/household/year.
2. GHG generation associated with crop production based on 6.2 million MTCO<sub>2</sub>e per year GHG from crop production in California (Source: California Greenhouse Gas Emissions for 2000 to 2018) and 7.3 million acres of harvested crop acreage in California in 2019 (Source: California Department of Food and Agriculture Agricultural Statistics Review 2018-2019)

As shown in Table 5, project-related GHG emissions will be well below the threshold of 690 MTCO<sub>2</sub>e. Therefore, potential impacts associated with GHG emissions and applicable plans and policies adopted for the purpose of reducing GHG emissions would be less than significant.

## Initial Study – Environmental Checklist

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

As discussed in the setting above, the 2017 Climate Change Scoping Plan provides strategies for meeting the mid-term 2030 greenhouse gas reduction target set by Senate Bill (SB) 32. The 2017 Climate Change Scoping Plan also identifies how the State can substantially advance toward the 2050 greenhouse gas reduction target of Executive Order S-3-05, which consists of reducing greenhouse gas emissions to 80 percent below 1990 levels. The recommendations cover the key sectors, including energy and industry; transportation; natural and working lands; waste management; and water. The recommended measures in the 2017 Scoping Plan are broad policy and regulatory initiatives that will be implemented at the State level and do not relate to the construction and operation of individual projects. Although project construction and operation may be affected by some of the State level regulations and policies that will be implemented, such as the Phase 2 heavy-duty truck greenhouse gas standards proposed to be implemented within the transportation sector, the project would not impede the State developing or implementing the greenhouse gas reduction measures identified in the Scoping Plan. Therefore, the project would not conflict with AB 32 or the 2017 Climate Change Scoping Plan.

Additionally, the County Energy Wise Plan identifies ways in which the community and County government can reduce GHG emissions from their various sources. Looking at the four key sectors of energy, waste, transportation, and land use, the EWP incorporates best practices to provide a blueprint for achieving GHG emissions reductions in the unincorporated towns and rural areas of San Luis Obispo County by 15% below the baseline year of 2006 by the year 2020. The EWP includes an Implementation Program that provides a strategy for actions with specific measures and steps to achieve the identified GHG reduction targets. The project includes solar powered security lighting as a GHG reduction strategy. Therefore, the project would not conflict with the County Energy Wise Plan.

### Conclusion

The project would not result in potentially significant GHG emissions during long-term operations and would not conflict with plans adopted to reduce GHG emissions. Therefore, no mitigation measures are necessary.

### Sources

See Exhibit A.

## Initial Study – Environmental Checklist

### IX. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



## Initial Study – Environmental Checklist

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### Setting

To comply with Government Code section 65962.5 (known as the “Cortese List”) the project applicant consulted the following databases/lists to determine if the project site contains hazardous waste or substances:

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

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

LUO Section 22.40.050 C, all applications for cannabis cultivation must include a list of all pesticides, fertilizers, and any other hazardous materials expected to be used, along with a storage and hazard response plan.

According to CalFire’s San Luis Obispo County Fire Hazard Severity Zone map, the project site is within a “high” severity risk area for fire. The closest fire station to the project site is San Luis Obispo County Fire Station 42, which is approximately 5 miles from the site. According to San Luis Obispo General Plan Safety Element Emergency Response Map, average emergency response time to the project site is between 10 and 15 minutes (San Luis Obispo County 1999).

The project is not within the Airport Review area; and no schools are located within a quarter-mile of the project site.

### Discussion

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

(a-b) Construction-related impacts: General project site topography directs runoff to the northeast (away from Carissa Highway) into the unnamed, intermittent stream at the northern portion of the property. The proposed areas of disturbance will be sited on level areas on the central and southern portions of the project site, approximately 820 feet south of the unnamed, intermittent stream. Construction activities would involve the use of small amounts of hazardous materials, such as oil, fuel, and solvents. Therefore, a spill or leak of these materials under accident conditions during construction activities could create a potentially significant hazard to the surrounding environment. Mitigation measures HAZ-1 and HAZ-2 are required to reduce potential impacts associated with upset or accident conditions during project construction and BR-11 would further reduce any potential for leaks and spills during project construction.

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In addition, during construction activities, any on-site hazardous materials that may be used, stored, or transported would be required to follow standard protocols (as determined by the U.S. EPA, DTSC, California Department of Health and Safety, and San Luis Obispo County) for maintaining health and safety. Proper use of materials in accordance with local, State, and federal requirements, and as required in construction documents, would minimize the potential for accidental releases or emissions from hazardous materials, such that they would not create a significant hazard to the public or environment. Impacts would be less than significant with the implementation of Mitigation Measures HAZ-1, HAZ-2 and BR-11.

Operational impacts: Project operations would not use hazardous materials and would not generate hazardous wastes. Project operations would involve the intermittent use of small amounts of non-hazardous fertilizers and pesticides. The project will be conditioned to conduct all cannabis activities in compliance with the approved Operations Plan, as well as all required County permits, State licenses, County ordinance, and State law and regulation. Impacts would be less than significant.

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

No schools are located within a quarter-mile of the project site. No impact 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?*

The “Cortese list” database consultation concluded that the project site is not located in an area of known hazardous material contamination. No impact would occur.

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

The project is not within the Airport Review area. No impact would occur.

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

The project is not expected to conflict with any regional emergency response or evacuation plan. The project would not change existing circulation patterns, would not generate substantial new traffic, and would not affect emergency response routes. Refer to Section XVII, Transportation, for further discussion of emergency access and project traffic. As such, impacts would be less than significant.

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

According to CalFire’s San Luis Obispo County Fire Hazard Severity Zone map, the project site is within a state responsibility area and a “high” severity risk area for fire. The closest fire station to the project site is San Luis Obispo County Fire Station 42, which is approximately 5 miles from the site. The project would be required to comply with the California Fire Code and County LUO (Title 16 Fire Prevention), including but not limited to, providing emergency vehicle access and maintaining a dedicated fire-fighting water supply on-site at the project site. The project is required to comply with

## Initial Study – Environmental Checklist

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and will be conditioned to meet all standards. Further, the project would not exacerbate existing hazards related to wildland fires, as it would not construct habitable structures that would expose additional people to risk of harm. Impacts would be less than significant.

### *Conclusion*

The project is required to comply with federal, state, and County Ordinances and CalFire/San Luis Obispo Fire Department Standards, which would reduce potential impacts from hazardous materials. However, an accidental spill of hazardous materials during construction could adversely impact the surrounding environment. Implementation of Mitigation Measures HAZ-1, HAZ-2 and BR-11 would mitigate the potential for leaks and spills during project construction.

### *Mitigation*

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

### *Sources*

See Exhibit A.

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### X. HYDROLOGY AND WATER QUALITY

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

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### *Setting*

**WATER SUPPLY** — The project proposes to use an existing on-site well and install a new 5,000-gallon, galvanized steel water tank as its water sources.

**DRAINAGE** – The following relates to the project's drainage aspects:

Within the 100-year Flood Hazard designation? Yes

Closest creek? Unnamed Distance? 50 feet

Soil drainage characteristics: Well drained

The topography of the project is nearly level with an average slope of less than 2 percent. The site would be located in between two drainage features – on a relatively level area in the center of the southern portion of the property. General project site topography directs runoff from the northwest to the southeast into an unnamed, intermittent stream that roughly bisects the property. The intermittent stream is the largest drainage in the western Carrizo Valley and is tributary to Soda Lake – a closed endorheic basin located approximately 12 miles to the southeast. The riverine drainage is classified by the United States Fish and Wildlife Service (USFWS) as a stream with intermittent flows and seasonal flooding. The stream is mapped as a blue-line stream by the U.S. Geological Survey (USGS). The second drainage feature is an ephemeral depression (swale), located south of the site. The swale drains from west to east and is a tributary to the unnamed riverine drainage. The swale is classified by USFWS as a palustrine system with surface water present for brief periods (from a few days to a few weeks) during the growing season. As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility.

The project site is in a drainage review area. For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.110) includes a provision to prepare, and submit at the time of application for construction permits, a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

**SEDIMENTATION AND EROSION** – Soil type, area of disturbance, and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the project's soil erodibility is as follows:

Soil erodibility: Moderate

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff (LUO Sec. 22.52.130). The Regional Water Quality Control Board is the local extension who monitors this program.

**WATER DEMAND** -- LUO Section 22.08.418.D.5 requires all applications for cannabis cultivation to include a detailed water management plan that discusses the proposed water supply, conservation measures and any water offset requirements. In addition, the LUO requires that a cultivation project located within a groundwater basin with a Level of Severity III (LOS III) provide an estimate of water demand prepared by a licensed professional or other expert, and a description of how the new water demand will be offset.

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The project site is located in the Carrizo Plain Groundwater Basin which is not in a state of overdraft and has not been assigned a Level of Severity by the County's Resource Management System (RMS).

On October 17, 2017, the State Water Resources Control Board adopted the Cannabis Cultivation Policy (Cannabis Policy) and the Statewide Cannabis General Order WQ 2017-0023-DWQ (Cannabis General Order) for General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities. The Cannabis Policy and Cannabis General Order include requirements to reduce impacts of waste discharges and surface water diversions associated with cannabis cultivation. The Order requires submittal of a Site Management Plan describing BMPs to protect water quality, and may also require a Site Erosion and Sediment Control Plan, Disturbed Area Stabilization Plan, and/or Nitrogen Management Plan, depending on size and site characteristics of the operation. All outdoor commercial cultivation operations that disturb an area equal to or greater than 2,000 square feet of soil are required to enroll. Compliance with the Cannabis General Order is a standard condition of approval for all cannabis permits.

### Discussion

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

Construction of the project would result in approximately 3.9 acres of ground disturbance on nearly level ground and soils that are not highly erodible. Soils loosened during grubbing and clearing could degrade water quality, if mobilized and transported off-site via water flow. However, the project will be conditioned to provide a final erosion and sedimentation control plan for review and approval prior to construction permit issuance as required by LUO Sections 22.52.100, 110, and 120. According to the Public Works Department (Memorandum from David Grim, Department of Public Works, November 16, 2018), the project is located within a drainage review area and a drainage plan will be required prior to construction permit issuance (LUO Sec. 22.52.120). In addition, the project will disturb more than 1.0 acres and will therefore be required to enroll in coverage under California's Construction General permit and prepare a SWPPP (LUO Sec. 22.52.1230). The SWPPP will identify BMPs that will be implemented to prevent soil erosion and discharge of other construction-related pollutants, such as sandbag barriers, proper management of construction materials, dust controls, and construction worker training. In addition, all cannabis projects are required to provide proof of enrollment in or exemption from the applicable State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board program for water quality protection (Cal. Code of Regs. tit.3 §8102(o)). Therefore, the project's impacts on water quality would be less than significant.

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

The proposed project would use approximately 1.80 acre-feet of water per year for cannabis cultivation, nursery uses, and the proposed processing building. A breakdown by project component is summarized in Table 6 below (Wallace Group 2018).

**Table 6 Water Demand Estimates by Project Component**

Canopy	Rate	Gross Demand (gallons/year)	Gross Demand (AFY)
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130,680 sf (Outdoor cultivation)	0.03 gal/sf/day x 150 days	588,060	1.80
<b>TOTAL</b>			<b>1.80 AFY</b>

A new 5,000-gallon, galvanized steel water tank would be installed for irrigation use and fire suppression. Water supply for the project would be provided by an on-site domestic groundwater well. The existing well produces 22 gallons per minute (GPM), with a recovery time of four hours (Pro-H2O Drilling and Pump Company 2018). The well pump test and water quality analysis from 2018 conclude that the well produces sufficient water to meet the project's proposed water demand.

The project site is located in the Carrizo Plain Groundwater Basin which is not in a state of overdraft and has not been assigned a Level of Severity by the County's Resource Management System (RMS). Water demand associated with cannabis cultivation within groundwater basins without an assigned Level of Severity for water supply are not in a state of overdraft and the County's Resource Management System has concluded that they are expected to meet the estimated demand from urban, rural and agricultural demand for at least 15 years. As shown in Table 7, the marginal demand associated with this cultivation project is minor in relation to the available storage capacities of the basin. Therefore, the quantity of groundwater to be used for the project and within the cumulative impact area compared to the quantity of available groundwater indicates that combined project contributions are not anticipated to rise to a cumulatively considerable level.

**Table 7 Total Estimated Project Water Demand Compared With the Safe Yield of the Carrizo Plain Groundwater Basin**

<b>Bulletin 118 Groundwater Basin<sup>1</sup></b>	<b>Total Estimated Water Demand AF/Year<sup>2</sup></b>	<b>Total Storage/Safe Yield<sup>3</sup></b>	<b>Status of Groundwater Basin<sup>3</sup></b>
Carrizo Plain Groundwater Basin	1.8	Total storage estimated to be 400,000 AF / Safe Yield 8,000-10,000 AFY	No Level of Severity

Notes:

1. Source: California Department of Water Resources Bulletin 118.
2. Wallace Group, 2019
3. 2014 Integrated Regional Water Management Plan.

Water use is required to be metered and these data will be provided to the County every three months (quarterly). Should the metered water demand exceed the permitted quantity (1.80 AFY), the permittee will be required to undertake corrective measures to bring water demand back to within the permitted amount. In addition, in compliance with LUO Section 22.40.050.E.3, the project will be conditioned to apply Best Management Practices for water conservation to maintain water use at or below the water analysis projections as described in the applicant's Water Management Plan. Such BMPs include, but are not limited to, the following:

- The use of drip irrigation systems and mulch to conserve water and soil moisture;
- Ongoing monitoring and maintenance of the water supply system;
- Installation of float valves on tanks to prevent tanks from overflowing;
- Installation of rainwater catchment systems to reduce demand on groundwater.

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

The project would not substantially decrease groundwater supplies. Further, the project would not result in the addition of impervious surfaces that would interfere substantially with groundwater recharge, and the project site is not located over an impacted groundwater basin. Impacts to water supply would be less than significant.

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

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

The project would involve clearing and grubbing 3.9 acres of land currently used for agriculture for outdoor cannabis cultivation and installation of a new 16-foot-wide gravel road. The site is nearly level and the soils are not highly erodible. However, construction activities would result in loose soil that could be mobilized. The project would be conditioned to provide an erosion and sedimentation control plan for review and approval prior to construction permit issuance as required by LUO Sections 22.52.100, 110, and 120. In addition, the project would disturb more than 1.0 acre and will therefore be required to enroll in coverage under California's Construction General permit and prepare a SWPPP (LUO Sec. 22.52.1230). The SWPPP will identify BMPs that will be implemented to prevent soil erosion and discharge of other construction-related pollutants, such as sandbag barriers, proper management of construction materials, dust controls, and construction worker training. Therefore, the project would result in less than significant impacts related to soil and erosion and changes to drainage patterns.

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

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

The project would involve clearing and grubbing 3.9 acres of nearly level land (currently used for agriculture) for outdoor cannabis cultivation and installation of a new 16-foot wide gravel road. The project would not result in new impervious surfaces. However, the project is located in a drainage review area; therefore, it would be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use. Regarding the potential for polluted runoff, the project includes more than 2,000 square feet of outdoor cultivation area; therefore, the applicant would be required to enroll in and comply with the Cannabis General Order to reduce impacts of waste discharges and surface water diversions associated with cannabis cultivation. Compliance with these requirements would ensure that impacts related to surface runoff remain less than significant.

The property will primarily remain in an open, natural condition that would accommodate storm flows and would not exacerbate runoff that would affect any nearby stormwater drainage systems or cause polluted runoff; impacts would be less than significant.

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

The project site is partially located within a 100-year flood zone. An unnamed intermittent stream crosses the parcel northeast of the project footprint. The proposed outdoor cultivation would be located approximately 50 feet away from the blue line creek, which meets the required 50-foot setback. As such, the project would not impede or redirect flood flows associated with the unnamed stream. Therefore, impacts would be less than significant.

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

The project site is not located in tsunami or seiche zones. The site is located within a 100-year flood zone. However, no permanent structures would be constructed. Pesticide and fertilizer operations would be conducted by a contractor and no storage of pesticides or fertilizers would occur on site. Therefore, no structures would be at risk of inundation, nor would there be a risk of pollutant release due to project inundation. No impact would occur related to these inundation risks.

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

The proposed project includes 3 acres of outdoor cultivation. While the project would use groundwater, it would not affect any impacted groundwater basins. The project will be conditioned to comply with relevant provisions of the Central Coast Regional Water Quality Control Board Basin Plan. Therefore, potential impacts related to obstructing implementation of a water quality control plan or sustainable groundwater management plan would be less than significant.

### Conclusion

Adherence to existing regulations would reduce potential impacts to surface water quality during construction and operation of the project to less than significant. Potential impacts to groundwater would be less than significant and no mitigation measures are required.

### Sources

See Exhibit A.

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### XI. LAND USE AND PLANNING

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

#### Setting

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

#### 1) LUO Chapter 22.92 – Carrizo Planning Area

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

#### Discussion

#### (a) Physically divide an established community?

The project site is primarily undeveloped, with one existing single-family residence in an agricultural and rural area. It is not located near an established community and the operation's proposed footprint would not create any barriers. As such, implementation of the project would not physically divide an established community. Impacts would be less than significant.

#### (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 was reviewed for consistency with policy and regulatory documents relating to the environment and appropriate land use (e.g., County LUO, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, California Fish and Wildlife for the Fish and Game Code, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project would be required to adhere to all regulations and development standards as listed in the County LUO Chapter 22.40. This includes the receipt of all necessary permits, submittal of plans, adherence to application requirements, and limitations on use and cultivation.

## Initial Study – Environmental Checklist

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The project is not within or adjacent to a Habitat Conservation Plan area. Since the project proposes cultivation and ancillary uses, it is consistent and compatible with the surrounding uses for agriculture and rural residential.

### *Conclusion*

No significant land use and planning impacts are anticipated, and no mitigation measures are necessary.

### *Sources*

See Exhibit A.

### *Discussion*

## Initial Study – Environmental Checklist

### XII. MINERAL RESOURCES

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

#### Setting

The San Luis Obispo County Mineral Designation Maps indicate the site is not located in a Mining Disclosure Zone or Energy/Extractive Area.

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

#### Conclusion

The project site is not located within an area of known mineral resources. There would be no impact.

#### Sources

See Exhibit A.



## Initial Study – Environmental Checklist

### XIII. NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project result in:</i>				
(a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Setting

The project is not within close proximity of loud noise sources other than road noise from Highway 58, as the project site and surrounding area consist of agricultural uses and scattered rural residential homes on agricultural land. The nearest offsite sensitive receptor to the project site is a single-family residence approximately 280 feet south of the proposed outdoor cultivation area.

The project is subject to the County's standards for exterior noise provided in LUO Section 22.10.120 (Table 10). Section 22.10.120 B. sets forth standards that apply to sensitive land uses that include (but are not limited to) residences, as shown in **Error! Reference source not found..**

**Table 8 Maximum Allowed Exterior Noise Level Standards**

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

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

## Initial Study – Environmental Checklist

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### Discussion

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

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

Operational Impacts: The project involves 3 acres of outdoor cultivation. The project is not expected to generate loud noises or conflict with the surrounding uses. The project is located within an agricultural area and based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area. Noise generated by vehicular traffic on Carissa Highway (Highway 58) would be comparable to background noise levels generated by surrounding agricultural operations and existing vehicular traffic.

Operation of the project would not expose people to significant increased levels in the long term. Impacts would be less than significant.

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

Earthwork for project development would require clearing and grubbing (no grading), and a total of 80 cubic yards of cut and fill for trenching the proposed waterline and constructing the base for the new access road. Construction activities can sometimes involve the use of heavy equipment for the delivery and movement of materials on the project site. The use of construction machinery would be a source of noise and vibration. Construction-related noise and vibration impacts would be temporary and localized and would not expose persons to or generate excessive levels of groundborne vibration or noise. County regulations (County Code Section 22.10.120.A) limit the hours of construction to daytime hours between 7:00 AM and 9:00 PM weekdays, and from 8:00 AM to 5:00 PM on weekends. The project would be required to adhere to County regulations and therefore groundborne noise and vibrational construction impacts would be less than significant.

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

The project is not located within an Airport Review designation. Therefore, aviation-related noise impacts are not applicable. No impact would occur.

### Conclusion

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

### Sources

See Exhibit A.

## Initial Study – Environmental Checklist

### XIV. POPULATION AND HOUSING

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

#### Setting

In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the County. The County's Inclusionary Housing Ordinance requires provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions. As of 2019, per the Department of Finance's Population and Housing estimates, the County of San Luis Obispo contains approximately 280,101 persons, and approximately 121,661 total housing units (DOF 2019).

#### 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 proposed project does not involve the construction of new housing. The project proposes cannabis activities that would employ up to five (5) people part-time. The increase in employment opportunities is not anticipated to result in an indirect increase in population, as it is anticipated that the employees would be existing residents of San Luis Obispo County. Therefore, the project is not anticipated to induce substantial population growth. No new infrastructure is proposed. Therefore, the project would not induce substantial population growth. Impacts would be less than significant.

## Initial Study – Environmental Checklist

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

The project would not displace existing people or housing and no housing or habitable structures are proposed. Because no displacement would occur that necessitates construction of replacement housing elsewhere, there would be no impact.

### *Conclusion*

The project would not result in a need for a significant amount of new housing and would not displace existing housing. The project would be conditioned to provide payment of the housing impact fee for commercial projects. No significant population/housing impacts are anticipated, and no mitigation measures are necessary.

### *Sources*

See Exhibit A.

## Initial Study – Environmental Checklist

### 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Setting

The project area is served by the following public services/facilities:

Police: County Sheriff                      Location: San Luis Obispo (Approximately 34 miles to the west)  
Fire: Cal Fire (formerly CDF)              Hazard Severity: High                      Response Time: 10-15 minutes  
Location: Approximately 5 miles to the southeast  
School District: Atascadero Unified School District

#### Discussion

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

#### *Fire protection?*

The project was reviewed by County Fire/CalFire and a referral response letter was received (September 17, 2018, Clinton Bullard, Fire Inspector), which describes requirements for the applicant

## Initial Study – Environmental Checklist

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to implement to comply with County Fire/CalFire standards. The project design was subsequently modified and a follow-up meeting was conducted with Mr. Bullard by the applicant and agent (Bullard, 2020).

Since the site is in the existing fire protections service range and has been reviewed by CalFire, and as a condition of approval will be required to incorporate all required CalFire standards for access road base improvements and turnaround clearance for emergency vehicles, it would not require additional fire protection services and would not trigger changes that would affect fire protection services. Because the project would not result in the provision of or need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, impacts related to fire protection facilities would be less than significant.

### *Police protection?*

The project site is in the existing service range for the County Sheriff Department. The applicant has prepared a Security Plan which is subject to the review and approval of the County Sheriff's Department. Incorporation of security techniques would serve to reduce the need for police/sheriff enforcement. Based on the limited amount of development proposed, the project would not result in the provision of or need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts. Impacts related to police protection facilities would be less than significant.

### *Schools? Parks? Other public facilities?*

As discussed in Section XIV, *Population and Housing*, the project does not include the construction of housing or any habitable structures and would not increase population. As such, the project would not generate new demand for schooling, park services, or other governmental facilities. Since the project would not generate development or changes in land use intensities that would change or increase existing demand, there would be no impact on schools, parks, or other governmental facilities.

### *Conclusion*

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

### *Sources*

See Exhibit A.



## Initial Study – Environmental Checklist

### XVI. RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Setting

The County's Parks and Recreation Element does not show a potential trail on or near the proposed project site. The project is not proposed in a location that will affect any trail, park, recreational resource, coastal access, and/or Natural Area.

#### Discussion

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

As discussed in Section XIV, *Population and Housing*, the proposed project is not a residential project or large-scale employer and would not result in a significant population increase. Therefore, the project would not 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. There would be no impact.

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

The project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. There would be no impact.

#### Conclusion

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

#### Sources

See Exhibit A.

## Initial Study – Environmental Checklist

### XVII. TRANSPORTATION

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

#### Setting

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

The project site currently has one residence and generates a very low volume of traffic. The project is located along State Highway 58, which is maintained by Caltrans. Data for Highway 58, obtained from Caltrans' 2016 Traffic Volumes on California State Highways, shows an Annual Average Daily Traffic (AADT) below 1,000 vehicles, both east and west of the project site (Central Coast Transportation Consulting 2018). The project site is not located within the County's road improvement fee area.

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

## Initial Study – Environmental Checklist

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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 serving the project site.

### Discussion

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

A traffic study was provided by the applicant and reviewed by the Department of Public Works and Caltrans. As discussed in Section III, Air Quality, the Department of Public Works estimated that the project is expected to generate 6 average daily trips (Grim, 2018). The project will be required to comply with the Recommended Project Conditions of Approval provided by the Department of Public Works. Caltrans evaluated the project based on the information provided and had no conditions or comments on the project (Schudson, 2020). The project would not involve construction or operational activities that would adversely affect the circulation system, including transit, bikeway, pedestrian, or roadway facilities, or conflict with a program, plan, ordinance, or policy addressing these facilities. Impacts would be less than significant.

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

In December 2018, the Governor's Office of Planning and Research (OPR) released a technical advisory titled *Technical Advisory on Evaluating Transportation Impacts in CEQA* (OPR guidelines), which contains recommendations regarding the assessment of vehicle miles travelled (VMT). VMT refers to the amount and distance of automobile travel attributable to a project. As noted in the OPR guidelines, agencies are directed to choose metrics that are appropriate for their jurisdiction to evaluate the potential impacts of a project in terms of VMT. The change to VMT was formally adopted as part of updates to the CEQA Guidelines on December 28, 2018. The deadline for adopting policies to implement SB 743 and the provisions of CEQA Guidelines section 15064.3(b) was July 1, 2020. The County has not yet adopted VMT policies; therefore, the potential VMT impacts from implementation of the project were evaluated based on guidance and screening criteria presented in the OPR guidelines. The OPR guidelines indicate that projects that generate or attract fewer than 110 trips per day generally may be presumed to cause a less-than-significant transportation impact. Therefore, for the purpose of this analysis, the project would potentially conflict or be inconsistent with State CEQA Guidelines section 15064.3(b), and potentially result in a significant impact, if it would generate more than 110 permanent trips per day.

As discussed in Section III, Air Quality, the project is estimated to generate 6 average daily trips. Based on the screening criteria of 110 trips per day, the project would not result in a substantial increase in VMT that would conflict or be inconsistent with State CEQA Guidelines Section 15074.3(b) and impacts would be less than significant.

## Initial Study – Environmental Checklist

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

The project does not propose any features that would delay, disrupt, or result in unsafe conditions. The project would not substantially increase hazards due to a geometric design feature or incompatible use (OEG 2018). Impacts would be less than significant.

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

As discussed in the Project Description, a hammerhead turnaround would be constructed adhering to County of San Luis Obispo/CalFire design specifications, which would ensure that access to the project is maintained for emergency response vehicles. The proposed grade and widths of the access roads and driveways are adequate per CalFire standards. Impacts related to emergency access would be less than significant.

### Conclusion

The project's transportation impacts would be less than significant, and no mitigation measures are necessary.

### Sources

See Exhibit A.

## Initial Study – Environmental Checklist

## XVIII. TRIBAL CULTURAL RESOURCES

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

*Setting*

The California Valley region is located near the convergence of three California Native groups – the Chumash, Salinans, and Yokuts. The project area is located in the ethnographic and linguistic territory of the Salinans. The Salinan cultural area consists of a series of parallel mountain ranges between the modern towns of Greenfield and Santa Margarita, extending from the Pacific Ocean to the Western foothills of the San Joaquin Valley (Hoover 2018).

Per US Geographical Survey maps, the cultivation area is within 300 feet of a National Hydrography Dataset (NHD) stream or other features which would be indicative of prehistoric human occupation. Per the SLO County Online Land Use Viewer, an NHD stream roughly bisects the project parcel. The project footprint/area of disturbance would not be within 50 feet of the NHD stream (County of San Luis Obispo Online Land Use Viewer 2020).

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### Discussion

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

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

No historic resources are located on site. Therefore, the project would not cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5. There would be no impact.

(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.*

Efforts to identify tribal cultural resources that could be affected by the project consisted of a records search at the Central Coast Information Center, University of California, Santa Barbara, a literature review, a sacred lands search through the Native American Heritage Commission, and a field inspection of the site (Hoover 2018).

California Native American tribes (Northern Salinan, Xolon Salinan, Yak Tityu Tityu Northern Chumash, and the Northern Chumash Tribal Council) were notified according to Public Resources Code section 21080.3.1. No Native American tribes requested consultation for the project.

No significant resources within the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1 relating to the significance of the resource to a California Native American tribe were identified and the County has satisfied the requirements of AB 52 for the project. Impacts would be less than significant.

### Conclusion

Per County LUO Section 22.10.040, if during any future grading and excavation, buried or isolated cultural materials are unearthed, work in the area shall halt until they can be examined by a qualified archaeologist and appropriate recommendations made. No significant impacts to tribal cultural resources are expected to occur, and no mitigation measures are necessary.

### Sources

See Exhibit A.



## Initial Study – Environmental Checklist

### XIX. UTILITIES AND SERVICE SYSTEMS

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

#### Setting

The setting for water supply is discussed in Section X. Hydrology and Water Quality.

#### 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?*

Water. The project involves the installation of approximately 350-linear feet of new water service line that would connect the existing water well to the proposed water supply tank. The environmental impacts of the proposed water line have been evaluated throughout this Initial Study as part of the project description, and no significant effects beyond those as evaluated would occur. Impacts would be less than significant.

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Wastewater. The project does not include the construction or expansion of wastewater treatment facilities and no impact would occur.

Stormwater. The project does not include the construction or expansion of stormwater facilities and no impact would occur.

Electric Power. The project does not include the construction or expansion of electric facilities and no impact would occur.

Natural Gas. The project does not include the construction or expansion of natural gas facilities and no impact would occur.

Telecommunications. The project does not include the construction or expansion of telecommunications facilities and no impact would occur.

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

As discussed in Section X, Hydrology and Water Quality, the proposed project would use approximately 1.80 AFY of water for cannabis cultivation. The project would obtain water from an existing onsite well. The well pump test and water quality analysis from 2018 conclude that the well produces sufficient water to meet the project's water demand. In addition, the project site is not located over an impacted groundwater basin. The project will be conditioned such that water usage will be metered and reports will be provided to the Planning and Building Department demonstrating that the project does not exceed the projected water demand of 1.80 AFY. Based on the application information and the standard conditions, impacts would be less than significant.

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

The project would not be served by a wastewater treatment provider. No impact 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?*

The nearest landfill to the site is the Chicago Grade Landfill, located approximately 40 miles to the west in the community of Templeton. This landfill has a remaining permitted capacity of 6,022,396 cubic yards and can accept 500 tons per day (CalRecycle 2019). Solid waste generated during construction and operation of the project would not be a substantial amount and would represent a small fraction of the daily permitted tonnage of this facility. The applicant will work with the local solid waste disposal company to handle general non-cannabis refuse as needed. Therefore, the project would not generate solid waste in excess of local standards or the capacity of the local infrastructure and impacts would be less than significant.

## Initial Study – Environmental Checklist

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

No applicable federal solid waste regulations would apply to the project. At the State level, the Integrated Waste Management Act mandates a reduction of waste being disposed and establishes an integrated framework for program implementation, solid waste planning, and solid waste facility and landfill compliance. San Luis Obispo County has access to adequate permitted landfill capacity and reduction, reuse, and recycling programs to serve the proposed project. Construction and operational waste generated as a result of the project would require management and disposal in accordance with local and state regulations. The project would not conflict with or impede implementation of such programs. Impacts would be less than significant.

### *Conclusion*

Potential impacts to utilities and service systems would be less than significant. No mitigation measures are necessary.

### *Sources*

See Exhibit A.

## Initial Study – Environmental Checklist

### XX. WILDFIRE

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

#### Setting

According to CalFire's San Luis Obispo County Fire Hazard Severity Zone map, the project site is within a "high" severity risk area for fire. The closest fire station to the project site is San Luis Obispo County Fire Station 42, which is approximately 5 miles from the site. According to San Luis Obispo General Plan Safety Element Emergency Response Map, average emergency response time to the project site is between 10 and 15 minutes (San Luis Obispo County 1999).

#### Discussion

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

The project would not conflict with any regional emergency response or evacuation plan. The project would not change existing circulation patterns, would not generate substantial new traffic, and would not affect emergency response routes. Refer to Section XVII, Transportation, for further discussion of emergency access and project traffic. Impacts would be less than significant.

## Initial Study – Environmental Checklist

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

Wildfire risk is dependent upon existing environmental conditions, including but not limited to the amount of vegetation present, topography, and climate. The project site is located within a rural area surrounded by open fields and gently sloping hillsides. Climate in the area is characterized as Mediterranean, with cool wet winters and hot dry summers. The proposed project would not be in an area classified as Very High Fire Hazard Severity zone.

The project would implement an outdoor cultivation operation within an area designated as having a high wildfire risk. The project would be required to be built in compliance with applicable fire standards, including provision of adequate emergency access and fire water supply, which would reduce the potential hazard of wildfires (CalFire Referral letter dated September 18, 2018). These features would reduce the exposure to risks associated with wildfire. Therefore, the project would have a less than significant impact regarding exposing 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?*

Access improvements would include installation of two access gates to the proposed cultivation area, and a new 16-foot wide driveway to connect the proposed cultivation area to the existing driveway. The site access road would include a hammerhead turnaround for fire department/emergency services access. The development footprint is less than five percent slope throughout, therefore only all-weather roads are proposed. The project would also include a 5,000-gallon water storage tank for fire suppression. Installation and maintenance of these project components would not exacerbate fire risk or result in temporary or ongoing impacts to the environment. 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?*

As designed, the project would be entirely located on flat, unvegetated areas and would be required to meet County standards for drainage and stormwater. None of the operations would be located on slopes. Therefore, the project would not expose people or structures to significant risks such as flooding or landslides, as a result of runoff or post-fire instability. Moreover, the project would not exacerbate any existing hazards. Impacts would be less than significant.

### Conclusion

All project improvements would be in accordance with County Ordinances and CalFire/San Luis Obispo Fire Department Standards. Impacts would be less than significant and no mitigation measures are necessary.

### Sources

See Exhibit A.

## Initial Study – Environmental Checklist

### XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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



## Initial Study – Environmental Checklist

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

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

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

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

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

### Existing and Reasonably Foreseeable Projects

## Initial Study – Environmental Checklist

Table 9 provides a summary of the total number of cannabis activities for which the County has either approved or has received an application as of the date of this initial study. As shown on Table 9, the County has received applications for a total of 114 cultivation sites (including indoor and outdoor) with a total canopy of 330 acres. Under the County's cannabis regulations (LUO Sections 22.40. et seq. and CZLUO Section 22.80 et seq.), the number of cultivation sites allowed within the unincorporated county is limited to 141, and each site may have a maximum of 3 acres of outdoor canopy and 22,000 sq.ft. (0.5 acres) of indoor canopy. Therefore, if 114 cultivation sites are ultimately approved, the maximum total cannabis canopy allowable in the unincorporated county will be 399 acres (114 sites x 3.5 acres of canopy per site = 399 acres).

**Table 9 Summary of Cannabis Activities for Unincorporated San Luis Obispo County<sup>1</sup>**

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

1. As of October, 2020

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

Of the 114 total applications for cannabis cultivation, a total of 14 are located in the vicinity of the project site in the California Valley/Carrizo Plain area of the county (Figure 5). Of these 14 projects, 10 are clustered near the intersection of Carissa Highway (State Route 58) and Bitterwater Road (Figure 6) and two are located on contiguous parcels south of Carissa Highway and just west of the California Valley Solar Ranch project (Figure 7). Figure 5 **Reasonably Foreseeable Cannabis Projects in the Project Vicinity**

**Figure 6 Active Cannabis Cultivation Projects Near SR58 and Bitterwater Road**

**Figure 7 Active Cannabis Applications South of SR58 in the Vicinity of the California Valley Solar Ranch**

**Table 10** provides a summary of these applications and the status of each permit. As shown in Figure 5 **Reasonably Foreseeable Cannabis Projects in the Project Vicinity**

## Initial Study – Environmental Checklist

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### Figure 6 Active Cannabis Cultivation Projects Near SR58 and Bitterwater Road

### Figure 7 Active Cannabis Applications South of SR58 in the Vicinity of the California Valley Solar Ranch

**Table 10**, if all 14 projects are approved and constructed it would result in about 72 acres of disturbance. Therefore, for the purpose of assessing cumulative impacts, the following assumptions are made:

- All 14 cultivation sites will be approved;
- Each site will be developed with the components described in Figure 5 **Reasonably**

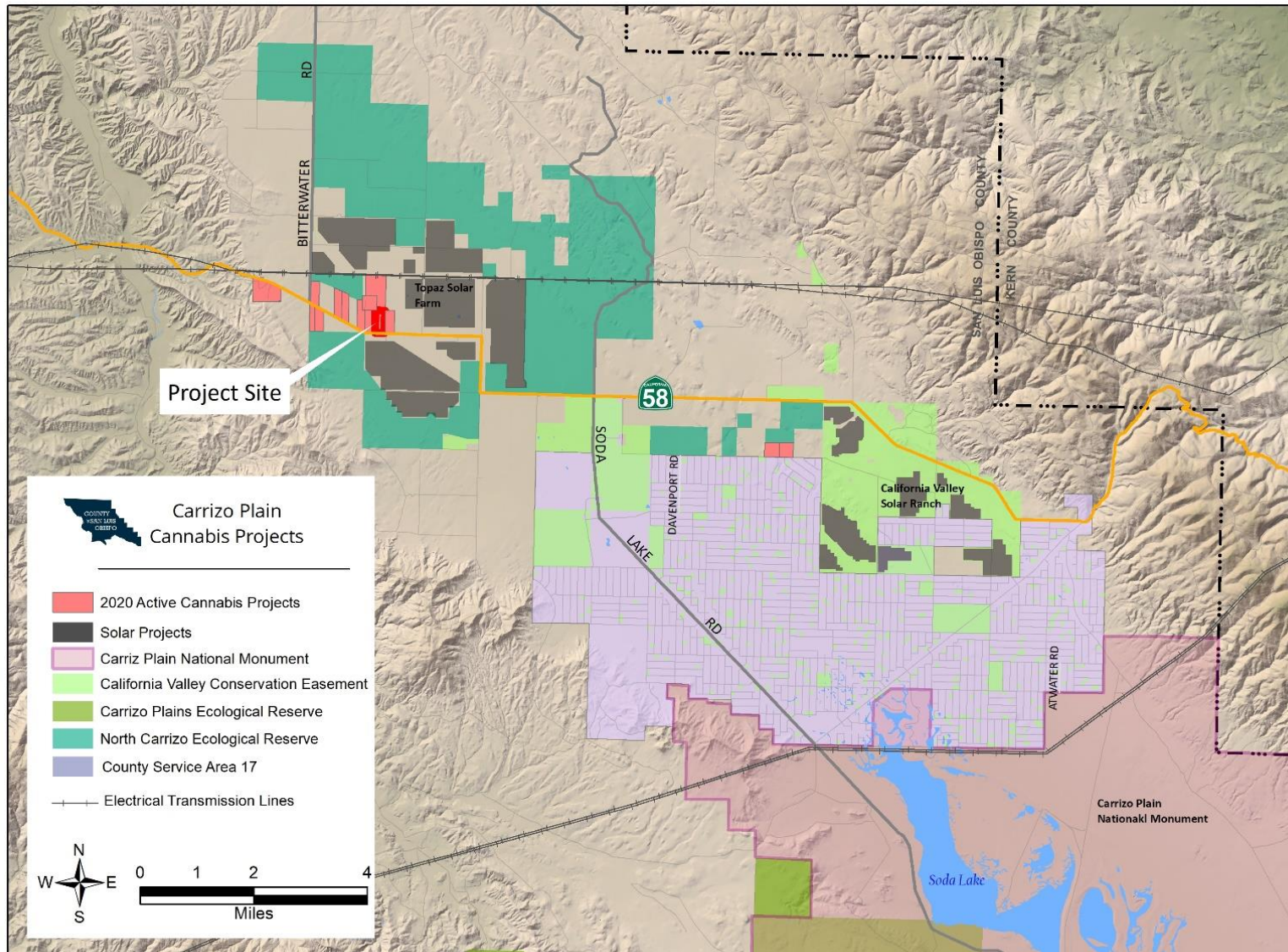
### Foreseeable Cannabis Projects in the Project Vicinity

### Figure 6 Active Cannabis Cultivation Projects Near SR58 and Bitterwater Road

### Figure 7 Active Cannabis Applications South of SR58 in the Vicinity of the California Valley Solar Ranch

**Table 10.**

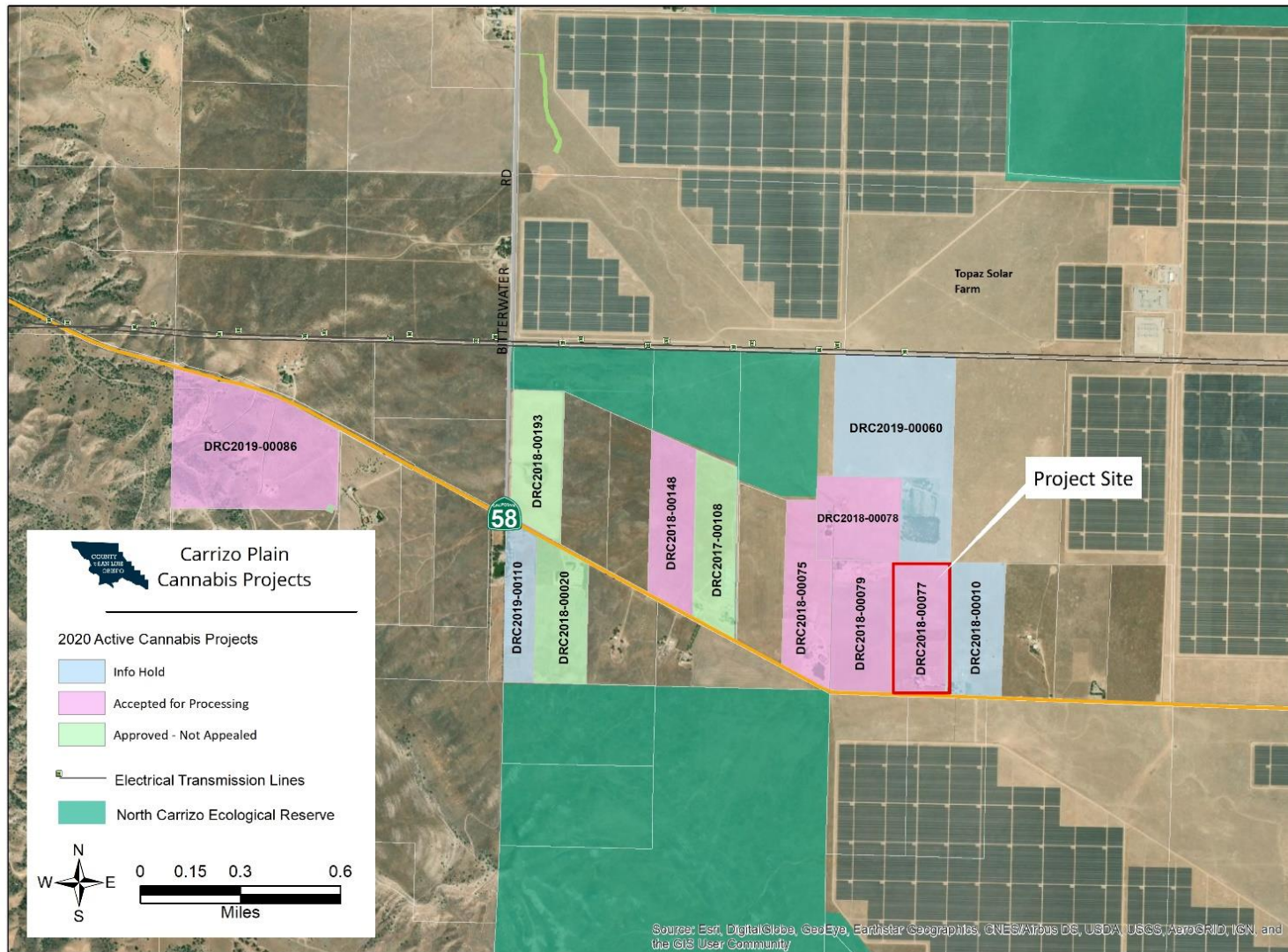
## Initial Study – Environmental Checklist



**Figure 5 Reasonably Foreseeable Cannabis Projects in the Project Vicinity**

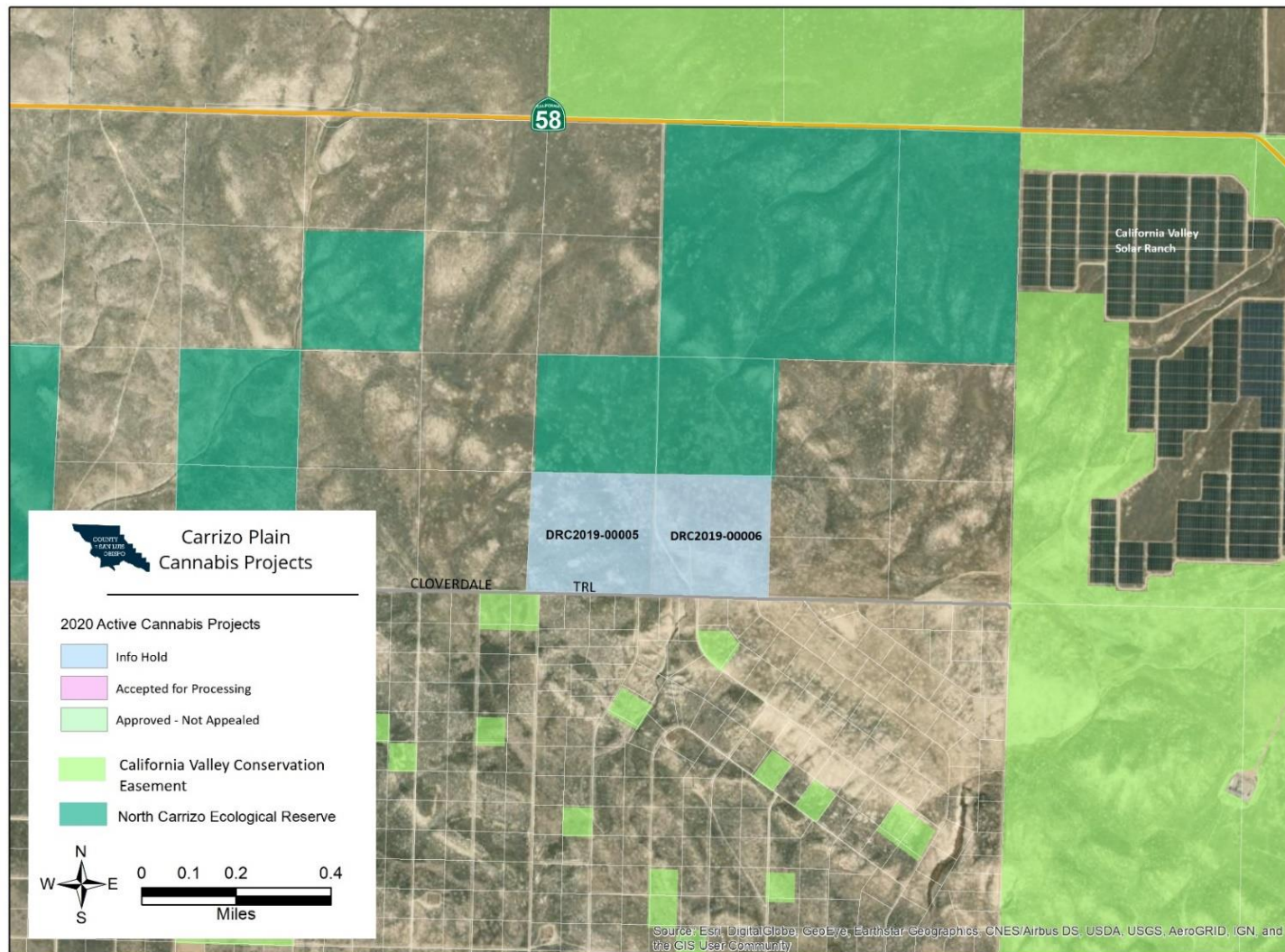


## Initial Study – Environmental Checklist



**Figure 6 Active Cannabis Cultivation Projects Near SR58 and Bitterwater Road**

## Initial Study – Environmental Checklist



**Figure 7 Active Cannabis Applications South of SR58 in the Vicinity of the California Valley Solar Ranch**

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**Table 10 Reasonably Foreseeable Cannabis Projects in the California Valley/Carrizo Plain Area**

Project Number	Permit Type	Outdoor Cultivation and Nursery Canopy (Acres)	Indoor Cultivation and Nursery Canopy (Sq.Ft.)	Total Indoor Cultivation And Nursery Building Floor Area (Sq.Ft.)	Area of Disturbance (Acres)	Water Demand (Acre-Feet Per Year)	Employees	Kit Fox Mitigation Required (Acres)	Status
DRC2017-00108	CUP	4.78	48,749	57,600	10	6.07	15	40	Approved
DRC2018-00010	MUP	3	0	0	5.1	2.17	5	20.4	Info Hold
DRC2018-00020	CUP	0	2,698	3,767	2.2	0.28	1	8.8	Approved
DRC2018-00075	MUP	3	0	0	4.34	2.17	5	21	Accepted for Processing
DRC2018-00077	MUP	3	0	0	4	1.81	5	16	Accepted for Processing
DRC2018-00078	MUP	3	0	0	5.29	2.17	4	16.17	Accepted for Processing
DRC2018-00079	MUP	3	0	0	6.32	2.17	4	18.96	Accepted for Processing
DRC2018-00148	MUP	3	22,000	32,256	5.09	4.66	4	20.36	Accepted for Processing
DRC2018-00193	MUP	2.97	25,920	25,000	6	3.7	4	17.88	Approved
DRC2019-00005	MUP	3	0	0	4.06	2.17	4	16.24	Info Hold
DRC2019-00006	MUP	3	0	0	3.06	2.2	4	12.24	Info Hold
DRC2019-00010	MUP	3	0	0	4.1	2.17	4	16.4	Info Hold
DRC2019-00060	MUP	3	22,000	22,000	4	3.56	5	16	Info Hold
DRC2019-00086	CUP	1	22,000	30,240	8.4	2.96	6	32	Accepted for Processing
<b>Totals:</b>	--	<b>36.97</b>	<b>112,500</b>	<b>170,863</b>	<b>71.96</b>	<b>38.26</b>	<b>70</b>	<b>272.45</b>	--

Source: Department of Planning and Building November, 2020, and project applications.



## Initial Study – Environmental Checklist

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### Discussion

#### *Aesthetics and Visual Resources*

The project site is located in the California Valley/Carrizo Plain area of the County which includes dry-farmed cropland, grasslands, rangelands, and scrubland. Irrigated vineyards and other croplands occur at the northern end of the plain, while much of the southern end of the plain is federal land managed by the Bureau of Land Management, including the Carrizo Plain National Monument located to the southeast. The dominant visual characteristic of the Carrizo Plain is long, unobstructed views over flat grasslands terminating in the foothills and backdropped by the Temblor and La Panza mountain ranges, features that contribute to a moderate to high level of visual quality.

There are rural residences, transmission lines, paved roads, and structures associated with agriculture dispersed throughout the region. Vegetation is low and has been greatly influenced by agricultural practices.

As discussed above, the project site is located in an area with 14 potential cannabis facilities within 5 miles (as of November 2020) including 12 near the intersection of SR 58 and Bitterwater Road. These projects will be located along a well-traveled State highway which affords travelers expansive views across the California Valley and Carrizo Plain.

Cannabis activities may result in potentially significant impacts to visual resources from the construction of buildings, the introduction of new sources of light and glare, fencing and hoop structures. Accordingly, County regulations require that all cannabis operations be subjected to discretionary approval and project-specific environmental review, including an assessment of potential impacts to visual resources. Mitigation measures may be recommended to require new construction to incorporate landscaping, light shielding, and agrarian architectural elements to help protect views and to ensure compatibility with the rural, agricultural character of the area.

The analysis provided in Section I, Aesthetic and Visual Resources, provides an overview of the visual setting and concludes that potential project-specific impacts would be less than significant. By requiring reasonably-foreseeable projects in the area to incorporate measures to mitigate impacts to visual resources, project-specific 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 result in the semi-permanent conversion of 3.9 acres of Prime Farmland, based on the FMMP. However, the project does not include the construction of any structures and would not permanently convert this land to a non-agricultural use. Cannabis plants would be planted directly in the soil which could readily be re-purposed to conventional crop production at such time as the cannabis activities cease. Therefore, no permanent significant impacts to agricultural, forest or timberland would occur. The project would not result in a conflict with existing zoning for agricultural use or Williamson Act contract.

Table 11 provides a summary of the acreage of important farmland associated with all 14 cannabis projects within a five-mile radius of the project site based on the Farmland mapping and Monitoring Program (2016).

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**Table 11 Important Farmland Associated With Reasonably Foreseeable Projects in the Project Vicinity**

FMMP Classification	Acres
Farmland of Local Potential	395.90
Farmland of Local Importance	137.99
Grazing Land	144.53
Prime Farmland	19.67
Other Land	10.53
Total:	708.62

Source: Farmland Mapping and Monitoring Program, 2016

As shown in Table 11, a total of 19.7 acres of Prime farmland are associated with these 14 sites. Table 12 provides a summary of the changes in the acreage of important farmland in San Luis Obispo County from 2006 to 2016 (the most recent year for which data are available) as determined by the California Department of Conservation, Farmland Mapping and Monitoring Program. As shown in Table 12, over the ten-year period between 2006 and 2016 the County experienced a net increase in the acreage of important farmland of about 126,781 acres, including a net increase of 1,466 acres of prime farmland.

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**Table 12 Acreage of Important Farmland in San Luis Obispo County, 2006 – 2016**

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

Source: FMMP 2016

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If all 19.7 acres of Prime Farmland are permanently converted to a non-agricultural use, it would constitute a small fraction of the total Prime Farmland in the County. It should be noted, however, that the cannabis activities proposed for the two parcels containing Prime Farmland will locate the proposed cannabis activities where the impact to Prime Farmland will be minimized. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the area, the contribution of the project's potential impacts to agriculture and forestry resources is considered less than cumulatively considerable.

### *Air Quality*

The analysis provided in Section III, Air Quality, concludes that the project's potential construction-related emissions would exceed APCD thresholds of significance for both project-related and cumulative impacts. With recommended mitigation measure AQ-1 construction-related emissions would be less than significant. The analysis also concludes that operational emissions would fall below APCD thresholds.

Cannabis activities may result in potentially significant impacts to air quality from construction activities, emissions associated with ongoing operations including motor vehicle trips, and from new sources of odors. Accordingly, County regulations require that all cannabis operations be subjected to discretionary approval and project-specific environmental review, including an assessment of potential air quality impacts. Through this process, mitigation measures may be recommended to require projects to implement dust reduction measures and measures to reduce diesel particulates during construction. By requiring reasonably-foreseeable projects in the area to incorporate measures to mitigate the potential construction and operational impacts to air quality, the project will have a less than cumulatively considerable impact when considered with the potential impacts of other reasonably foreseeable development in the area.

### *Biological Resources*

#### Overview

As discussed in Section IV. Biological Resources, the Carrizo Plain/California Valley area provides critical habitat for a wide range of species that have been afforded protections under the federal and state Endangered Species Acts. Accordingly, considerable effort has been undertaken by federal and state governments as well as private and non-profit organizations to protect and enhance these habitats. Three of the efforts are listed below:

1. Carrizo Plain National Monument (CPNM) (Figure 5). The CPNM covers 204,000 acres in southeast San Luis Obispo County and Kern County. The Monument Proclamation that established the CPNM in 2001 "*...recognized its exceptional biological resources as objects to be protected and the importance of the area as a large remnant of habitat for many wildlife species endemic to the nearby San Joaquin Valley, and as a refuge for the dwindling flora and fauna of the valley.*" A Resource Management Plan was adopted for the CPNM in 2010 which sets forth management strategies aimed at preserving and enhancing these sensitive biological resources. These strategies have focused on maintaining and enhancing native plant communities to serve as high quality wildlife habitat.
2. California Department of Fish and Wildlife (CDFW). CDFW owns and manages over 65,850 acres of sensitive habitat in the Carrizo Plain (Figure 5), including 33,000 acres within the Carrizo Plain

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Ecological Reserve, 18,700 acres of mitigation lands set aside as a condition of development of utility-scale solar generating projects (the Northern Carrizo Ecological Reserve) and 14,148 acres within the California Valley Conservation Easement.

3. The Nature Conservancy (TNC). In 1988, The Nature Conservancy partnered with the U.S. Bureau of Land Management and the California Department of Fish and Game to begin acquiring and managing land within the Carrizo Plain. The initial 82,000-acre holding was expanded over time to its current quarter-million acreage and was the foundation of the CPNM.

Collectively, these efforts have set aside over 279,000 acres of habitat, and potential habitat, for sensitive biological resources in the area. In addition to these regional efforts, CDFW has established a mitigation process for potential impacts to SJKF based on the amount of habitat impacted. New development with the potential to remove habitat for SJKF, such as the 14 proposed cannabis projects) may participate in this program to offset habitat loss. As shown in Table 10, the 14 proposed cannabis projects in the Carrizo Plain will set aside a total of 272 acres of SJKF habitat.

### Cumulative Impacts to Biological Resources Associated with Cannabis Activities

The analysis provided in Section IV. is supported by a Biological Resources Assessment that provides an overview of the biological setting and concludes that potential project-specific impacts would be less than significant upon implementation of recommended mitigation measures. As discussed in Section IV., potential impacts to biological resources associated with cannabis activities may include, but are not limited to, the following:

- The direct and indirect loss of habitat from construction activities, the establishment of cultivation areas and access roads;
- Direct loss of individual species from construction activities and ongoing operations;
- The impairment of wildlife movement from the construction of fences and buildings;
- Disturbance of species from new sources of lighting and from ongoing operations;

As discussed above, the project site is located in an area with 14 potential cannabis facilities within 5 miles (as of November, 2020). Development of all 14 projects could result in the permanent, or semi-permanent, conversion of up to 72 acres of habitat (or potential habitat) for sensitive biological resources. However, potential cumulative impacts to biological resources are considered less than cumulatively considerable because:

- County regulations require that all cannabis operations be subjected to discretionary approval and project-specific environmental review, including an assessment of potential impacts to biological resources. In each case, mitigation measures may be recommended to require avoidance and minimization requirements and that new development incorporate features to protect, and to offset the loss of, sensitive biological resources.
- Although development of all 14 projects as proposed could result in the permanent or semi-permanent loss of up to 72 acres of habitat, they would also be required to compensate for the loss of SJKF habitat at a ratio of 3:1 (3 acres preserved for each acre impacted). This will result in a net increase in the acreage of high-quality habitat preserved for this species.
- The permanent or semi-permanent loss of 72 acres of habitat represents 0.02% of the acreage of sensitive habitat permanently preserved in the Carrizo Plain by CDFW, BLM and others.

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- By requiring reasonably-foreseeable projects in the area to incorporate comparable measures to mitigate the potential impacts to biological resources, impacts to these resources associated with the proposed project, when considered with the potential impacts of other reasonably foreseeable development in the area, would *be less than cumulatively considerable*.

### Energy Use

The proposed project combined with cumulative development would result in a significant cumulative impact if large amounts of energy would be used in a wasteful manner or inefficient manner.

Table 13 provides a summary of total electricity demand associated with development of all 14 previously approved and currently-active cannabis cultivation projects in the vicinity. The summary was derived using the CalEEMod computer model used by the California Air Resources Board and assumes all 14 sites are developed as summarized in Table 10 above.

**Table 13 Projected Demand for Electricity from Approved and Reasonably Foreseeable Cannabis Cultivation Projects**

Proposed Land Use	Total Electricity Demand from 14 Reasonably Foreseeable Cannabis Cultivation Projects <sup>1</sup> (Kilowatt-Hours/Year)	Total Electricity Demand (Gigawatt Hours/Year)	Electricity Consumption in San Luis Obispo County in 2018 <sup>2</sup> (Gigawatt Hours)	Total Demand in San Luis Obispo County with 14 Proposed Cannabis Cultivation Projects (Gigawatt Hours/Year)	Percent Increase Over 2018 Electricity Demand
Indoor Cultivation <sup>3</sup>	29,868,750	29.8			
Outdoor Cultivation <sup>3</sup>	33,759,000	33.7			
<b>Total</b>	<b>62,832,000</b>	<b>62.8</b>	<b>1,765.9</b>	<b>1,828.7</b>	<b>3.5%</b>

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

<sup>2</sup>Source: California Energy Commission 2019.

<sup>3</sup>Includes ancillary nursery and mixed-light indoor cultivation.

Table 13 indicates that electricity demand in San Luis Obispo County could increase by as much as 3.5% if all 14 cultivation projects are developed as proposed. PG&E is required by state law (the Renewable Portfolio Standard) to derive at least 60% of their electricity from renewable sources by 2030. These sources are “bundled” and offered for sale to other Load Serving Entities (utility providers). Table 14 shows the percent increase in the projected 2030 demand for these bundled sources of electricity throughout PG&E’s service area for, assuming all 14 cultivation projects are developed as summarized in Figure 5 **Reasonably Foreseeable Cannabis Projects in the Project Vicinity**

## Initial Study – Environmental Checklist

### Figure 6 Active Cannabis Cultivation Projects Near SR58 and Bitterwater Road

### Figure 7 Active Cannabis Applications South of SR58 in the Vicinity of the California Valley Solar Ranch

**Table 10.**

**Table 14 Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects In the Vicinity Compared With Projected PG&E 2030 Available Service Load**

Increased Electricity Consumption in San Luis Obispo County with 14 Cannabis Cultivation Projects <sup>1</sup> (Gigawatt Hours/Year)	62.8
Projected PG&E 2030 Bundled Service Load <sup>2</sup> (Gigawatt Hours)	33,784
<b>Percent Increase in 2030 Demand With Cannabis Cultivation</b>	<b>0.18%</b>

<sup>1</sup>Source: CalEEMOD 2016 v.3.2. Assumes all 14 cultivation projects in the vicinity are approved and implemented.

<sup>2</sup>Source: Pacific Gas and Electric 2018, Integrated Resource Plan.

Therefore, the project's incremental contribution to the increased demand for electricity, when considered with the growth of demand in other parts of the PG&E service area for electricity, would not be considered wasteful and inefficient or cumulatively considerable.

#### *Greenhouse Gas (GHG) Emissions*

As discussed in Section VIII. Greenhouse Gas Emissions, the project is estimated to generate approximately 2.61 metric tons of CO<sub>2</sub> emissions. Accordingly, the project will not exceed the working GHG threshold of 690 metric tons of CO<sub>2</sub> emissions per year and is assumed to have a less than cumulatively considerable impact relating to GHG emissions. Project emissions will be consistent with the GHG reduction measures set forth by SB 32 and the County's EnergyWise Plan.

All proposed cannabis cultivation operations located within the county will require discretionary approval and will be subject to project specific environmental review which will include an assessment of potential impacts associated with GHG emissions. Projects with the potential to exceed the thresholds would be required to implement mitigation measures to reduce project-related GHG emissions to below the interim threshold. Such measures may include, but are not limited to, preparation of a Greenhouse Gas Reduction Plan and/or requiring enrollment in a clean energy program.

Based on the 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 includes use of potentially hazardous materials which could result in potential hazards through routine transport, use, and disposal as well as under upset or accident conditions. Mitigation measures HAZ-1 and HAZ-2 have been identified to reduce potential impacts by restricting the location of equipment maintenance, refueling and other potentially hazardous activities, and identifying the appropriate response protocol for immediate cleanup of any spills.



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

### *Hydrology/Water Demand*

For purposes of assessing the cumulative impact to water supplies, the following assumptions are made:

- All 14 cannabis cultivation projects in the Carrizo Plain Groundwater Basin are approved and implemented;
- All 14 projects in the Carrizo Plain Groundwater Basin derive their water demand from groundwater resources;
- Water demand associated with outdoor cannabis cultivation is assumed to be 0.03 gallons per day per square foot of outdoor canopy, and 0.1 gallons per day per square foot of canopy for indoor cultivation;
- The growing period for outdoor cultivation and ancillary nursery is assumed to be 270 days; the growing season for indoor cultivation is assumed to be 365 days; and
- This analysis assumes no recycling of water.

As shown in Table 15, the total estimated water demand from the 14 reasonably foreseeable projects in the Carrizo Plain Groundwater Basin is about 38.42 acre feet per year. Water demand associated with cannabis cultivation within groundwater basins without an assigned Level of Severity for water supply are not in a state of overdraft and the County's Resource Management System has concluded that they are expected to meet the estimated demand from urban, rural and agricultural demand for at least 15 years. As shown in Table 15, the marginal demand associated with cannabis cultivation is minor in relation to the available storage capacity of the basin. Therefore, the quantity of groundwater to be used for the project and within the cumulative impact area compared to the quantity of available groundwater indicates that combined project contributions are not anticipated to rise to a cumulatively considerable level.

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**Table 15 Total Estimated Water Demand from Reasonably Foreseeable Projects in the Carrizo Plain Groundwater Basin**

Bulletin 118 Groundwater Basin <sup>1</sup>	Number of Cultivation Projects	Cannabis Canopy (Acres)	Total Estimated Water Demand AF/Year <sup>2</sup>	Total Storage/Safe Yield <sup>3</sup>	Status of Groundwater Basin <sup>3</sup>
Carrizo Plain Groundwater Basin	14	42.0	38.42	Total storage estimated to be 400,000 AF / Safe Yield 8,000-10,000 AFY	No Level of Severity

Notes:

1. Source: California Department of Water Resources Bulletin 118.
2. 2014-2016 Resource Summary Report.
3. 2014 Integrated Regional Water Management Plan.

### Noise

As discussed in Section XIII, Noise, operation of the project would not exceed County noise standards and would not expose people to significant increased levels from construction or operation. Project-related impacts associated with ground-borne noise or ground-borne vibration would be site-specific and would not combine with other projects.

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, compliance with established setbacks as required by the LUO would allow noises to dissipate before reaching the property line with surrounding land uses.

The project-related contribution to traffic noise levels would be negligible in operation as discussed in Section XIII., *Noise*. When combined with cumulative traffic, which is likely to be higher than existing traffic levels, the project's contribution to traffic, and associated noise levels, would be smaller on a proportional basis, and would therefore not represent an audible contribution to cumulative traffic noise levels. Therefore, the project's contribution to regional traffic noise impacts would not be cumulatively considerable.

### Population and Housing

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

Cannabis cultivation activities typically employ 4 – 6 full-time workers and up to 12 workers temporarily during the harvest. The 2050 employment forecast does not account for employment associated with cannabis activities because of the formerly illegal status of the industry. However,

## Initial Study – Environmental Checklist

assuming all 14 reasonably foreseeable cultivation projects are approved and constructed, total employment associated with cannabis cultivation could result in as many as 70 additional jobs. It is most likely that these workers will be sourced from the existing workforce in San Luis Obispo County. However, if all 70 workers are new residents to the County, it would represent a 0.35% increase in the projected growth in population between 2015 and 2050. The small increase in projected population is not expected to result in an increased demand for housing throughout the county and therefore is not anticipated to rise to a cumulatively considerable level.

### Public Services

Regarding cumulative effects, public facility (County) fee programs have been adopted to address the project's potential contribution to cumulative impacts and would reduce potential cumulative impacts to less than significant.

### Transportation

The Department of Public Works has derived trip generation rates for cannabis cultivation from traffic reports and through the trip generation rates published by the Institute of Traffic Engineers. Table 16 provides an estimate of total Average Daily Trips (ADT) and vehicle miles traveled associated with buildout of the 14 approved and active cannabis cultivation projects in the project vicinity.

**Table 16 Cumulative Average Daily Trips From Reasonably Foreseeable Cannabis Cultivation Projects In the Vicinity**

Use	Unit	ADT per Unit	Total Proposed Cannabis Cultivation Area <sup>1</sup>	Total ADT	PM Peak Hour Trips	Total VMT <sup>4</sup>
Cultivation, Indoor (includes greenhouses, plant processing, drying, curing, etc.)	1,000 sf	0.27 <sup>2</sup>	145,365 sf	39	3.8	578
Cultivation, Outdoor (includes hoop house)	Acres	2.00 <sup>2</sup>	38.75 acres	77	7.7	1,139
Seasonal Employees <sup>3</sup>	Employee	2.00 <sup>2</sup>	30 employees	60	6.0	882
<b>Total</b>				<b>176</b>	<b>17.5</b>	<b>2,599</b>

Sources:

1. See Table 10.
2. Department of Public Works
3. Seasonal Trips are adjusted based on the annual frequency.
4. Assumes 14.7 miles per average daily trip.

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The additional 17 peak hour trips are not expected to reduce the level of service of roads and intersections serving the area. The County has not yet identified an appropriate model or method to estimate VMT for proposed land use development projects. State CEQA Guidelines Section 15064.3(b) states that if existing models or methods are not available to estimate the VMT for the particular project being considered, a lead agency may analyze the project's VMT qualitatively.

The most recent estimate of total vehicle miles travelled (VMT) for the County is from 2013 at which time total VMT per day was estimated to be 7,862,000. Assuming a 1% annual growth in VMT during the intervening six years, the current (2019) VMT is estimated to be about 8,333,720. Accordingly, the 2,599 VMT associated with cannabis cultivation projects in the vicinity would result in an increase about 0.03 percent in the total county VMT. The relatively small increase in VMT is not expected to result in significant impacts on the transportation system and as discussed in Section XVII, *Transportation*, would not conflict with or be inconsistent with an applicable threshold of significance adopted per CEQA Guidelines section 15064.3, subdivision (b). Therefore, potential transportation impacts are not anticipated to rise to a cumulatively considerable level.

### *Other Impact Issue Areas*

Based on the analysis in this Initial Study, during operations the project would not contribute to cumulative impacts on the following resources because there would be no impact or the impact would be both less than significant and localized on the project site:

- Cultural Resources;
- Land Use Planning;
- Mineral Resources;
- Recreation;
- Public Services;
- 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 AQ-1, HAZ-1 and HAZ-2, and identified in the resource sections above would reduce potential adverse effects on human beings to less than significant; therefore, impacts would be less than significant with mitigation.

### *Conclusion*

The project has been determined not to meet the Mandatory Findings of Significance with implementation of mitigation measures for Biological Resources (Exhibit B).

### *Mitigation*

See Exhibit B for full list of mitigation measures.

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### *Sources*

See Exhibit A.

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### Exhibit A - Initial Study References and Agency Contacts

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

Contacted	Agency	Response
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input checked="" type="checkbox"/>	County Environmental Health Services	None
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	Attached
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	None
<input checked="" type="checkbox"/>	County Sheriff's Department	None
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	Attached
<input type="checkbox"/>	CA Coastal Commission	None
<input checked="" type="checkbox"/>	CA Department of Fish and Wildlife	Attached
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	Attached
<input checked="" type="checkbox"/>	CA Department of Transportation	Attached
<input type="checkbox"/>	Community Services District	Not Applicable
<input checked="" type="checkbox"/>	Other <u>NorthernChumash TribalCouncil/Salinan Tribe</u>	None
<input checked="" type="checkbox"/>	Other <u>Building Division</u>	Attached
<input checked="" type="checkbox"/>	Other <u>Assessor</u>	None
<input checked="" type="checkbox"/>	Other <u>U.S.Fish and Wildlife</u>	None
<input type="checkbox"/>	Other _____	
<input type="checkbox"/>	Other _____	

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

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

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

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- |                                     |                       |                                     |   |
|-------------------------------------|-----------------------|-------------------------------------|---|
| <input type="checkbox"/>            | Airport Land Use Plan | <input checked="" type="checkbox"/> | GIS mapping layers (e.g., habitat, streams, contours, etc.) |
| <input checked="" type="checkbox"/> | Energy Wise Plan      | <input type="checkbox"/>            | Other   |
| <input checked="" type="checkbox"/> | Carrizo Planning Area |                                     |   |



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

- Abalone Coast Analytical, Inc. Water Quality Analysis, December 2018.
- Auchinachie, email referral from Agriculture Department for Shannon-Whipkey-Esmay Minor Use Permit DRC2018-00078(2069), July 11, 2018.
- California Department of Fish and Wildlife (CDFW), Preliminary San Joaquin Kit Fox Mitigation Evaluation, October 2020.
- Hoover Archaeological Consultants, McKinney Property 11330 Tule Elk Lane Santa Margarita, California 93453/Phase I Archaeological Survey, 2018.
- Kevin Merk Associates, LLC (KMA), Supplemental Biological Analysis for Proposed Cannabis Cultivation at Four Properties in the Carrizo Plan Area, San Luis Obispo County, California, August 2020.
- Orosz Engineering Group, Inc. (OEG), AGZONE – Trip Generation and Sight Distance Analysis – Tule Elk Lane Sites County of San Luis Obispo, September 2018.
- Osborne, J.L., A.P. Martin, C.R. Shortall, A.D. Todd, D.Goulson, M.E. Knight, R.J. Hale, and R.A. Sanderson. 2008. Quantifying and comparing bumble bee nest densities in gardens and countryside habitats. *Journal of Applied Ecology* 45:784-792.
- PAX Environmental, Inc., (PAX 2019a) Biological Resources Assessment, January 2019 (Revised April 2019).
- PAX Environmental, Inc., (PAX 2019b) Water Resources Addendum to the Biological Resources Assessment for Four Cannabis Cultivation Project Sites in Santa Margarita, San Luis Obispo County, June 2019.
- Pro-H2o Drilling and Pump Company, Well Test Report, December 2018.
- Wallace Group, Memorandum Water Use Evaluation for Proposed Cannabis Operation, May 2018.
- Xerces Society, A Petition to the State of California Fish and Game Commission, October 2018. <https://xerces.org/sites/default/files/2019-10/CESA-petition-Bombus-Oct2018.pdf>

### Other County References

- Aspen Environmental Group. March 2011. *Topaz Solar Farm Final EIR*.
- California Air Resources Board (ARB) 2000. A General Location Guide for Ultramafic Rocks in California – Areas More Likely To Contain Naturally Occurring Asbestos. [https://ww3.arb.ca.gov/toxics/asbestos/ofr\\_2000-019.pdf](https://ww3.arb.ca.gov/toxics/asbestos/ofr_2000-019.pdf) accessed March 2020.
- California Air Resources Board (ARB). 2005. Community Health Perspective Handbook. Available at <https://ww3.arb.ca.gov/ch/handbook.pdf>.

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- California Department of Conservation (CDOC). 2015.CGS Information Warehouse: Regulatory Maps <http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps> (accessed February 2020)
- California Department of Finance. 2019. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2019 with 2010 Census Benchmark. <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/> (accessed February 2020).
- California Department of Transportation (Caltrans). 2017. Traffic Census Program. <https://dot.ca.gov/programs/traffic-operations/census/traffic-volumes>. Accessed February 24, 2020.
- California Department of Transportation. 2019. Caltrans Scenic Highway Mapping System List of Eligible and Officially Designated State Scenic Highways. August 2019. [[https://dot.ca.gov/-/media/dot-media/programs/design/documents/design-and-eligible-aug2019\\_a11y.xlsx](https://dot.ca.gov/-/media/dot-media/programs/design/documents/design-and-eligible-aug2019_a11y.xlsx)] (accessed March 4, 2020).
- CalRecycle. 2019. SWIS Facility Detail. <https://www2.calrecycle.ca.gov/swfacilities/Directory/40-AA-0008/> (accessed February 2020)
- County of San Luis Obispo Resource Management System. 2016-2018 Resource Summary Report
- County of San Luis Obispo. Cultural and Paleontological Resources Section, Topaz Solar Final EIR. March 2011.
- County of Santa Barbara. Final Environmental Impact Report (EIR) for the Cannabis Land Use Ordinance and Licensing Program, December 2017
- San Luis Obispo Council of Governments, 2017, 2050 Regional Growth Forecast (RGF) for San Luis Obispo County
- San Luis Obispo Council of Governments, 2019 Regional Transportation Plan, Regional Traffic Model, Modeling and Technical Documentation, page 1-7. [https://www.dropbox.com/s/vsrw4o9kqeu8snv/\\_TOTAL-APPENDICES.pdf?dl=0](https://www.dropbox.com/s/vsrw4o9kqeu8snv/_TOTAL-APPENDICES.pdf?dl=0) Society of Vertebrate Paleontology. Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources. Available at: [http://vertpaleo.org/Membership/Member-Ethics/SVP\\_Impact Mitigation Guidelines.aspx](http://vertpaleo.org/Membership/Member-Ethics/SVP_Impact_Mitigation_Guidelines.aspx). 2010
- State of California Office of Planning and Research. Technical Advisory on Evaluating Transportation Impacts in CEQA. December 2018. Available at: [http://opr.ca.gov/docs/20190122-743\\_Technical Advisory.pdf](http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf). December 2018. Wallace Group. Memorandum: Water Use Evaluation for Proposed Cannabis Cultivation (APN:072-311-008). September 25, 2019.

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### Exhibit B - Mitigation Summary

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

#### Air Quality

##### **AQ-1**

**Fugitive Dust Construction Control Measures.** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

1. Reduce the amount of the disturbed area where possible;
2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;
3. All dirt stock-pile areas shall be sprayed daily as needed;
4. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
5. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
6. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

#### Biological Resources

##### **BR-1**

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

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training from a designated crew member on site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

**BR-2**

**Special Status Plant Species Avoidance and Minimization Measures.** Prior to initial ground disturbance and staging activities in areas of suitable habitat for special-status plants, focused surveys shall be completed by a qualified biologist. The surveys shall be floristic in nature and shall be seasonally timed to coincide with the blooming period of the target species. Surveys shall be conducted in accordance with the most current protocols established by the CDFW and USFWS, and consistent with the County's policies. All special status plant species identified on-site shall be mapped onto a site-specific aerial photograph and topographic map. Survey results shall be submitted to the County Department of Planning and Building prior to initiation of construction.

If special status plant species, including California jewelflower, Kern mallow, dwarf calycadenia, Hall's tarplant, recurved larkspur, diamond-petaled California poppy, or San Joaquin woollythreads, are identified within the proposed development footprint, impacts to these species will be avoided to the extent feasible.

If avoidance of state or federally listed plant species is not feasible, consultation with the applicable resource agency (CDFW, USFWS, or both) shall be initiated, depending on the designated FESA/CESA listing status of the plant. Work shall not begin at the location of the listed plant species until authorization to continue is provided by the applicable resource agency, or until applicable measures from a permit issued by the resource agency (CDFW, USFWS, or both) for the project are successfully implemented. All impacts to state or federally listed plant species shall be mitigated at a minimum ratio of 2:1 (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration.

If non-listed special status plants species cannot be avoided, impacts shall be mitigated for all impacts that could cause the regional population of any of these species to drop below self-sustaining levels, threaten to eliminate any plant community of which the species is a key part, or substantially reduce the number of occurrences or individuals or restrict the range of that species. The threshold for impacts above which mitigation must be implemented shall be impacts that remove over 10 percent of the local (onsite and immediate vicinity) population of any CRPR 1B species that forms a unique vegetation type, is present in unusually large numbers, with implications for status of the species throughout its range, or is otherwise designated as locally rare. Impacts shall be mitigated at a minimum ratio of 1:1 (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration. A restoration plan shall be prepared and submitted to the County for approval. (Note: if a state listed plant species will be impacted, the restoration plan shall also be submitted to the CDFW for approval). The restoration plan shall include, at a minimum, the following components:

1. Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type)
2. Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved]

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3. Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values)
4. Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan).
5. Maintenance activities during the monitoring period, including weed removal as appropriate (activities, responsible parties, schedule)
6. Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports)
7. Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type
8. An adaptive management program and remedial measures to address any shortcomings in meeting success criteria
9. Notification of completion of compensatory mitigation
10. Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

### BR-3

**San Joaquin Kit Fox (*Vulpes macrotis multica*; SJKF) Habitat Mitigation Measures** *Prior to issuance of grading and/or construction permits*, the applicant shall submit evidence to the County that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 16.17 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Wildlife (Department) and the County.

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

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

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department 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 (CEQA). This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to

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be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about the mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to “The Nature Conservancy”, would total \$40,425, based on \$2,500 per acre (5.39 acres impacted \* 3 \* \$2,500 per acre).

- c. Purchase 16.17 (5.39 acres \* 3) credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity,

Mitigation alternative (c) above, can be completed by purchasing credits from 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 (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total \$40,425 (5.39 acres \* 3 \* \$2,500). This fee is calculated based on the current cost-per-credit of \$2500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

### BR-4

#### San Joaquin Kit Fox Protection Measures

1. **SJKF Protection Measures on Plans** All SJKF protection measures required *before construction (prior to any project activities) and during construction* shall be included as a note on all project plans.
  - a. *Prior to issuance of grading and/or construction permits*, the applicant shall clearly delineate the following as a note on the project plans: “Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox”. Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.
2. **Pre-Construction Survey for SJKF** *Prior to issuance of grading and/or construction permits*, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:
  - a. A qualified biologist shall complete a pre-construction survey for SJKF no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure SJKF is not present within all proposed work areas and at least a 200-foot buffer around work areas per USFWS Standard Recommendations (2011). The biologist will survey for signs of SJKF and known or potential SJKF dens. The result of the survey shall be submitted to the County within 5 days of the survey and prior to start of initial project activities. The submittal shall include the date the survey was conducted, survey method, and survey results, including a map of the location of any SJKF signs, and/or known or potential SJKF dens, if present. If no SJKF signs, potential



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or known SJKF dens are identified, then the SJKF Standard Protection Avoidance and Protection Measure shall be applied.

- i. If the qualified biologist identifies potential SJKF den(s), the den(s) will be monitored for 3 consecutive nights with an infra-red camera, prior to any project activities, to determine if the den is being used by SJKF. If no SJKF activity is observed during the 3 consecutive nights of camera placement then project work can begin with the Standard SJKF Avoidance and Protection Measures and the SJKF Protection Measures if SJKF are observed.
- ii. If a known den is identified within 200-feet of any proposed project work areas, no work may start in that area.
  - iii. If 30 days lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), where no or minimal work activity occurs, the SJKF survey shall be updated.

### BR-5

#### **Standard SJKF Avoidance and Protection Measures** *Throughout the Life of the Project,*

1. If a SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other agencies as needed.
2. A maximum of 25 mph speed limit shall be required at the project site during project activities. Speed limit signs shall be installed on the project site prior to start of all work.
3. All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.
4. To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes or trenches greater than two feet deep shall be completely covered at the end of each work day by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If a SJKF is entrapped, CDFW, USFWS, and the County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.
5. All pipes, culverts, or similar structures with a diameter of 4 inches or greater, stored overnight at the project site shall be thoroughly inspected for sheltering SJKF before burying, capping, or moving. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day. No pipes, culverts, similar structures, or materials stored on site shall be moved if there is a SJKF present within or under the material. A 50-foot exclusion buffer will be established around the location of the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.
6. 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.
7. No deliberate feeding of wildlife shall be allowed.
8. Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.



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9. Trash will be disposed of into containers rather than stockpiling on site prior to removal.
10. Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence shall be surveyed (consistent with pre-construction survey requirements) by a qualified biologist before they are moved.
11. The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which SJKF depend.
12. Permanent fences shall allow for SJKF passage through or underneath by providing frequent openings (8-inch x 12-inch) or an approximately 4-inch or greater passage gap between the ground and the bottom of the fence. Any fencing constructed after issuance of a final permit shall follow the above guidelines.
13. During project activities and/or the operation phase, any contractor or employee that inadvertently kills or injures a SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead SJKF, the applicant shall immediately notify the USFWS, CDFW, and the County by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident.
14. If potential SJKF dens are identified on site during the pre-construction survey, a qualified biologist shall be on site immediately prior to the initiation of project activities to inspect the site and dens for SJKF activity. If a potential den appears to be active or there is sign of SJKF activity on site and within the above-recommended buffers, no work can begin.

**BR-6****American Badger (*Taxidea taxus*) Protection Measures**

- 1. Pre-construction survey for American Badgers.** A qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.
  - a. If a potential den is discovered, it shall be inspected to determine whether they are occupied. The survey shall cover the entire property and shall examine both old and new dens. The den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction.
  - b. If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone

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during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season, nursing young may be present), measured outward from the burrow entrance. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February and July. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

- c. Between July 1<sup>st</sup> and February 1<sup>st</sup>, all potential badger dens shall be inspected to determine if badgers are present. During the winter badgers do not truly hibernate but are inactive and asleep in their dens for several days at a time. Because they can be torpid during the winter, they are vulnerable to disturbances that may collapse their dens before they rouse and emerge. Therefore, surveys shall be conducted for badger dens throughout the year. If badger dens are found on the property during the pre-construction survey, the CDFG wildlife biologist for the area shall be contacted to review current allowable management practices.
- d. If more than 30 days pass between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the badger survey shall be repeated.

### BR-7

#### Nesting Birds Protection Measures

1. **Pre-construction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. This includes nests of all common bird species (under the MBTA), as well as special status birds and raptor nests. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active. If surveys do not locate nesting birds, construction activities may be conducted.
  - a. A 250-foot exclusion zone shall be placed around non-listed, passerine species, and a 500-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 250 feet (non-listed passerine species) or 500 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.

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- b. If special-status avian species (aside from the burrowing owl) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
- c. The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).
- d. If two weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

### BR-8

#### Burrowing Owl (*Athene cunicularia*) Avoidance and Minimization

1. **Pre-construction Survey for BUOW.** If work is planned to occur within 150 meters (approximately 492 feet) of Western burrowing owl habitat, a qualified biologist shall conduct a pre-construction survey for the species within 14 days prior to initial project activities. This applies year-round [i.e., within the breeding (February 1 to August 31) or non-breeding (September 1 to January 31) seasons]. A second survey shall be completed immediately prior to initial project activities (i.e., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on Western burrowing owl Mitigation, which specifies that 7- to 20-meter transects shall be walked, such that the entire project area is visible. These surveys may be completed concurrently with SJKE, American badger, or other special-status species surveys. If occupied Western burrowing owl burrows are identified the following exclusion zones shall be observed during project activities, unless otherwise authorized by CDFW:

Location	Time of Year	Level of Disturbance		
		Low	Medium	High
Nesting Sites	April 1 – Aug 15	656 feet	1,640 feet	1,640 feet
Nesting Sites	Aug 16 – Oct 15	656 feet	656 feet	1,640 feet
Any Occupied Burrow	Oct 16 – Mar 31	164 feet	328 feet	1,640 feet

Each exclusion zone shall encircle the burrow and have a radius as specified in the table above. All foot and vehicle traffic, as well as all project activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the burrow is no longer in use.

If two weeks lapse between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the Western burrowing owl survey shall be repeated.

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### BR-9

#### **Special-status Reptiles and Amphibians Avoidance and Protection.**

**Pre-construction Survey for Special-status Reptiles and Amphibians.** Prior to issuance of grading and/or construction permits and immediately prior to initiation of site disturbance and/or construction, a qualified biologist shall conduct a pre-construction survey immediately before any initial ground disturbances (i.e. the morning of the commencement of disturbance) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special status reptiles and/or amphibians are found in the area of disturbance, the biologist shall move the animal(s) to an appropriate location outside the area of disturbance. The candidate site(s) for relocation shall be identified before construction and shall be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the species' range.

If any additional ground- or vegetation-disturbing activities occur on the project site, the above surveys and monitoring shall be repeated.

### BR-10

#### **Crotch Bumble Bee (*Bombus crotchii*) Avoidance and Minimization**

1. **Pre-construction Survey for Crotch Bumble Bee.** The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for Crotch bumble bee within suitable habitat (i.e., small mammal burrows, thatched/bunch grasses, upland scrubs, brush piles, unmowed/overgrown areas, dead trees, hollow logs, etc.) on the project site. Survey(s) shall be conducted over an extended period of time to document and establish the presence of the bees within the areas of disturbance.
2. **Avoidance and Take Authorization.** If the survey(s) establish the presence of Crotch bumble bee within the areas of disturbance, the applicant shall retain a qualified biologist to prepare a Biological Resources Management Plan (Management Plan) subject to review and approval by the County Planning and Building Department in consultation with CDFW. The Management Plan shall include at least the following:
  - a. Avoidance measures to include a minimum 50-foot no-disturbance buffer to avoid take and potentially significant impacts.
  - b. If ground-disturbing activities will occur during the overwintering period (October through February), the applicant, in coordination with the County Planning and Building Department, shall consult with CDFW to identify specific measures to be undertaken to avoid take as defined by the California Endangered Species Act (CESA).
  - c. In the event that CBB is denied listing under CESA by state law, this mitigation measure shall no longer be required.

### BR-11

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

1. The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be

## Initial Study – Environmental Checklist

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clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.

2. Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.
3. Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).
4. Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
5. Washing of concrete, paint, equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.
6. Equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

### BR-12

**Weekly Site Visits.** During the site disturbance and/or construction phase, a qualified biologist shall conduct weekly site visits during site-disturbance activities (e.g., clearing, grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, to check the site for special-status species. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by a biologist unless a potential SJKF den was identified on-site or the qualified biologist recommends monitoring for other sensitive species protection. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

### BR-13

#### **Monthly Biological Monitoring.**

1. *Before (prior to ground disturbance), during, and after (one month following the end of annual operations) cannabis activities*, the Applicant or project proponent must hire a qualified biologist to conduct monthly biological monitoring inspections. The qualified biologist will inspect the site to ensure compliance with the above-measures and to determine if any new activities have occurred. The biologist will provide a refresher survey and/or environmental training, as needed, during the monthly inspection. The biologist will be required to submit a report to the County within a week of the inspection. If major issues are identified during the inspection (e.g., encroachment into buffer zones, new activity outside previously surveyed area, etc.), then the biologist will notify the County immediately (via phone and/or in writing). If the results of monthly inspections show repeated noncompliance, the frequency of the inspections may be increased by the County. If the results of the monthly inspections consistently show compliance, the frequency of the inspections may be reduced by the County.
2. Alternatively, if the County implements a biological monitoring program, then the Applicant or project proponent will participate in that program and pay County-generated invoices in lieu of hiring the biologist directly.

### BR-14

#### **Annual Biological Resource Surveys.**

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### **Annual Pre-activity Survey for SJKF, Special-status Small Mammals, and Burrow Mapping.**

*Throughout the Life of the Project*, the applicant or project proponent must hire a qualified biologist to complete an annual pre-activity survey for SJKF and special-status small mammal species (e.g., giant kangaroo rat and Nelson's [San Joaquin] antelope squirrel) no more than 14 days prior to the start of initial ground disturbance associated with the outdoor grow sites to ensure SJKF and special-status small mammal species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active SJKF and special-status mammal burrows within the grow site areas plus a 50-foot buffer for small mammals and 250-foot buffer for SJKF. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of state or federally-listed species burrows and/or dens is not feasible, no work shall begin within 250 feet (for SJKF dens) or within 50 feet (state or federally-listed small mammal) and consultation with the applicable resource agency (CDFW, USFWS, or both) shall be initiated, depending on the designated FESA/CESA listing status of the animal. Work shall not begin until authorization to continue is provided by the applicable resource agency, or until applicable measures from a permit issued by the resource agency (CDFW, USFWS, or both) for the project are successfully implemented.

### **BR-15 Site Restoration Following End of Operations.**

Upon revocation of a use permit or abandonment of a licensed cultivation or nursery site, the permittee and/or property owner shall provide a restoration plan that re-establishes the previous natural conditions of the site. The plan shall include removal all materials, equipment, and improvements on the site that were devoted to cannabis use, including but not limited to concrete foundation and slabs; bags, pots, or other containers; tools; fertilizers; pesticides; fuels; hoop house frames and coverings; irrigation pipes; water bladders or tanks; pond liners; electrical lighting fixtures; wiring and related equipment; fencing; cannabis or cannabis waste products; imported soils or soils amendments not incorporated into native soil; generators; pumps; or structures not adaptable to non-cannabis permitted use of the site. If any of the above described or related material or equipment is to remain, the permittee and/or property owner shall prepare a plan and description of the non-cannabis continued use of such material or equipment on the site. The property owner shall be responsible for execution of the restoration plan that will re-establish the previous natural conditions of the site, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the County.

### **BR-16 Nighttime Lighting**

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

1. Exterior lighting used for security purposes shall be motion activated, be designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off site and shall be of the lowest lumen necessary to address security issues.

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### Hazards/Hazardous Materials

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



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### Appendix A – Other Agency Approvals That May Be Required

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

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

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

#### *Section 8102 – Annual State License Application Requirements*

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

#### *Section 8106 – Cultivation Plan Requirements*

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- (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.

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

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

California Department of Fish and Wildlife (CDFW)

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

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

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

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

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

[https://ceqaportal.org/ceqacase.cfm?cq\\_id=1612](https://ceqaportal.org/ceqacase.cfm?cq_id=1612); <https://wildlife.ca.gov/Regions/5/Newhall>

DATE: December 10, 2020

**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM  
FOR AGZONE SERVICES LLC  
MINOR USE PERMIT  
(DRC2018-00078)**

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

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

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

**AIR QUALITY (AQ)**

**AQ-1 Fugitive Dust Construction Control Measures.** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

1. Reduce the amount of the disturbed area where possible;
2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;
3. All dirt stock-pile areas shall be sprayed daily as needed;
4. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
5. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
6. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

**Monitoring:** Required during construction. Compliance will be verified by the County Department of Planning and Building.

## **BIOLOGICAL RESOURCES (BIO)**

- BR-1**      **Environmental Awareness Training** *Prior to major construction activities* (e.g., site mobilization, clearing, grubbing, preparation for installing new facilities, etc.), an environmental awareness training shall be presented to all project personnel by a qualified biologist prior to the start of any project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the project's discretionary permits, an overview of the federal Endangered Species Act, the California Endangered Species Act, and implications of noncompliance with these regulations, as well as an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the trainees will be kept and provided to the County of San Luis Obispo (County). If new project personnel join the project after the initial training period, they will receive the environmental awareness training from a designated crew member on site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

**Monitoring:** Required prior to construction. Compliance will be verified by the County Department of Planning and Building.

**BR-2**      **Special Status Plant Species Avoidance and Minimization Measures.**

Prior to initial ground disturbance and staging activities in areas of suitable habitat for special-status plants, focused surveys shall be completed by a qualified biologist. The surveys shall be floristic in nature and shall be seasonally timed to coincide with the blooming period of the target species. Surveys shall be conducted in accordance with the most current protocols established by the CDFW and USFWS, and consistent with the County's policies. All special status plant species identified on-site shall be mapped onto a site-specific aerial photograph and topographic map. Survey results shall be submitted to the County Department of Planning and Building prior to initiation of construction.

If special status plant species, including California jewelflower, Kern mallow, dwarf calycadenia, Hall's tarplant, recurved larkspur, diamond-petaled California poppy, or San Joaquin woollythreads, are identified within the proposed development footprint, impacts to these species will be avoided to the extent feasible.

If avoidance of state or federally listed plant species is not feasible, consultation with the applicable resource agency (CDFW, USFWS, or both) shall be initiated, depending on the designated FESA/CESA listing status of the plant. Work shall not begin at the

location of the listed plant species until authorization to continue is provided by the applicable resource agency, or until applicable measures from a permit issued by the resource agency (CDFW, USFWS, or both) for the project are successfully implemented. All impacts to state or federally listed plant species shall be mitigated at a minimum ratio of 2:1 (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration.

If non-listed special status plants species cannot be avoided, impacts shall be mitigated for all impacts that could cause the regional population of any of these species to drop below self-sustaining levels, threaten to eliminate any plant community of which the species is a key part, or substantially reduce the number of occurrences or individuals or restrict the range of that species. The threshold for impacts above which mitigation must be implemented shall be impacts that remove over 10 percent of the local (onsite and immediate vicinity) population of any CRPR 1B species that forms a unique vegetation type, is present in unusually large numbers, with implications for status of the species throughout its range, or is otherwise designated as locally rare. Impacts shall be mitigated at a minimum ratio of 1:1 (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration. A restoration plan shall be prepared and submitted to the County for approval. (Note: if a state listed plant species will be impacted, the restoration plan shall also be submitted to the CDFW for approval). The restoration plan shall include, at a minimum, the following components:

1. Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type)
2. Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved]
3. Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values)
4. Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan).
5. Maintenance activities during the monitoring period, including weed removal as appropriate (activities, responsible parties, schedule)
6. Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports)
7. Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type
8. An adaptive management program and remedial measures to address any shortcomings in meeting success criteria
9. Notification of completion of compensatory mitigation



10. Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

**Monitoring:** Required prior to construction. Compliance will be verified by the County Department of Planning and Building.

**BR-3**

**San Joaquin Kit Fox (*Vulpes macrotis multica*; SJKF) Habitat Mitigation Measures**

*Prior to issuance of grading and/or construction permits*, the applicant shall submit evidence to the County that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 16.17 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Wildlife (Department) and the County.

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

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

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department 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 (CEQA). This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about the mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to "The Nature Conservancy", would total \$40,425, based on \$2,500 per acre (5.39 acres impacted \* 3 \* \$2,500 per acre).

- c. Purchase 16.17 (5.39 acres \* 3) credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity,

Mitigation alternative (c) above, can be completed by purchasing credits from 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 (CEQA). The cost for



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purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total \$40,425 (5.39 acres \* 3\* \$2,500). This fee is calculated based on the current cost-per-credit of \$2500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

**Monitoring:** Required prior to issuance of grading/and/or construction permits. Compliance will be verified by the County Department of Planning and Building.

**BR-4 San Joaquin Kit Fox Protection Measures**

- 1. SJKF Protection Measures on Plans** All SJKF protection measures required *before construction (prior to any project activities) and during construction* shall be included as a note on all project plans.
  - a. *Prior to issuance of grading and/or construction permits*, the applicant shall clearly delineate the following as a note on the project plans: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.
- 2. Pre-Construction Survey for SJKF** *Prior to issuance of grading and/or construction permits*, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:
  - a. A qualified biologist shall complete a pre-construction survey for SJKF no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure SJKF is not present within all proposed work areas and at least a 200-foot buffer around work areas per USFWS Standard Recommendations (2011). The biologist will survey for signs of SJKF and known or potential SJKF dens. The result of the survey shall be submitted to the County within 5 days of the survey and prior to start of initial project activities. The submittal shall include the date the survey was conducted, survey method, and survey results, including a map of the location of any SJKF signs, and/or known or potential SJKF dens, if present. If no SJKF signs, potential or known SJKF dens are identified, then the SJKF Standard Protection Avoidance and Protection Measure shall be applied.
    - i. If the qualified biologist identifies potential SJKF den(s), the den(s) will be monitored for 3 consecutive nights with an infra-red camera, prior to any project activities, to determine if the den is being used by SJKF. If no SJKF activity is observed during the 3 consecutive nights of camera placement then project work can begin with the Standard SJKF Avoidance and Protection Measures and the SJKF Protection Measures if SJKF are observed.
    - ii. If a known den is identified within 200-feet of any proposed project work areas, no work may start in that area.
    - iii. If 30 days lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), where no or minimal work activity occurs, the SJKF survey shall be updated.

**Monitoring:** Required no less than 14 days and no more than 30 days prior to the start of initial project activities and during construction. Compliance will be verified by the County Department of Planning and Building.

**BR-5 Standard SJKF Avoidance and Protection Measures Throughout the Life of the Project,**

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1. If a SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other agencies as needed.
2. A maximum of 25 mph speed limit shall be required at the project site during project activities. Speed limit signs shall be installed on the project site prior to start of all work.
3. All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.
4. To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes or trenches greater than two feet deep shall be completely covered at the end of each work day by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If a SJKF is entrapped, CDFW, USFWS, and the County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.
5. All pipes, culverts, or similar structures with a diameter of 4 inches or greater, stored overnight at the project site shall be thoroughly inspected for sheltering SJKF before burying, capping, or moving. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day. No pipes, culverts, similar structures, or materials stored on site shall be moved if there is a SJKF present within or under the material. A 50-foot exclusion buffer will be established around the location of the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.
6. 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.
7. No deliberate feeding of wildlife shall be allowed.
8. Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.
9. Trash will be disposed of into containers rather than stockpiling on site prior to removal.
10. Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence shall be surveyed (consistent with pre-construction survey requirements) by a qualified biologist before they are moved.
11. The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which SJKF depend.
12. Permanent fences shall allow for SJKF passage through or underneath by providing frequent openings (8-inch x 12-inch) or an approximately 4-inch or greater passage gap between the ground and the bottom of the fence. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

13. During project activities and/or the operation phase, any contractor or employee that inadvertently kills or injures a SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead SJKF, the applicant shall immediately notify the USFWS, CDFW, and the County by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident.
14. If potential SJKF dens are identified on site during the pre-construction survey, a qualified biologist shall be on site immediately prior to the initiation of project activities to inspect the site and dens for SJKF activity. If a potential den appears to be active or there is sign of SJKF activity on site and within the above-recommended buffers, no work can begin.

**Monitoring:** Required no less than 14 days and no more than 30 days prior to the start of initial project activities and during construction. Compliance will be verified by the County Department of Planning and Building.

#### BR-6

#### **American Badger (*Taxidea taxus*) Protection Measures**

1. **Pre-construction survey for American Badgers.** A qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.
  - a. If a potential den is discovered, it shall be inspected to determine whether they are occupied. The survey shall cover the entire property and shall examine both old and new dens. The den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction.
  - b. If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season, nursing young may be present), measured outward from the burrow entrance. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February and July. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be

maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

- c. Between July 1<sup>st</sup> and February 1<sup>st</sup>, all potential badger dens shall be inspected to determine if badgers are present. During the winter badgers do not truly hibernate but are inactive and asleep in their dens for several days at a time. Because they can be torpid during the winter, they are vulnerable to disturbances that may collapse their dens before they rouse and emerge. Therefore, surveys shall be conducted for badger dens throughout the year. If badger dens are found on the property during the pre-construction survey, the CDFG wildlife biologist for the area shall be contacted to review current allowable management practices.
- d. If more than 30 days pass between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the badger survey shall be repeated.

**Monitoring:** Required prior to issuance of building permits and initiation of ground disturbing activities. Compliance will be verified by the County Department of Planning and Building.

## BR-7

### Nesting Birds Protection Measures

1. **Pre-construction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. This includes nests of all common bird species (under the MBTA), as well as special status birds and raptor nests. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active. If surveys do not locate nesting birds, construction activities may be conducted.
  - a. A 250-foot exclusion zone shall be placed around non-listed, passerine species, and a 500-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 250 feet (non-listed passerine species) or 500 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
  - b. If special-status avian species (aside from the burrowing owl) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.



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- c. The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).
- d. If two weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

**Monitoring:** If work occurs between February 1 and September 15, required within one week of the onset of construction activities or tree removal/trimming activities, during project construction and until project construction terminates, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young. Compliance will be verified by the County Department of Planning and Building.

## BR-8

### Burrowing Owl (*Athene cunicularia*) Avoidance and Minimization

1. **Pre-construction Survey for BUOW.** If work is planned to occur within 150 meters (approximately 492 feet) of Western burrowing owl habitat, a qualified biologist shall conduct a pre-construction survey for the species within 14 days prior to initial project activities. This applies year-round [i.e., within the breeding (February 1 to August 31) or non-breeding (September 1 to January 31) seasons]. A second survey shall be completed immediately prior to initial project activities (i.e., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on Western burrowing owl Mitigation, which specifies that 7- to 20-meter transects shall be walked, such that the entire project area is visible. These surveys may be completed concurrently with SJKE, American badger, or other special-status species surveys. If occupied Western burrowing owl burrows are identified the following exclusion zones shall be observed during project activities, unless otherwise authorized by CDFW:

Location	Time of Year	Level of Disturbance		
		Low	Medium	High
Nesting Sites	April 1 – Aug 15	656 feet	1,640 feet	1,640 feet
Nesting Sites	Aug 16 – Oct 15	656 feet	656 feet	1,640 feet
Any Occupied Burrow	Oct 16 – Mar 31	164 feet	328 feet	1,640 feet

Each exclusion zone shall encircle the burrow and have a radius as specified in the table above. All foot and vehicle traffic, as well as all project activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the burrow is no longer in use.

If two weeks lapse between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the Western burrowing owl survey shall be repeated.

**Monitoring:** Required within 14 days prior to initial project activities. Compliance will be verified by the County Department of Planning and Building.

**BR-9 Special-status Reptiles and Amphibians Avoidance and Protection.**

**Pre-construction Survey for Special-status Reptiles and Amphibians.** Prior to issuance of grading and/or construction permits and immediately prior to initiation of site disturbance and/or construction, a qualified biologist shall conduct a pre-construction survey immediately before any initial ground disturbances (i.e. the morning of the commencement of disturbance) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special status reptiles and/or amphibians are found in the area of disturbance, the biologist shall move the animal(s) to an appropriate location outside the area of disturbance. The candidate site(s) for relocation shall be identified before construction and shall be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the species' range.

If any additional ground- or vegetation-disturbing activities occur on the project site, the above surveys and monitoring shall be repeated.

**Monitoring:** Required prior to construction. Compliance will be verified by the County Department of Planning and Building.

**BR-10 Crotch Bumble Bee (*Bombus crotchii*) Avoidance and Minimization**

1. **Pre-construction Survey for Crotch Bumble Bee.** The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for Crotch bumble bee within suitable habitat (i.e., small mammal burrows, thatched/bunch grasses, upland scrubs, brush piles, unmowed/overgrown areas, dead trees, hollow logs, etc.) on the project site. Survey(s) shall be conducted over an extended period of time to document and establish the presence of the bees within the areas of disturbance.
2. **Avoidance and Take Authorization.** If the survey(s) establish the presence of Crotch bumble bee within the areas of disturbance, the applicant shall retain a qualified biologist to prepare a Biological Resources Management Plan (Management Plan) subject to review and approval by the County Planning and Building Department in consultation with CDFW. The Management Plan shall include at least the following:
  - a. Avoidance measures to include a minimum 50-foot no-disturbance buffer to avoid take and potentially significant impacts.



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- b. If ground-disturbing activities will occur during the overwintering period (October through February), the applicant, in coordination with the County Planning and Building Department, shall consult with CDFW to identify specific measures to be undertaken to avoid take as defined by the California Endangered Species Act (CESA).
- c. In the event that CBB is denied listing under CESA by state law, this mitigation measure shall no longer be required.

**Monitoring:** Required prior to construction. Compliance will be verified by the County Department of Planning and Building.

**BR-11**

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

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

**Monitoring:** Required during active construction and ongoing operations. Compliance will be verified by the County Department of Planning and Building.

**BR-12**

**Weekly Site Visits.** During the site disturbance and/or construction phase, a qualified biologist shall conduct weekly site visits during site-disturbance activities (e.g., clearing,

grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, to check the site for special-status species. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by a biologist unless a potential SJKF den was identified on-site or the qualified biologist recommends monitoring for other sensitive species protection. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

**Monitoring:** Required during site disturbance and/or construction phase. Compliance will be verified by the County Department of Planning and Building.

#### **BR-13 Monthly Biological Monitoring**

1. *Before (prior to ground disturbance), during, and after (one month following the end of annual operations) cannabis activities*, the Applicant or project proponent must hire a qualified biologist to conduct monthly biological monitoring inspections. The qualified biologist will inspect the site to ensure compliance with the above-measures and to determine if any new activities have occurred. The biologist will provide a refresher survey and/or environmental training, as needed, during the monthly inspection. The biologist will be required to submit a report to the County within a week of the inspection. If major issues are identified during the inspection (e.g., encroachment into buffer zones, new activity outside previously surveyed area, etc.), then the biologist will notify the County immediately (via phone and/or in writing). If the results of monthly inspections show repeated noncompliance, the frequency of the inspections may be increased by the County. If the results of the monthly inspections consistently show compliance, the frequency of the inspections may be reduced by the County.
2. Alternatively, if the County implements a biological monitoring program, then the Applicant or project proponent will participate in that program and pay County-generated invoices in lieu of hiring the biologist directly.

**Monitoring:** Required prior to ground disturbance, during, and after (one month following the end of annual operations) cannabis activities. Compliance will be verified by the County Department of Planning and Building.

#### **BR-14 Annual Biological Resource Surveys.**

**Annual Pre-activity Survey for SJKF, Special-status Small Mammals, and Burrow Mapping.** *Throughout the Life of the Project*, applicant or project proponent must hire a qualified biologist to complete an annual pre-activity survey for SJKF and special-status small mammal species (e.g., giant kangaroo rat and Nelson's [San Joaquin] antelope squirrel) no more than 14 days prior to the start of initial ground disturbance or initiating outdoor cannabis activities (including removal of stockpiled materials) to ensure SJKF and special-status small mammal species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially

active SJKF and special-status mammal burrows within the grow site areas plus a 50-foot buffer for small mammals and 250-foot buffer for SJKF. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of state or federally-listed species burrows and/or dens is not feasible, no work shall begin within 250 feet (for SJKF dens) or within 50 feet (state or federally-listed small mammal) and consultation with the applicable resource agency (CDFW, USFWS, or both) shall be initiated, depending on the designated FESA/CESA listing status of the animal. Work shall not begin until authorization to continue is provided by the applicable resource agency, or until applicable measures from a permit issued by the resource agency (CDFW, USFWS, or both) for the project are successfully implemented.

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

**BR-15      Site Restoration Following End of Operations.**

Upon revocation of a use permit or abandonment of a licensed cultivation or nursery site, the permittee and/or property owner shall remove all materials, equipment, and improvements on the site that were devoted to cannabis use, including but not limited to concrete foundation and slabs; bags, pots, or other containers; tools; fertilizers; pesticides; fuels; hoop house frames and coverings; irrigation pipes; water bladders or tanks; pond liners; electrical lighting fixtures; wiring and related equipment; fencing; cannabis or cannabis waste products; imported soils or soils amendments not incorporated into native soil; generators; pumps; or structures not adaptable to non-cannabis permitted use of the site. If any of the above described or related material or equipment is to remain, the permittee and/or property owner shall prepare a plan and description of the non-cannabis continued use of such material or equipment on the site. The property owner shall be responsible for execution of the restoration plan that will re-establish the previous natural conditions of the site, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the County.

**Monitoring:** Required upon termination of project operations. Compliance will be verified by the County Department of Planning and Building.

**BR-16      Nighttime Lighting**

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

1. Exterior lighting used for security purposes shall be motion activated, be designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off site and shall be of the lowest lumen necessary

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to address security issues.

**Monitoring:** Required prior to construction. Compliance will be verified by the County Department of Planning and Building.

#### **HAZARDS/HAZARDOUS MATERIALS (HAZ)**

**HAZ-1      Equipment Maintenance and Refueling.** During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

**Monitoring:** Required during construction. Compliance will be verified by the County Department of Planning and Building.

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

**Monitoring:** Required during construction. 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.



**Signature of Applicant**

**Dan Tudor**

**Name (Print)**

**12.14.2020**

**Date**