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 20-078 **DATE:** February 11, 2021

PROJECT/ENTITLEMENT: Bradley Canyon Farms LLC Conditional Use Permit; DRC2018-00110

APPLICANT NAME: Bradley Canyon Farms LLC
Email: helios@nhcdispensaries.com
ADDRESS: 998 Huston St. Suite A, Grover Beach, CA 93433
CONTACT PERSON: Helios Dayspring **Telephone:** (805) 201-1498

PROPOSED USES/INTENT: A request by **Bradley Canyon Farms, LLC** for a Conditional Use Permit (DRC2018-00110) to establish 1.23 acres (53,400 square feet) of outdoor cannabis cultivation area, 6,720 square feet of outdoor ancillary cannabis nursery, and 2,400 square feet of indoor ancillary cannabis nursery on a 100-acre parcel. The project would also include installation of new security fencing, surveillance cameras, eight new water tanks, portable restrooms, and two seatrain containers for storage of planting materials and equipment. The project would result in approximately 48,702 square feet of site disturbance, including 49 cubic yards of cut and 49 cubic yards of fill, to be balanced on-site.

LOCATION: The project site is located within the Rural Lands land use category and is located at 1255 Tierra Redonda Road, approximately 0.75 mile north of the village of Oak Shores in the Nacimiento subarea of the North County Planning Area.

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

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

OTHER POTENTIAL PERMITTING AGENCIES: California Department of Food and Agriculture - CalCannabis, California Department of Fish and Wildlife, Regional Water Quality Control Board, California Department of Forestry and Fire Protection, Caltrans, Native American Heritage Commission, and Department of Toxic Substances Control

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 March 6, 2021 at 4:30 p.m.

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

Notice of Determination

State Clearinghouse No. _____

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

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

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

	Eric Hughes, Planner, 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. Bradley Canyon Farms Conditional Use Permit ED20-078 DRC2018-00110

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

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

DETERMINATION: (To be completed by the Lead Agency)

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

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

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

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

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

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

Cassidy Williams, SWCA Environmental Consultants	Cassidy L. Williams		1/14/2021
Prepared by (Print)	Signature	For Steve McMaster	Date
Eric Hughes		Principal Environmental Specialist	1/27/2021
Reviewed by (Print)	Signature		Date

Initial Study – Environmental Checklist

Project Environmental Analysis

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

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

A. Project

DESCRIPTION: A request by **Bradley Canyon Farms, LLC** for a Conditional Use Permit (DRC2018-00110) to establish 1.23 acres (53,400 square feet) of outdoor cannabis cultivation area, 6,720 square feet of outdoor ancillary cannabis nursery, and 2,400 square feet of indoor ancillary cannabis nursery on a 100-acre parcel. The project would also include installation of new security fencing, surveillance cameras, eight new water tanks, portable restrooms, and two seatrain containers for storage of planting materials and equipment. The project would result in approximately 48,702 square feet of site disturbance, including 49 cubic yards of cut and 49 cubic yards of fill, to be balanced on-site. The project site is located within the Rural Lands land use category and is located at 1255 Tierra Redonda Road, approximately 0.75 mile north of the village of Oak Shores in the Nacimiento subarea of the North County Planning Area.

The project site is accessed by Tierra Redonda Road, previously known as County Road 22, which is an unpaved public roadway. While the road is not currently maintained by the County of San Luis Obispo (County), it is considered a public road and provides legal access for this project.

Proposed outdoor cultivation would consist of 42,720 square feet of cultivation canopy within a 53,400-square-foot cultivation area. Outdoor cultivation would occur within a total of 18 existing cannabis hoop structures ranging in size from 1,680 square feet to 3,600 square feet and approximately 12 feet in height with metal framing and white plastic hoop coverings. White plastic hoop coverings would be installed at the beginning of the outdoor cultivation season (March) and removed following the last harvest of the outdoor cultivation areas each year (October). This standard “berry” plastic poly film serves to protect the cultivation areas from inclement weather conditions. During evening hours, the hoop structures would be covered by additional plastic coverings that enclose the entire structure, ends, and sides. These additional plastic coverings would be two-sided, with black plastic on the interior of the hoop structures and white plastic on the exterior (i.e., panda film). These additional plastic coverings would be installed as early as 5:00 p.m. and removed around 7:00 a.m. during outdoor cultivation seasons (i.e., March through October). This process allows for a “black out” of the cultivation areas and simulates nighttime to assist in the process of making the plants flower. Per County Ordinance and Building Code standards, no lighting or electronic equipment of any kind would be installed within the hoop structures. Outdoor cultivation areas would yield up to three harvests per year, in June, August, and late October; products would be transported off-site to be processed (e.g., dried,

cured, trimmed, etc.). All cannabis plant waste and used soil would be composted on-site within a designated compost area.

Proposed ancillary nursery would consist of 5,376 square feet of outdoor cultivation canopy within a 6,720-square foot cultivation area, and 2,400 square feet of indoor cultivation canopy within a 2,400-square-foot area. Ancillary nursery cultivation would be planted in aboveground pots within three existing cannabis hoop structures, as well as within an existing 2,400-square-foot accessory structure. Hoop structures used for outdoor ancillary nursery would also include installation of white plastic hoop coverings during the outdoor cultivation season (March through October) and use of additional black out panda film covers in the evening and morning hours (between 5:00 p.m. and 7:00 a.m.). All nursery plants cultivated on-site would be used to support on-site cultivation operations and would not be transported off-site.

Based on the water management plan provided by the applicant, the project would utilize approximately 1.44 acre-feet per year (AFY). The project's water demand would be supplied by two existing on-site wells. Existing irrigation lines currently serve seven of the 21 existing hoop structures. New subsurface irrigation lines would be installed to reach the other 14 hoop structures on-site proposed for cannabis cultivation and nursery. The project would also include the installation of eight new 5,000-gallon water tanks to support on-site irrigation activities.

The project would require the extension of existing Pacific Gas & Electric Company (PG&E) electricity infrastructure on-site to supply power to the existing 2,400-square-foot accessory structure through installation of new underground power lines. An existing 500-gallon diesel fuel tank is located on-site that would be used to fuel an existing diesel generator, which would supply power for the well pump for the irrigation and nutrient delivery systems until electrical service is extended onto the project site.

The project site includes an existing 6-foot-high three-strand barbed wire fence around three sides of the project as well as existing 6-foot deer fencing around the center of the proposed cultivation area. The project includes installation of new 6-foot chain-link fencing with opaque security slats around each of the proposed cultivation areas. Security cameras with infrared technology would also be installed throughout the project site to ensure security of the site.

The project would include use of pesticides during operation, including Activia, Regalia, Venerate, Mildew Cure, neem oil, sulfur, Dawn dish soap, Monterey County Insect Spray, Merit, Floramiite, Abeemctan, SM99, and Green Clean. Pesticide and fertilizer storage would occur within two proposed 320-square-foot seatrain containers near the center of the property. The project applicant has obtained an Owner Identification Number (OIN) through the County Department of Agriculture/Weights and Measures.

To prevent nuisance odors from being detected off-site, the proposed outdoor cultivation area would be located a minimum of 300 feet from all property lines and the public right-of-way in accordance with County Land Use Ordinance (LUO) 22.40.050.D.3.b. The proposed setback distances from the outdoor cultivation areas to public right-of-way or property lines would range between approximately 380 feet to 1,026 feet. In addition, the existing 2,400-square-foot accessory structure proposed for indoor nursery operations would be equipped with ventilation fans and would be located within an existing structure that is located a minimum of 680 feet from the nearest property line or public right-of-way. Based on the proposed use having less potential for strong odors due to having no flowering plants, the location of the use and proposed ventilation of the structure are consistent with the County LUO requirements for to prevent any cannabis nursery odors from being detected off-site (LUO 22.40.060.E.8).

Initial Study – Environmental Checklist

The project would employ up to six full-time employees, who would maintain project operations between 6:00 a.m. and 8:00 p.m. daily, and up to eight additional seasonal employees, who would work on-site during each of the proposed 1- to 2-week harvest periods, which would occur three times a year.

Baseline Conditions: The project site currently supports outdoor cannabis cultivation registered under County Urgency Ordinance No. 3334 (Condition Compliance Monitoring number CCM2016-00361), issued to Helios Dayspring. On November 27, 2017, in conjunction with adoption of the cannabis land use ordinance in the unincorporated inland and coastal areas of San Luis Obispo County, the County Board of Supervisors adopted Resolution No. 2017-298 ("Temporary Abeyance Resolution"), which established a limited abeyance of enforcement policy for existing registered cultivation operations on compliant sites with registrants who were diligently pursuing land use permit approval. As such, the project site's registration for cannabis cultivation does not constitute a permit approval, and the current cannabis cultivation would not be allowed to continue if the applicant were not pursuing a land use permit. In addition, the currently established cannabis activities were not subject to environmental review. Therefore, the environmental impacts associated with the establishment of the existing cannabis operations are considered a part of the proposed project and are considered in this initial study.

Since 2016 and under the current urgency ordinance registration, the project applicant has cultivated approximately 12,500 square feet of cannabis within seven hoop structures on-site. Other existing development on-site includes 14 hoop structures, a single-family residence, two accessory structures, water tanks, deer fencing, a three-strand barbed wire fence, and an unpaved driveway. Undeveloped portions of the property support oak woodland, grassland, and ruderal habitats. Three ephemeral drainages cross through the property as well. Topography of the project site ranges from nearly level to moderately sloping. The project site is surrounded by largely undeveloped land with dense woodland and scattered rural residences and grazing uses within the Agriculture land use designation to the north, east, and west, as well as undeveloped land within the Open Space designation to the south associated with Tierra Redonda Mountain.

ASSESSOR PARCEL NUMBER(S): 080-021-052

Latitude: 35˚ 46′ 32″ **Longitude:** 120˚ 58′ 2″ **SUPERVISORIAL DISTRICT #** 1

Other Public Agencies Whose Approval is Required

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

B. Existing Setting

Plan Area: North County **Sub:** Nacimiento **Comm:** Rural

Land Use Category: Rural Lands

Combining Designation: Sensitive Resource Area

Parcel Size: 100 acres

Topography: Nearly level to moderately sloping

Vegetation: Urban-built up, oak woodland, grassland

Existing Uses: Single family residence, accessory structures, cannabis cultivation

Surrounding Land Use Categories and Uses:

North: Agriculture; single-family residence(s)) , agricultural uses , accessory structures

East: Agriculture; single-family residence(s)), agricultural uses , accessory structures

South: Rural Lands, Open Space; single-family residence(s), accessory structures

West: Agriculture; undeveloped

Initial Study – Environmental Checklist

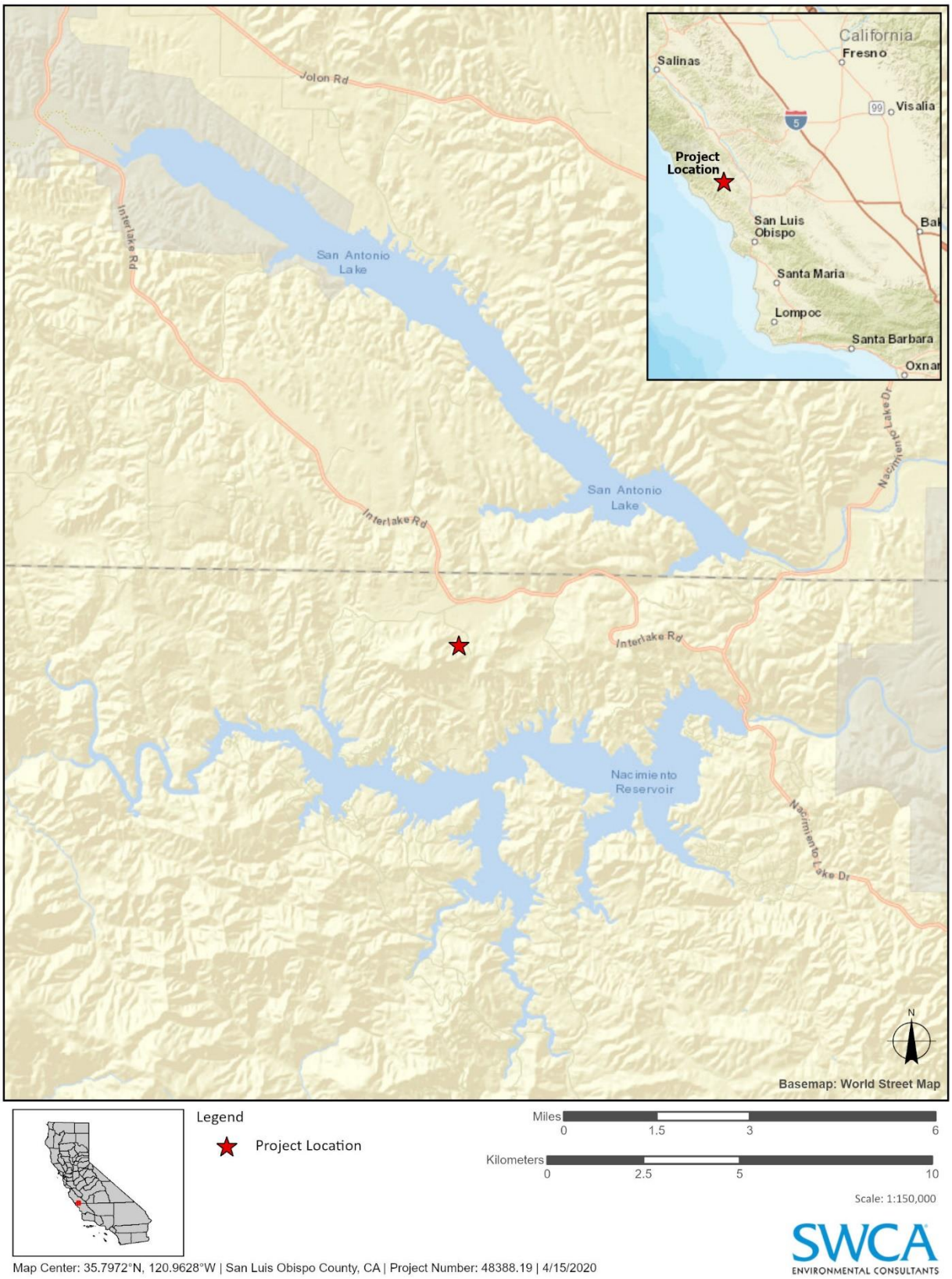


Figure 1. Project Vicinity Map

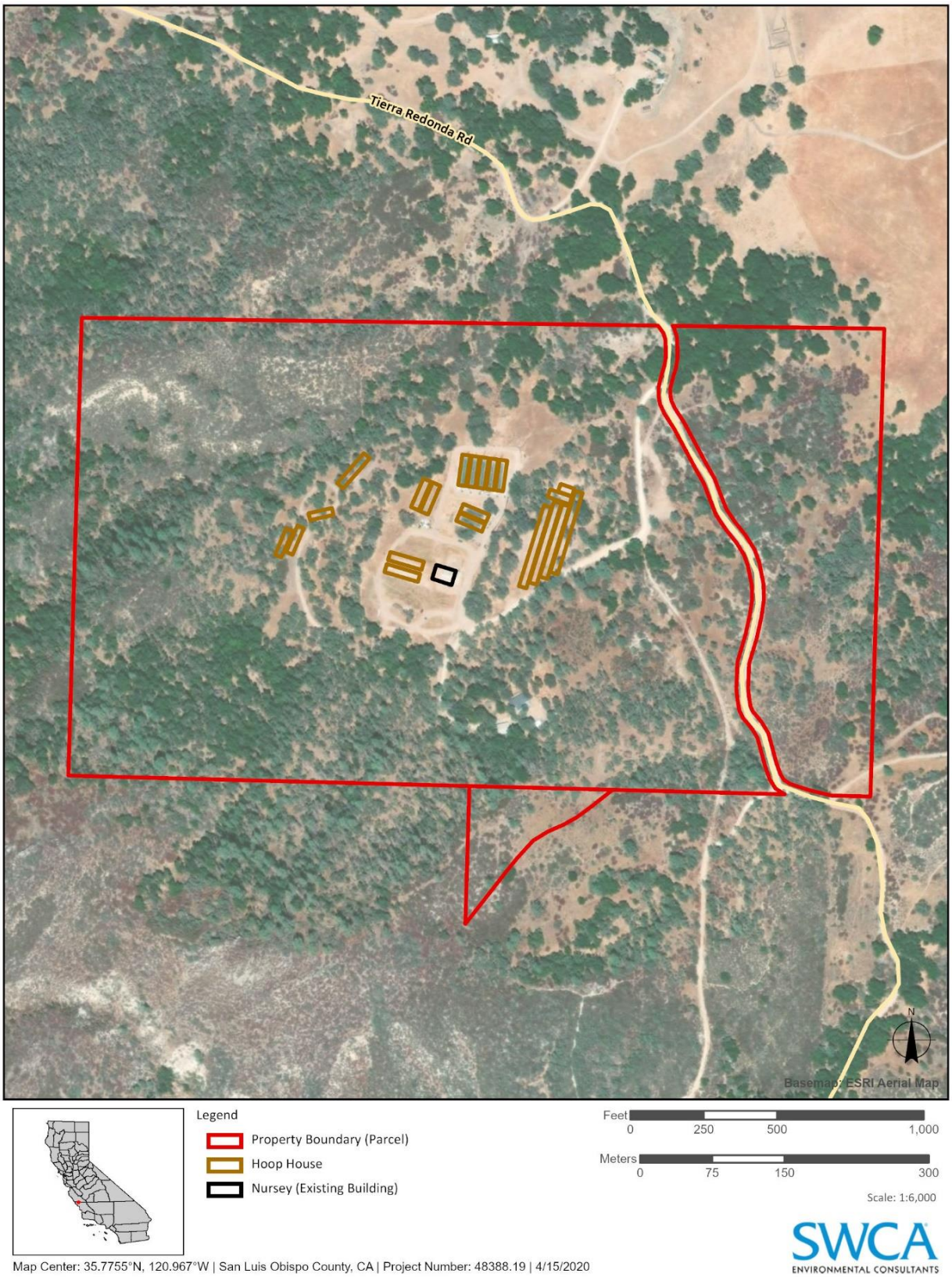
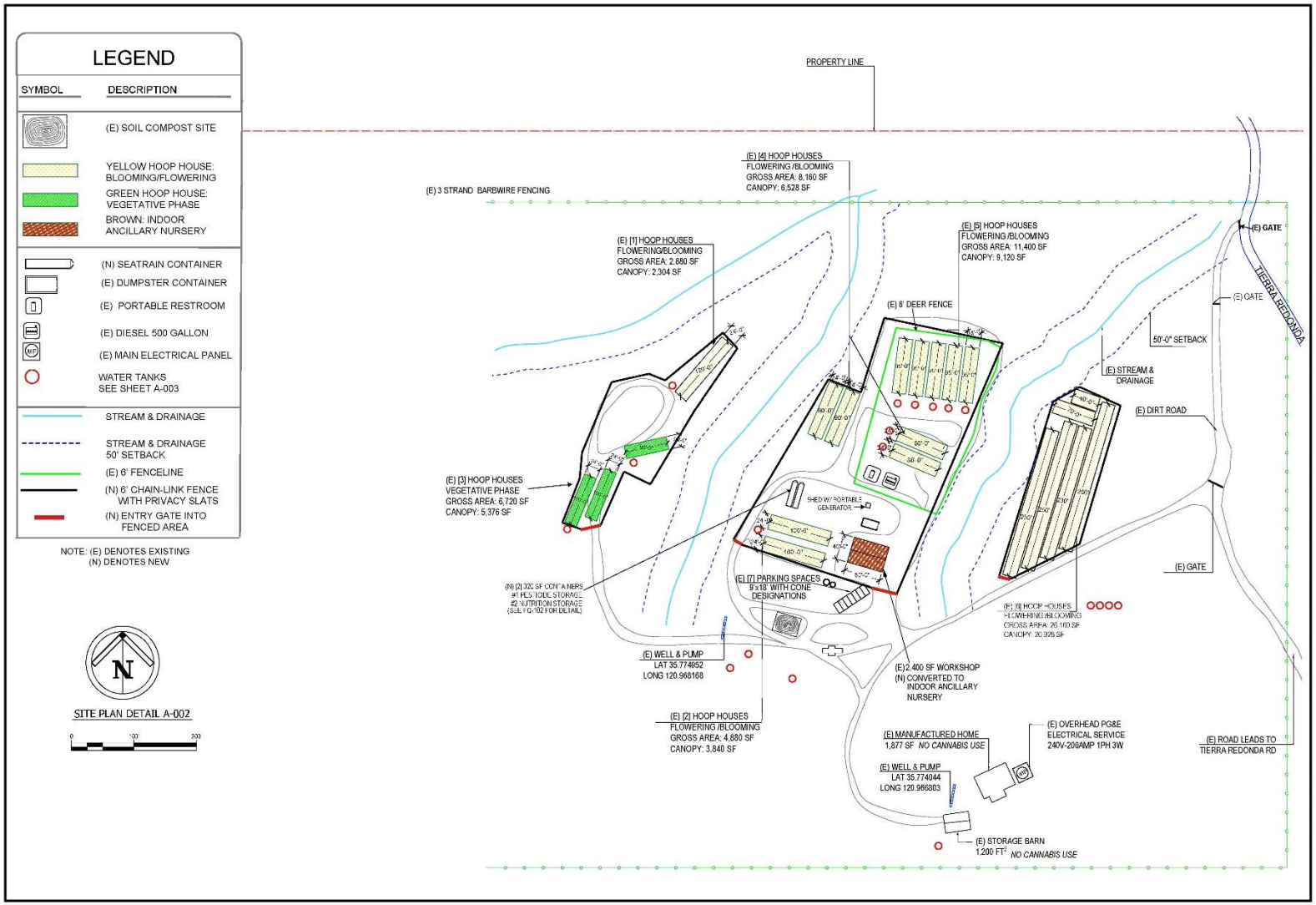


Figure 2. Project Location Map

Initial Study – Environmental Checklist



Source: Kirk Consulting, 2020.

SWCA ENVIRONMENTAL CONSULTANTS

Figure 3. Project Site Plan

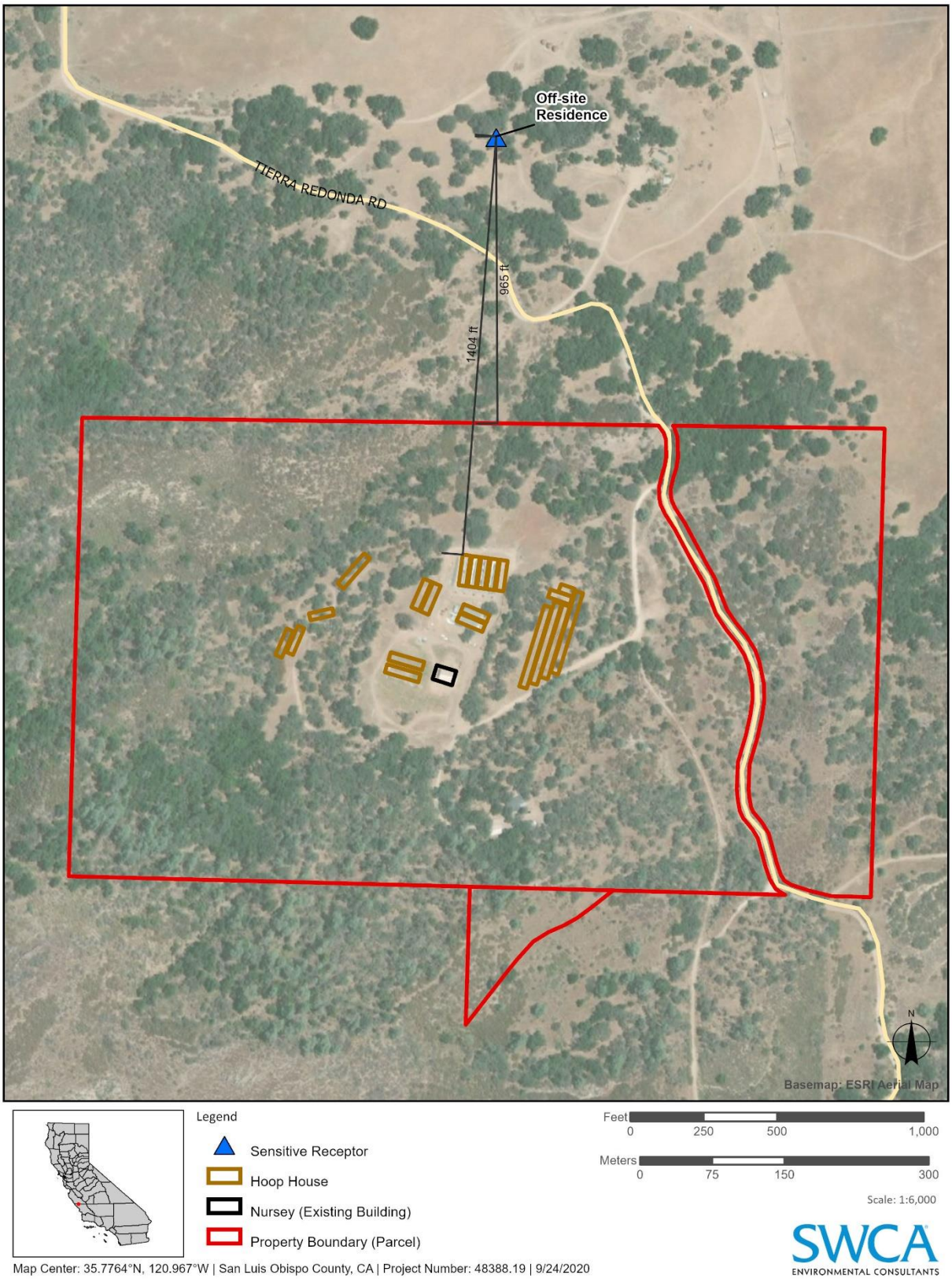


Figure 4. Nearest Sensitive Receptor Map.

C. Environmental Analysis

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

I. AESTHETICS

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

Setting

California Environmental Quality Act

CEQA establishes that it is the policy of the state to take all action necessary to provide people of the state "with… enjoyment of aesthetic, natural, scenic and historic environmental qualities" (California Public Resources Code [PRC] Section 21001(b)).

A scenic vista is generally defined as a high-quality view displaying good aesthetic and compositional values that can be seen from public viewpoints. Some scenic vistas are officially or informally designated by public agencies or other organizations. A substantial adverse effect on a scenic vista would occur if the project would significantly degrade the scenic landscape as viewed from public roads or other public areas. A proposed project's potential effect on a scenic vista is largely dependent upon the degree to which it would complement or contrast with the natural setting, the degree to which it would be noticeable in the existing environment, and whether it detracts from or complements the scenic vista.

California Scenic Highway Program

The California Scenic Highway Program was created by the State Legislature in 1963 with the intention of protecting and enhancing the natural scenic beauty of California highways and adjacent corridors. A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. The project is within proximity to Interlake Road, which is an Officially Designated County Scenic Roadway by the California Scenic Highway Program.

California Department of Food and Agriculture Regulations

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

County of San Luis Obispo Land Use Ordinance

The LUO defines a Sensitive Resource Area (SRA) combining designation that applies to areas having high environmental quality and special ecological or educational significance. These designated areas are considered visual resources by the County, and the LUO establishes specific standards for projects located within these areas. These standards include, but are not limited to, setback distances from public viewpoints, prohibition of development that silhouettes against the sky, grading slope limitations, set back distances from significant rock outcrops, design standards including height limitations and color palette, and landscaping plan requirements. A Minor Use Permit or Conditional Use Permit application within an SRA shall be approved only where the Review Authority can make the following required findings:

a. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the SRA designation, and will preserve and protect such features through the site design.

b. Natural features and topography have been considered in the design and siting of all proposed physical improvements.

c. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.

d. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff.

The project site is located on the eastern hillside and base of Tierra Redonda Mountain, a broad, landmark table-top mountain located north of Lake Nacimiento. The majority of the project site is located within the Tierra Redonda Mountain SRA, which encompasses approximately 1,300 acres and was designated for the purpose of maintaining the mountain biological ecosystem and preserving the scenic quality of the natural communities in the area. The North County Area Plan dictates "emphasis should be placed on maintenance

of the entire mountain as an undisturbed ecosystem rather than several small isolated preserve areas. Use should be carefully regulated because of fire hazard problems and potential damage to fragile ecosystems."

The project is also within the viewshed of Interlake Road, a view corridor designated as an SRA by the County due to its scenic quality. Interlake Road at this location is also an Officially Designated County Scenic Highway as designated by the State Scenic Highway Program.

The Inland Land Use Ordinance also identifies standards for exterior lighting (LUO Section 22.10.060). The standards in this section are applicable to all outdoor night-lighting sources, except for streetlights within public rights-of-way and all uses established in the Agriculture land use category. These standards include, but are not limited to, restriction of light sources to be designed to direct light away from any road or street, and away from any dwelling outside the ownership of the applicant, shielding requirements for light sources used for ground area illumination, and limitations on height of light fixtures to not exceed the tallest building on the site.

County of San Luis Obispo Conservation and Open Space Element

In addition to policies set forth in the LUO, the Conservation and Open Space Element (COSE) of the County of San Luis Obispo General Plan identifies several goals for visual resources in rural parts of the county, listed below:

- **Goal VR 1:** The natural and agricultural landscape will continue to be the dominant view in rural parts of the county.
- **Goal VR 2:** The natural and historic character and identify of rural areas will be preserved.
- **Goal VR 3:** The visual identities of communities will be preserved by maintaining rural separation between them.
- **Goal VR 7:** Views of the night sky and its constellation of stars will be maintained.

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

Countywide Design Guidelines

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

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

Baseline Conditions

Since 2016, the project applicant has cultivated approximately 12,500 square feet of cannabis within seven hoop structures on-site (Photos 1 and 2). Other existing development on-site includes 14 hoop structures, a single-family residence, two accessory structures, water tanks, deer fencing, a three-strand barbed wire perimeter fence, and an unpaved driveway. Undeveloped portions of the property support oak woodland of varying densities, grassland, and ruderal habitats. Topography of the project site ranges from nearly level to moderately sloping.

Photo 1. Photo of existing hoop structure frames on east side of property facing northeast (July 16, 2018).

Photo 2. Photo of existing cultivation and uncovered hoop structures in the center of the property facing west (July 16, 2018).

Discussion

The analysis in this section is partially based on the Draft Visual Impact Assessment Report prepared for the project (Firma Consultants, Inc. 2020b), as well as previous iterations of that report (Firma Consultants, Inc. 2019a, 2019b, 2019c, 2020a), staff visits to the project site conducted in July 2018 and August 2019, and staff CEQA expertise preparing Aesthetic Resources sections.

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

For the purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. A proposed project's potential effect on a scenic vista is largely dependent upon the degree to which it would complement or contrast with the natural setting, the degree to which it would be noticeable in the existing environment, and whether it detracts from, or complements, the scenic vista.

Interlake Road, from Nacimiento Lake Drive to the Monterey County border, offers high-quality views of multiple landscapes, including Lake Nacimiento and Tierra Redonda Mountain. As Interlake Road is also designated as an Officially Designated County Scenic Highway and the County identifies visual SRA designations for the Interlake Road corridor and Tierra Redonda Mountain, for the purposes of this document, the project is located within a scenic vista.

The project would result in the addition of new structural components on-site, including installation of white plastic hoop coverings and white black-out tarps (i.e., tarps that are white on the exterior, as seen from public view corridors, and black on the inside). Both types of coverings would be deployed on all sides of the 21 hoop structures. The project also includes eight new 8-foot-tall dark green plastic 5,000-gallon water tanks, two earth-tone colored seatrain containers, six new grey portable restrooms, 6-foot-tall chain-link fencing with security slats to enclose each proposed cultivation area, and security cameras. Hoop structure coverings would be utilized 8 months of the year during cultivation activities and removed during the winter months of November through February upon completion of cultivation activities. No trees on-site are proposed for removal, however, implementation of project activities and ancillary uses would have the potential to result in impacts, such as trimming, to up to 40 trees on-site (Althouse and Meade, Inc. 2020). No major grading activity or interior or exterior lighting is proposed.

On August 13, 2019, County staff authorized the project applicant to temporarily install white hoop covers on each of the 21 existing hoop structures on-site, which would occur in coordination with a County staff site visit on August 27, 2019, to make observations and photo document visibility of the covered hoop structures from surrounding public roadways. Photos 3 and 4 are representative of conditions on-site with the white plastic hoop covers installed. Photos 5 through 7 show views of the project site when all existing hoop structures had white plastic hoop covers installed.

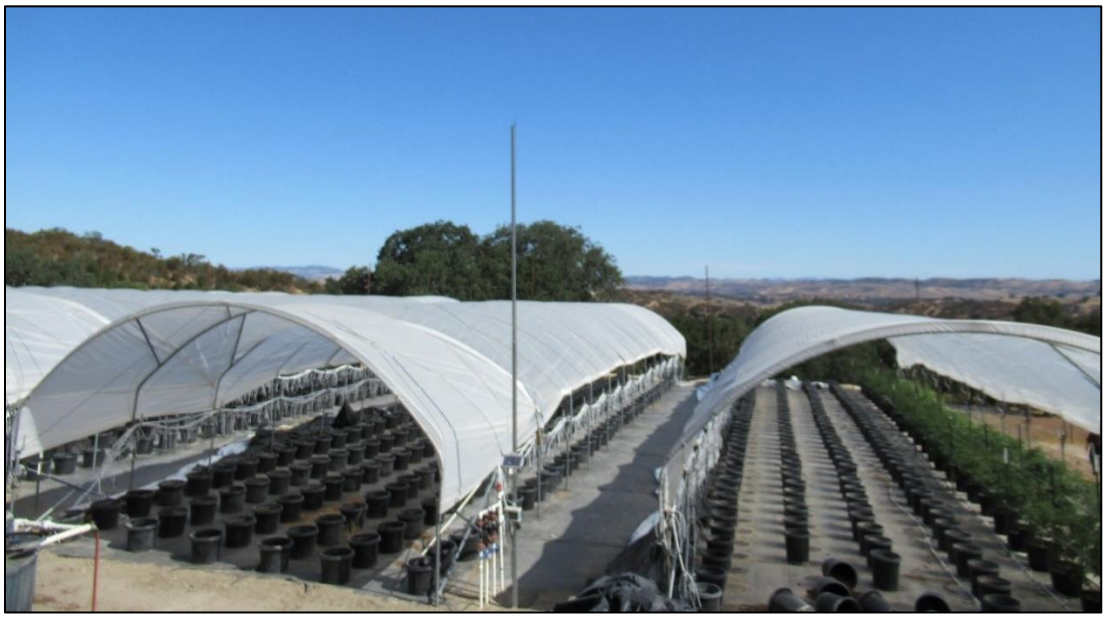


Photo 3. Photo of existing hoop structures facing north with white plastic hoop covers installed (August 27, 2019).

Photo 4. Photo of existing 2,400-square-foot workshop and existing hoop structures on-site with plastic covers installed facing northeast (August 27, 2019).

Photo 5. View of project site with all 21 hoop structures covered facing southeast from Interlake Road (August 27, 2019).

Photo 6. View of project site with all hoop structures covered facing southwest from Interlake Road (August 27, 2019).

Photo 7. View of project site with all hoop structures covered facing south from Interlake Road (August 27, 2019).

As shown in Photos 5 through 8, project components would be visible from various viewpoints along Tierra Redonda Road, Lynch Canyon Road, and Interlake Road. Views from Tierra Redonda Road would be observed at a distance of approximately 0.1 mile, views from Lynch Canyon Road would be observed at a distance of approximately 0.5 mile, and views from Interlake Road would be observed at a distance of 0.7 mile to 0.9 mile.

Of the proposed project components, the proposed white hoop structure covers would be the most noticeable and would create a high level of contrast from the surrounding natural landscape. The other components, such as the seatrain containers, water tanks, portable restrooms, surveillance cameras, and fencing, would be substantially less noticeable due to their use of earth-tone colored materials. Proposed security cameras would utilize infrared technology and would not utilize any lighting within the visible spectrum.

Tierra Redonda Road (previously County Road 22) is an unpaved public road that provides access to several private properties. Tierra Redonda Road is bordered on both sides with fairly dense oak woodland, with several gaps that reveal portions of private property and views of Tierra Redonda Mountain, such as the view shown in Photo 8. Project components, including, but not limited to, hoop structures, fencing, and water tanks, would be intermittently visible through gaps in existing vegetation on the project site to viewers traveling along Tierra Redonda Road (see Photo 8).

Photo 8. View of the project site from Tierra Redonda Road facing southwest (Firma Consultants, Inc. Spring 2019).

Project components would be intermittently visible along an approximately 1.07-mile stretch of Interlake Road by viewers traveling east and viewers traveling west, between 0.57 mile east of the intersection of Interlake Road and Lynch Canyon Road, and 0.50 mile west of the intersection of Interlake and Lynch Canyon Roads. Project components would be intermittently visible to viewers traveling southwest and viewers traveling northeast along an approximately 0.30-mile stretch of Lynch Canyon Road from 0.24 mile southwest of the intersection of Interlake and Lynch Canyon Roads and 0.54 mile southwest of the intersection of Interlake and Lynch Canyon Roads. The white hoop coverings would be visible intermittently from surrounding public roadways through openings in the existing trees and other vegetation. As shown in Photos 6 through 8, there are several locations where whole sections or clusters of three to four white hoop structures are visible.

Based on the high degree of visibility and contrast from the natural landscape, the proposed white hoop structure covers would detract from the quality of the scenic vista as seen from Tierra Redonda, Lynch Canyon, and Interlake Roads. Mitigation Measure AES-1 has been identified to require the preparation and implementation of a visual screening plan that sets forth strategies to effectively reduce the level of contrast, noticeability, and visibility of proposed hoop structures and their covers when viewed from surrounding roadways. Such strategies may include, but are not limited to, the following:

- The use of earth-toned-colored hoop covers;
- The installation of additional screening, fencing, or landscaping;
- Locating the hoop structures in an area of the site that is less visible from surrounding roadways; or

- Any combination of strategies that would achieve a 75% or more reduction in visibility of high-contrast materials in comparison to views of the project site.

Mitigation Measure AES-1 has been identified to require monitoring and maintenance of the visual screening plan components for the life of the project. Upon implementation of Mitigation Measure AES-1, potential impacts associated with substantial adverse effects on a scenic vista would be *less than significant with mitigation.*

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

The project is located within the view corridor of Interlake Road, which is an Officially Designated County Scenic Highway recognized by the California Scenic Highway Program. Scenic resources within the project area include, but are not limited to, Tierra Redonda Mountain, which is designated by the Tierra Redonda Mountain SRA, and native oak woodland.

As described in threshold (a), above, the project has the potential to detract from the views of the Tierra Redonda Mountain SRA from Interlake Road through installation of highly contrasting structural components, including hoop structure covers and hoop structure black-out tarps with white plastic exteriors. The project would also have the potential to result in minor impacts to native oak trees on-site, including trimming, compaction, and other activities within the critical root zone; however, these changes would not be substantial enough to result in a noticeable visible change of oak woodland as viewed from Interlake Road (see Section IV, Biological Resources for discussion of biological impacts associated with native oak trees on-site).

Mitigation Measure AES-1 has been identified to require the preparation, implementation, and maintenance of a visual screening plan to effectively reduce the level of contrast, noticeability, and visibility of proposed hoop structures and black-out tarps by a minimum of 75% below visibility of high-contrast materials observed from Lynch Canyon, Tierra Redonda, and Interlake Roads on August 27, 2019. Upon implementation of this measure, the project's potential impacts associated with damage to scenic resources within a state scenic highway would be *less than significant with mitigation*.

(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?

Proposed project components would be visible from various viewpoints along Lynch Canyon, Tierra Redonda, and Interlake Roads. Of the proposed project components, the proposed white hoop structure covers would be the most noticeable and would create a high level of contrast from the surrounding natural landscape. The other components, such as the seatrain containers, water tanks, portable restrooms, security cameras, and fencing, would be considerably less noticeable due to their earth-tone material construction.

As described in threshold a, above, the project has the potential to detract from the views of the Tierra Redonda Mountain SRA from Interlake Road, Tierra Redonda Road, and Lynch Canyon Road through installation of highly contrasting structural components including hoop structure covers and hoop structure black-out tarps with white plastic exteriors. Based on the high degree of noticeability and contrast from the natural landscape, the proposed white hoop structure covers and black-out tarps would have the potential to substantially degrade the visual character of existing public views of the site and its surroundings. Mitigation Measure AES-1 has been identified to require the preparation,

implementation, and maintenance of a visual screening plan to effectively reduce the level of contrast, noticeability, and visibility of proposed hoop structures and black-out tarps by a minimum of 75% below visibility of high-contrast materials observed from Lynch Canyon, Tierra Redonda, and Interlake Roads on August 27, 2019. Upon implementation of this measure, the project's potential impacts associated with degradation of visual character or quality of public views of the site and its surroundings would be *less than significant with mitigation*.

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

Per LUO Section 22.40.050.D.10, outdoor lighting shall not be located within the cannabis canopy area; used for photosynthesis, mixed-light processes, other purposes intended to manipulate cannabis plant growth; or in conjunction with cannabis hoop or shade structures, whether attached or not to a cannabis hoop or shade cloth structure. Temporary lighting, whether powered by a portable generator or permitted electrical service, is prohibited.

The project includes installation of security cameras with infrared technology throughout the project site to ensure security of the site. No exterior lighting within the visible light spectrum is proposed. Indoor grow lights to be used for photosynthesis would be installed within the existing accessory structure on-site to support the proposed indoor nursery. This structure consists of solid, corrugated materials and is windowless (see Photo 2); therefore, lighting used within this structure outside of daylight hours would not be visible to off-site viewers.

The project includes installation of eight new dark green plastic 5,000-gallon water tanks, two earth-tone colored seatrain containers, and six new grey portable restrooms. Based on the earth-toned colors of these components, they would not create a substantial source of glare.

The project includes installation of white plastic hoop covers on all 21 hoop structures that would be installed for approximately 8 months of the year (March through October) and would be removed during the winter months (November through February). The project also includes use of black-out tarps that would be black on the inside and white on the outside (i.e., panda film) and would be installed on all hoop structures between 5:00 p.m. and 7:00 p.m. and removed between 5:00 a.m. and 7:00 a.m. during all cultivation periods (March through October). Based on the type and color of materials to be used, both the white plastic hoop covers and the panda film black-out tarps have the potential for creating a substantial source of glare that could affect daytime views in the area. Mitigation Measure AES-1 has been identified to require the preparation, implementation, and maintenance of a visual screening plan, that would include one or more strategies such as use of earth-toned hoop covers and black-out tarps or use of screening fencing. Implementation of one or more of these strategies would effectively reduce the project's potential for creation of substantial glare through either replacement of reflective materials with non-reflective materials or blocking the line of sight between reflective materials and surrounding public viewpoints, such as Lynch Canyon Road and Interlake Road. Therefore, potential impacts associated with creation of a new source of substantial light or glare would be *less than significant with mitigation*.

Conclusion

The proposed white hoop structure covers would have the potential to detract from the quality of the scenic vista as seen from Lynch Canyon Road and Interlake Road, substantially degrade the visual character of existing public views of the site and its surroundings, and create a new source of substantial glare that could affect daytime views of the area. Mitigation Measure AES-1 has been identified to require the preparation,

implementation, and maintenance of a visual screening plan, that would include one or more strategies such as use of earth-toned hoop covers and black-out tarps or use of screening fencing. Upon implementation of mitigation measure AES-1, potential impacts associated with aesthetics would be less than significant.

Mitigation

AES-1 **Prior to initiation of proposed activities including but not limited to covering of hoop structures,** the applicant shall submit a Visual Screening Plan prepared by a licensed landscape architect or other qualified professional to the County of San Luis Obispo Planning and Building Department for review and approval. The Visual Screening Plan shall set forth strategies to be implemented to achieve a 75% reduction in the visibility of all existing and proposed on-site high-contrast materials (e.g., white hoop structure covers, black-out tarps, etc.) when viewed from Tierra Redonda Road, Lynch Canyon Road, and Interlake Road. Such strategies shall include, but are not limited to, the following:

a. The use of earth-toned hoop covers and black-out tarps.

b. Additional screening fencing or landscaping. If screening or fencing is proposed, it shall meet the requirements of LUO Section 22.40.050 D 6.

c. Locating the hoop structures in an area of the site that is less visible from surrounding roadways; or

d. Any combination of strategies approved by the Director that would achieve a 75% or more reduction in visibility of high-contrast materials.

The Visual Screening Plan shall include photo-simulations from a minimum of four verifiable reference points along Tierra Redonda Road, Lynch Canyon Road, and Interlake Road illustrating implementation of the chosen screening strategies to achieve a 75% reduction in the visibility of existing and proposed high-contrast materials.

All strategies implemented by the Visual Screening Plan shall be maintained for the life of the project and verified through mandatory participation in the County's quarterly cannabis monitoring program.

II. AGRICULTURE AND FORESTRY RESOURCES

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

Setting

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

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

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

Based on the U.S. Department of Agriculture (USDA) National Resources Conservation Service (NRCS) Web Soil Survey, the soil types and characteristics on the project property include:

> **189. Rincon clay loam, 9-15% slopes.** This soil unit underlies the majority of the center of the proposed development area, including most of the existing hoop structures and the existing accessory structure proposed for cannabis nursery. This very deep, strongly sloping, well-drained soil has slow permeability and surface runoff is medium. The hazard of erosion is moderate, and the subsoil has high shrink-swell potential. This soil is often used for cultivated crops and rangeland. This soil is designated under Highly Productive Soils and Other Productive Soils in COSE Table SL-2, Important Agricultural Soils of San Luis Obispo County.
>
> **201. Shimmon loam, 15-30% slopes.** This soil unit underlies the eastern and western portions of the project site. This moderately deep, moderately steep, well-drained soil has moderately slow permeability. Surface runoff is rapid, and the hazard of erosion is high. This soil is often used to support rangeland and cultivated crops. This soil is not listed in COSE Table SL-2, Important Agricultural Soils of San Luis Obispo County.
>
> **202. Shimmon loam, 30-50% slopes.** This soil unit underlies the northwestern corner of the project site. This moderately deep, steep, well-drained soil has moderately slow permeability. Surface runoff is rapid, and the hazard of erosion is high. This soil is often used to support rangeland and occasionally cultivated crops. This soil is not listed in the COSE Table SL-2, Important Agricultural Soils of San Luis Obispo County.

The Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agriculture or related open space use. In return, landowners receive property tax assessments that are much lower than normal because they are based on farming and open space uses as opposed to full market value. The project site is not located on or adjacent to a property under a Williamson Act contract.

According to California PRC Section 12220(g), forest land is defined as land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. Timberland is defined as land, other than land owned by the federal government and land designated by the State Board of Forestry and Fire Protection as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. The project property includes oak woodland that provides aesthetic value and supports wildlife habitat.

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

The property is classified as Grazing Land and Other Land by the FMMP. The project site does not contain soils classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance per the FMMP; therefore, potential impacts associated with impacts to Farmland would *not occur*.

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

The subject property is located within the Agriculture land use designation and cannabis cultivation activities, including the proposed outdoor cultivation, indoor cultivation, and processing activities, are allowed uses within this land use designation (LUO Section 22.06.030). The project property is not currently under a Williamson Act contract. Therefore, potential impacts associated with conflict with existing zoning for agricultural use or a Williamson Act contract *would not occur*.

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

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

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

The project site contains large areas of native oak woodland with varying degrees of density. Based on current project site plans and a Native Tree Impact Assessment Letter prepared for the project by Althouse and Meade, Inc. (2020), while the project would require trimming and/or work within the critical root zone of native trees on-site, the project would not result in the removal of any native trees currently on-site. Therefore, the project would not result in the loss of forest land or conversion of forest land to non-forest use, and potential impacts would be *less than significant.* For discussion of potential biological impacts associated with impacts to native trees, see Section IV, Biological Resources.

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

The project includes expansion of an existing cannabis cultivation to include 1.25 acres (54,360 square feet) of outdoor cannabis cultivation area, 6,720 square feet of outdoor ancillary cannabis nursery, and 2,400 square feet of indoor ancillary cannabis nursery within an existing structure. These operations would rely on an existing on-site well for water supply; the project site is not located within a groundwater basin classified as being in severe decline or Level of Severity III. Surrounding agricultural activities consist primarily of grazing rangeland, and dry farming of hay and grasses. Based on a review of aerial imagery, there are no irrigated agricultural operations within the immediate vicinity of the project. Therefore, project activities would not result in changes in the existing environment that could result in conversion of Farmland or forest land to other uses, and potential impacts would be *less than significant.*

Conclusion

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

Mitigation

None necessary.

III. AIR QUALITY

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

Setting

San Luis Obispo County Clean Air Plan

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

SLOAPCD Criteria Pollutant Thresholds

The SLOAPCD has developed and updated their CEQA Air Quality Handbook (most recently updated with a November 2017 Clarification Memorandum [SLOPACD 2012, 2017]) to help local agencies evaluate project-specific impacts and determine if air quality mitigation measures are needed, or if potentially significant impacts could result. This handbook includes established thresholds for both short-term construction emissions and long-term operational emissions.

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

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

Sensitive Receptors

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants, such as the elderly, children, people with asthma or other respiratory illnesses, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. Some land uses are considered more sensitive to changes in air quality than others, due to the population that occupies the uses and the activities involved. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residences. The nearest sensitive receptor locations to the project site are off-site single-family residences located approximately 1,120 feet to the north and 1,700 feet to the southeast of proposed project disturbance areas.

Naturally Occurring Asbestos

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

Developmental Burning

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

Discussion

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

In order to be considered consistent with the 2001 CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP (SLOAPCD 2012).

Adopted land use planning strategies include, but are not limited to, planning compact communities with higher densities, providing for mixed land use, and balancing jobs and housing. The project does not include development of retail or commercial uses that would be open to the public; therefore, land use planning strategies such as mixed-use development and planning compact communities are generally not applicable. The project would result in the establishment of activities that are agricultural in nature and would employ up to six full-time regular employees and eight full-time seasonal employees. The project would not result in a significant increase in employees and therefore would not significantly affect the local area's jobs/housing balance.

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

San Luis Obispo County is currently designated as "nonattainment" for the state standards for ground-level ozone, partial non-attainment for federal ambient standards for ground-level ozone, and nonattainment for the state standards for PM_{10}.

Construction Emissions

As proposed, the project will result in approximately 47,652 square feet of ground disturbance associated with leveling and compaction within the hoop structures not currently being used for cultivation, with an additional 1,050 square feet of ground disturbance associated with installation of proposed seatrain containers, water tanks, and fencing, for a total of 48,702 square feet (1.12 acre) of ground disturbance on-site. The project would result in approximately 49 cubic yards of cut material and 49 cubic yards of fill material for the installation of the proposed two 320-square-foot seatrain containers, eight new water tanks, and proposed 6-foot chain-link fencing with privacy slats.

These activities would result in the creation of construction dust, as well as short-term air pollutant emissions from construction equipment and construction worker vehicles. Based on the SLOAPCD's CEQA Air Quality Handbook (2012) and Clarification Memorandum (2017), estimated construction-related emissions were calculated and are shown in Table 1 below.

Table 1. Proposed Project Estimated Construction Emissions

Pollutant	Total Estimated Project Emissions	APCD Emissions Threshold	Mitigation Required?
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO_x) (combined)	11.2	137.0 lbs/day	No
Diesel Particulate Matter (DPM)	0.5 lbs	7.0 lbs/day	No

Fugitive Particulate Matter (PM_{10})	0.8 tons	2.5 tons/quarter	No

Based on the volume and area of proposed ground disturbance and earthwork, the project would not exceed construction criteria air pollutant thresholds set forth by the SLOAPCD or violate a construction air quality standard set forth by CARB.

Operation-Related Emissions

The project would employ six full-time employees who would maintain regular project operations and up to eight additional seasonal employees would work on-site during each of the proposed 1- to 2-week harvest periods.

The SLOAPCD has quantified the number of vehicular round trips traveling on an unpaved roadway that would exceed the SLOAPCD 25 pounds per day threshold for the emission of particulates (PM_{10}) based on the distance traveled on unpaved road surfaces. Based on the SLOAPCD thresholds, an unpaved roadway of 0.25 mile could accommodate about 19.5 daily vehicular round trips before exceeding the 25 pounds per day threshold. The project site is accessed off Tierra Redonda Road (formerly County Road 22), which is an unpaved public road that then connects to Lynch Canyon Road, which is paved. Project employees would travel approximately 0.84 mile along Tierra Redonda Road to reach the project site from Lynch Canyon Road. Based on the number of regular and seasonal employees the project would employ, and the distance of unpaved roadway that would be driven to access the project site, the project has the potential to result in PM_{10} emissions in exceedance of operational SLOAPCD standards. Mitigation Measure AQ-1 has been identified to require preparation of an operational dust and air quality control plan to be reviewed and approved by the County Planning and Building Department and implemented for the life of the project. The plan would require implementation of either paving the roadway from the project access point to the nearest County-maintained roadway, or maintenance of the roadway with SLOAPCD-approved dust suppressants.

The project includes outdoor cannabis cultivation, ancillary outdoor cannabis nursery, and indoor ancillary cannabis nursery. The project irrigation would rely on a 60-Hertz (less than 1 horsepower [hp]) diesel fuel generator to pump water from on-site wells to the cultivation areas, as well as to support proposed indoor nursery grow lights and ventilation until a new power connection to PG&E infrastructure can be secured. The applicant has stated that a PG&E service extension would be applied for soon after the project land use permit is approved. SLOAPCD requires landowners to secure a permit for use of diesel fuel generators of 50 hp or more. The project would include the use of a diesel fuel generator of less than 1 hp, and therefore would not result in substantial air pollutant emissions or require a permit. The project would include planting and harvest of cannabis plants by hand. Based on the size and scope of proposed operations, the project would not create a substantial source of stationary or mobile air pollutant emissions and would not exceed the SLOAPCD operational threshold for ozone precursors (NO_x + ROG) for general light industrial uses as detailed in Table 1-1 of the SLOAPCD's CEQA Air Quality Handbook Clarification Memorandum (2017).

Therefore, potential impacts associated with cumulatively considerable emissions of criteria air pollutants for which the region is under non-attainment would be *less than significant with mitigation.*

(c) Expose sensitive receptors to substantial pollutant concentrations?

The nearest sensitive receptor locations to the project site are off-site single-family residences located approximately 1,120 feet to the north and 1,700 feet to the southeast of proposed project disturbance areas.

The project takes access from Tierra Redonda Road, an unpaved public road. There is one single-family residence located within 1,000 feet of the portion of Tierra Redonda Road that project vehicles would use to access the site. Based on the number of regular and seasonal employees the project would employ, and the distance of unpaved roadway that would be driven to access the project site, the project has the potential to result in PM_{10} emissions in exceedance of SLOAPCD standards and could adversely affect nearby sensitive receptors. Mitigation Measure AQ-1 has been identified to require preparation of an operational dust and air quality control plan to be reviewed and approved by the County Planning and Building Department and implemented for the life of the project. The plan would require implementation of either paving the roadway from the project access point to the nearest County-maintained roadway, or maintenance of the roadway with SLOAPCD-approved dust suppressants and design features to effectively reduce project dust emissions to below the SLOAPCD threshold of 20% opacity and less than 25 pounds of daily PM_{10} emissions. Therefore, potential impacts associated with exposure of sensitive receptors to substantial pollutant concentrations would be *less than significant with mitigation.*

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

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

The project includes outdoor cannabis cultivation, as well as ancillary indoor and outdoor ancillary cannabis nursery to support on-site cannabis cultivation activities. These activities often produce potentially objectionable odors during the flowering and harvest phases of the proposed operations, which would occur three times per year and could disperse through the air and be detected by surrounding receptors. The nearest sensitive receptor locations to the project site are off-site single-family residences located approximately 1,120 feet north and 1,700 feet southeast of proposed project disturbance areas. In addition, all proposed outdoor and indoor cultivation areas would be located at a minimum of 300 feet from all property lines and public right-of-way, as required per LUO 22.40.050.D.3. Lastly, the accessory structure to be used for indoor ancillary nursery would also be equipped with sufficient ventilation controls (e.g., carbon scrubbers) to prevent cannabis odors from being detected off-site. Therefore, the project would not result in other emissions that would adversely affect a substantial number of people and potential impacts would be *less than significant.*

Conclusion

The project would not conflict with or obstruct implementation of the 2001 CAP. Based on the number of regular and seasonal employees the project would employ, and the distance of unpaved roadway that would be driven to access the project site, the project has the potential to result in PM_{10} emissions in exceedance of operational SLOAPCD standards and could adversely affect nearby sensitive receptors. Mitigation Measure AQ-1 has been identified to require the applicant to coordinate with the County Public Works Department in the preparation of an operational dust and air quality control plan to be reviewed and approved by the County Planning and Building Department and implemented for the life of the project in order to reduce project operational fugitive dust emissions to below applicable SLOAPCD thresholds and reduce potential impacts to nearby sensitive receptors to less than significant. Therefore, potential impacts associated with Air Quality would be less than significant with mitigation.

Mitigation

AQ-1 **Prior to issuance of grading or construction permits or site disturbance activities, whichever occurs first,** the applicant shall coordinate directly with the County of San Luis Obispo Public Works Department to prepare a Dust and Air Quality Plan that shall include, at a minimum, the following components:

a. A mitigation plan for continuing dust control from the property frontage to the nearest County of San Luis Obispo-maintained road. This mitigation plan shall implement one of the following:

   i. For the life of the project, pave and maintain the roadway; or,

   ii. For the life of the project, maintain the unpaved roadway with a San Luis Obispo County Air Pollution Control District (SLOAPCD)-approved dust suppressant such that fugitive dust emissions do not impact off-site areas and do not exceed the SLOAPCD 20% opacity limit. The applicant shall also coordinate directly with the County of San Luis Obispo Public Works Department to implement and maintain design standards to ensure vehicles that use the unpaved roadway are physically limited (e.g., speed bumps) to a posted speed limit of 15 miles per hour or less.

b. Evidence of road maintenance provided by the State of California, County of San Luis Obispo, special district, homeowners association, or other organized maintenance, such as a road maintenance agreement.

c. An agreement, to support and not protest; the formation of an assessment district; or the creation of another funding mechanism. The consenting person(s) retains all due process rights as to any term or condition that was unknown at the time of application approval. The consenting person(s) may contest the specific proportionality.

d. The Dust and Air Quality Plan may be modified to adjust for changed conditions or to improve the effectiveness of the dust-reducing technology. The plan and all modifications to the plan are subject to review and approval by the County of San Luis Obispo Public Works Department.

The Dust and Air Quality Plan shall be submitted to the County of San Luis Obispo Planning and Building Department for review and approval. All measures identified in the final approved Dust and Air Quality Plan shall be adhered to for the life of the project.

IV. BIOLOGICAL RESOURCES

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

Setting

Federal and State Endangered Species Acts

The Federal Endangered Species Act (FESA) of 1973 provides legislation to protect federally listed plant and animal species. The California Endangered Species Act (CESA) of 1984 ensures legal protection for plants listed as rare or endangered, and wildlife species formally listed as endangered or threatened. The California Department of Fish and Wildlife (CDFW) 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. The classification of Fully Protected is intended to identify and provide additional protection to those animals that are rare or face possible extinction. Under state law, the CDFW has the authority to review projects for their potential to impact special-status species and their habitats. CDFW also maintains a Watch List for species that were previously SSC but no longer merit SSC status, or which do not meet SSC criteria but for which there is concern and a need for additional information to clarify status.

California Rare Plant Ranks (CRPR):

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

California Rare Plant Threat Ranks:

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

Migratory Bird Treaty Act

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

California Department of Food and Agriculture Requirements

Title 3, Division 8, Chapter 1, Article 4 of the CCR includes general environmental protection measures for cannabis cultivation projects, including the following requirements associated with compliance with biological resources:

a. Comply with section 13149 of the Water Code as implemented by the State Water Resources Control Board (SWRCB), Regional Water Quality Control Boards (RWQCBs), or CDFW; and

b. Comply with any conditions requested by the CDFW or SWRCB under Section 26060.1(b)(1) of the Business and Professions Code.

County of San Luis Obispo General Plan Conservation and Open Space Element

The COSE identifies several key goals pertaining to biological resources within the County:

- Goal BR 1. Native habitat and biodiversity will be protected, restored, and enhanced.
- Goal BR 2. Threatened, rare, endangered, and sensitive species will be protected.
- Goal BR 3. Maintain the acreage of native woodlands, forests, and trees at 2008 levels.
- Goal BR 4. The natural structure and function of streams and riparian habitat will be protected and restored.
- Goal BR 5. Wetlands will be preserved, enhanced, and restored.
- Goal BR 6. The County's fisheries and aquatic habitats will be preserved and improved.
- Goal BR 7. Significant marine resources will be protected.

Local Biological Setting

The project site is located on the northeastern aspect of Tierra Redonda Mountain within the Santa Lucia Mountain range, between Nacimiento Reservoir and San Antonio Lake, at an elevation of approximately 1,330 feet (Althouse and Meade, Inc. 2018). The project site is accessed by Tierra Redonda Road, an unpaved road that leads south from Lynch Canyon Road for approximately 1 mile to the project property. The project site is located within an open-canopy portion of foothill oak woodland habitat, where several existing hoop structures and an accessory structure are currently in place, along with water tanks and a soil storage area. The project site generally consists of 5.3 acres of anthropogenic habitat, 24.3 acres of foothill woodland habitat, and 0.9 acre of grassland (Althouse and Meade, Inc. 2018).

Three ephemeral drainages flow through the property, each of which is potentially within the jurisdiction of the U.S. Army Corps of Engineers (USACE), CDFW, and RWQCB. The drainage feature in the northwestern portion of the property is considered riverine habitat, with intermittent streamflow that seasonally conveys water in a northeastern direction toward San Antonio Lake. This feature was dry during the 2018 surveys and showed no sign of wetland or riparian vegetation (Althouse and Meade, Inc. 2018). A second potentially jurisdictional gully feature flows northward through the project footprint in the western portion of the project area. It is a deep gully feature with intermittent blue oak canopy that lacks wetland or riparian vegetation. The drainage likely only flows during storm events. A third potentially jurisdictional gully feature occurs within the project footprint in the eastern portion of the project area, between the defined anthropogenic habitat and proposed hoop structure installation area to the east. It is vegetated with a blue oak canopy with shrubs and grasses in the understory and lacks wetland or riparian vegetation (Althouse and Meade, Inc. 2018).

Based on a review of a California Natural Diversity Database (CNDDB) search of special-status species within the immediate and three surrounding U.S. Geological Survey (USGS) quadrangles, evaluation of species geographic ranges, and an evaluation of existing soils and habitat conditions of the project site, the following special-status plant and wildlife species were determined to have the potential to occur within or immediately adjacent to the project area:

<u>Special-Status Plants</u>

- Hoover's bent grass (*Agrostis hooveri*) - CRPR 1B.2
- Douglas's fiddleneck (*Amsinckia douglasiana*) - CRPR 4.2
- Indian valley spineflower (*Aristocapsa insignis*) - CRPR 1B.2

- Salinas milk-vetch (*Astragalus macrodon*) - CRPR 4.3
- Dwarf calycadenia (*Calycadenia villosa*) - CRPR 1B.1
- Hardham's evening-primrose (*Camissoniopsis hardhamiae*) - CRPR 1B.2
- Lemmon's jewelflower (*Caulanthus lemmonii*) - CRPR 1B.2
- Santa Lucia purple amole (*Chlorogalum purpureum* var. *Purpureum*) - Federally threatened, CRPR 1B.1
- Douglas' spineflower (*Chorizanthe douglasii*) - CRPR 4.3
- Straight awned spineflower (*Chorizanthe rectispina*) - CRPR 1B.3
- Jolon clarkia (*Clarkia jonensis*) - CRPR 1B.2
- Rattan's cryptantha (*Cryptantha rattanii*) - CRPR 4.3
- Small-flowered gypsum-loving larkspur (*Delphinium gypsophilum* sbsp. *Parviflorum*) - CRPR 3.2
- Yellow-flowered eriastrum (*Eriastrum luteum*) - CRPR 1B.2
- Elegant wild buckweat (*Eriogonum elegans*) - CRPR 4.3)
- Pale-yellow layia (*Layia heterotricha*) - CRPR 1B.1
- Jones' bush mallow (*Malacothamnus jonesii*) - CRPR 4.3
- Carmel valley bush-mallow (*Malacothamnus palmeri var. Incolucratus*) - CRPR 1B.2
- Santa Lucia bush-mallow (*Malacothamnus palmeri* var. *Palmeri*) - CRPR 1B.2
- San Antonio hills monardella (*Monardella antonina* subsp. *Anonina*) - CRPR 3
- Large-flowered nemacladus (*Nemacladus secundiflorus* var. *Secunduflorus*) - CRPR 4.3
- Vortiede's spineflower (*Systenotheca vortriedei*) - CRPR 4.3

<u>Special-Status Wildlife</u>

- Northern California legless lizard (*Anniella pulchra*) - CDFW SSC
- Golden eagle (*Aquila chrisaetos*) - CDFW Watch List/Fully Protected
- Bald eagle (*Haliaeetus leucocephalus*) - Federally delisted, CESA Endangered, CDFW Fully Protected
- San Joaquin whipsnake (*Masticophis flagellum ruddocki*) - CDFW SSC
- Monterey dusky-footed woodrat (*Neotoma macrotis luciana*) - CDFW SSC
- Coast horned lizard (*Phrynosoma blainvillii*) - CDFW SSC
- American badger (*Taxidea taxus*) - CDFW SSC
- MBTA-protected bird species
- Roosting bats
- Crotch bumble bee (*Bombus crotchii*) – CESA Candidate Species
- Western bumble bee (*Bombus occidentalis occidentalis*) – CESA Candidate Species

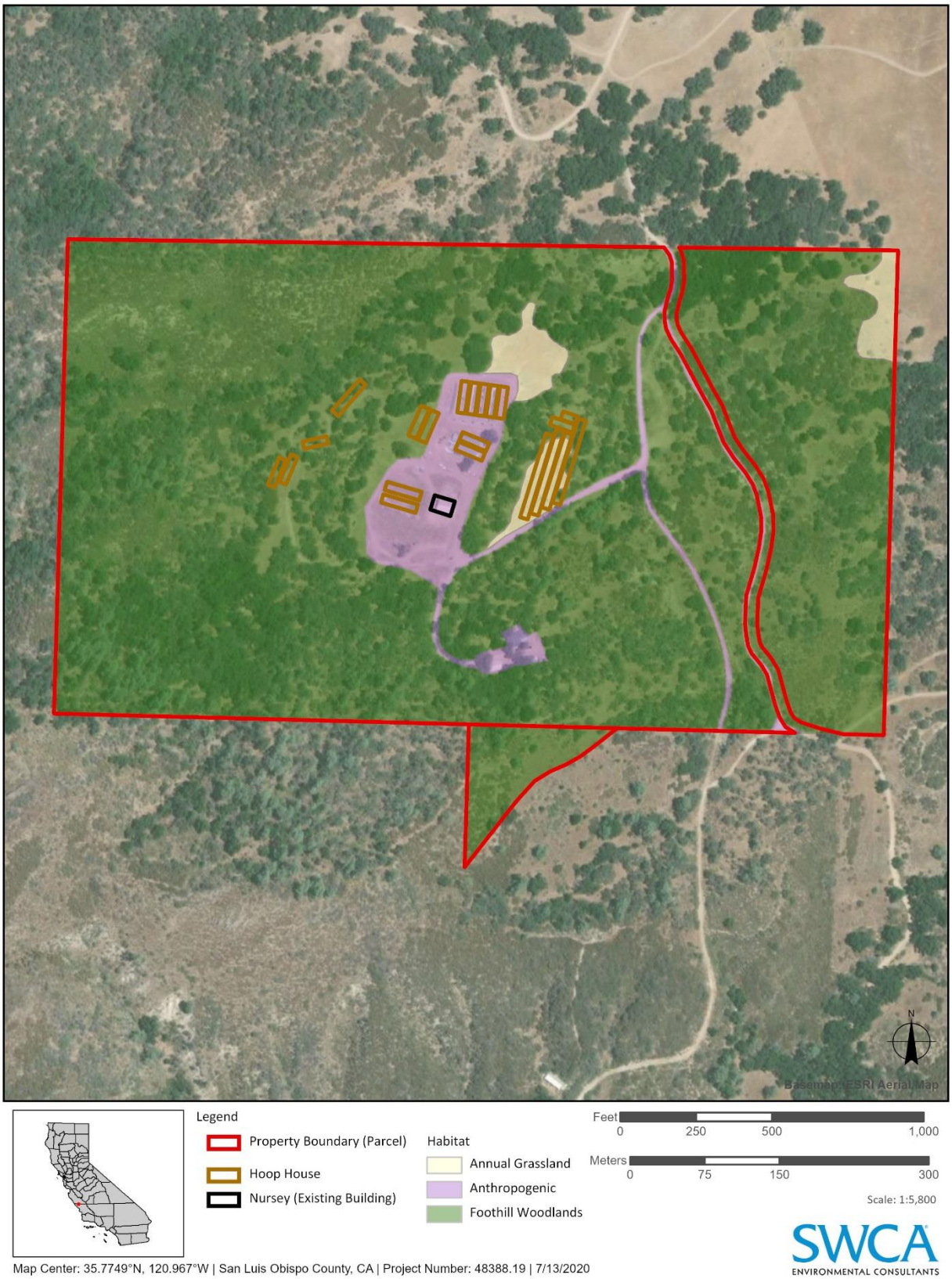


Figure 4. Project Habitat Map

Discussion

The analysis provided in this section has been based on the Biological Resource Assessment prepared for the project (Althouse and Meade, Inc. 2018), the Addendum to Biological Resource Assessment prepared for the project (Althouse and Meade, Inc. 2019), and the Native Tree Impact Assessment Letter prepared for the project (Althouse and Meade, Inc. 2020).

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

Special-Status Plants

The project would result in approximately 48,702 square feet of site disturbance, including grubbing and compaction within the areas proposed for outdoor cannabis cultivation in existing hoop structures that currently contain grassland habitat and/or are located adjacent to foothill woodland habitat. Based on a review of a CNDDB search of special-status species within the immediate and surrounding USGS quadrangles and an evaluation of existing soils and habitat conditions of the project site, 22 special-status plant species were determined to have potential to occur within or immediately adjacent to the project site. A spring floristic survey of the project area was conducted on May 9, 2019, which was appropriately timed during the blooming period for the 22 special-status plant species that were identified as having potential to occur within or immediately adjacent to the project site. None of the 22 potentially occurring special-status plant species or other special-status plant species were observed within or adjacent to the project site during the spring floristic survey (Althouse and Meade, Inc. 2019). Therefore, no impacts to special-status plants would occur as a result of the project.

Special-Status Wildlife

<u>American Badger</u>

American Badger (*Taxidea taxus*) is a California SSC that typically resides in grassland areas throughout San Luis Obispo County and elsewhere in California, and forages in areas where California ground squirrels have become established. Badgers are highly mobile and could be present anywhere in the region where a suitable prey base is found. While no signs of badgers were observed during site surveys, California ground squirrels were observed on-site, and soils on-site are friable and suitable for denning badgers.

Potential project impacts to American badger include direct impacts (injury or mortality) associated with the use and movement of construction equipment, construction materials and debris, and vegetation and/or tree removal within the project site, if this species is present within proposed impact areas. Indirect impacts of construction activities, including destruction or modification of habitat/burrows and generation of noise, vibration, and dust, may cause temporary disturbance to this species, which may cause them to leave burrows and migrate to adjacent work areas. The indirect effects of erosion and sedimentation could also impact American badger through destruction of burrows.

Mitigation Measures BIO-1 through BIO-3 have been identified to avoid and/or reduce impacts to American badger through retention of a County-qualified biologist and preconstruction surveys to be conducted prior to commencement of ground disturbance. If active badger dens are confirmed during preconstruction surveys, work activities within 100 feet of active dens shall be avoided and the

applicant shall coordinate with CDFW to determine if badger exclusion or relocation measures are appropriate. Upon implementation of Mitigation Measures BIO-1 through BIO-3, potential impacts to American badger would be less than significant.

Special-Status Birds

Two special-status raptors have low to moderate potential to occur within the project area—bald eagle *(Haliaetus leucocephalus*) and golden eagle (*Aquila chrysaetos*), both of which are designated as Fully Protected species by CDFW and are federally protected by the Bald and Golden Eagle Protection Act (BGEPA).

Golden eagles nest in large, prominent trees in valley and foothill woodland. The project site is directly adjacent to foothill woodland habitat and moderately suitable foraging habitat is present within the project area. No nests were observed within the project area, and the closest reported occurrence of nesting golden eagles is located approximately 7 miles east of the property. Therefore, the potential for this species to occur within or directly adjacent to the project site is moderate. Bald eagles nest within 1 mile of a standing waterbody in tall live trees with open branches, and the project site is located within 1 mile of water. The nearest documented occurrence of bald eagle is a record from 1997, located north of the project site, approximately 0.6 mile east of the intersection of Oak Shores Drive and Lynch Canyon Road. While suitable nesting habitat is not present within the project development area, and no nests were observed within the project area, the project site is surrounded by foothill woodlands that provides suitable nesting habitat. Therefore, the potential for this species to occur within or directly adjacent to the project site is low.

Potential impacts to bald and golden eagles include direct impacts (injury or mortality) associated with the use and movement of construction equipment, construction materials and debris, and vegetation and/or tree removal within the project site, if this species is nesting within proposed impact areas. Indirect impacts of construction activities, including destruction or modification of habitat and generation of noise, vibration, and dust, may cause temporary disturbance to these species, if present. Mitigation Measure BIO-4 has been identified to require implementation of general protective measures to reduce potential impacts to golden and bald eagles, including, but not limited to, halting work within 100 feet of special-status species nests if observed, implementation of a litter patrol program, prohibition of canine or feline pets or firearms on-site, and prohibition of use of rodenticides and herbicides on-site. Upon implementation of this measure, potential impacts to golden and bald eagles would be less than significant.

Other Migratory Birds (Nesting)

While no active or abandoned nests were observed during the field surveys conducted on-site, the project site supports suitable nesting habitat for various bird species protected under the MBTA. Potential impacts to MBTA-protected birds include direct impacts (injury or mortality) associated with the use and movement of construction equipment, construction materials and debris, and vegetation and/or tree removal within the project site, if these species are nesting within proposed impact areas. Indirect impacts of construction activities, including destruction or modification of habitat and generation of noise, vibration, and dust, may cause temporary disturbance to these species, if present. Mitigation Measure BIO-4 has been identified to avoid impacts to nesting birds protected under the MBTA through conducting preconstruction surveys for nests and establishment of no-work areas based on the species if active nests are observed within proximity to proposed work areas. Upon implementation of identified mitigation, potential impacts to migratory nesting birds would be less than significant.

Monterey Dusky-Footed Woodrat

One special-status small mammal, the Monterey dusky-footed woodrat (*Neotoma macrotis luciana*), is a California SSC known to occur within the region and has moderate potential to occur within the project area. Monterey dusky-footed woodrat were not observed in the project area during the field surveys but could be present in the project site at the time of construction.

Potential project impacts to Monterey dusky-footed woodrat include direct impacts (injury or mortality) associated with the use and movement of construction equipment, construction materials and debris, and vegetation and/or tree removal within the project site, if this species is present within proposed impact areas. Indirect impacts of construction activities, including destruction or modification of habitat/woodrat nests and generation of noise, vibration, and dust may cause temporary disturbance to these species, if present. Mitigation Measure BIO-5 has been identified to reduce potential impacts to Monterey dusky-footed woodrat to less than significant through conducting a preconstruction survey for nests within 50 feet of proposed project disturbance areas and coordination with CDFW to determine appropriate buffer zones and/or relocation measures if any nests are observed. Upon implementation of mitigation measures BIO-1, BIO-2, and BIO-5, potential impacts to Monterey dusky-footed woodrat would be less than significant.

Special-Status Reptiles

Three special-status reptiles, northern California legless lizard (*Anniella pulchra*), San Joaquin whipsnake (*Masticophis flagellum ruddocki*), and coast horned lizard (*Phrynosoma blainvillii*) are known to occur within the region and have potential to occur within the project area. Leaf litter in the understory of the foothill woodland on-site could provide suitable habitat for northern California legless lizard and ground squirrel burrows, and vegetation in the project area could provide suitable habitat for San Joaquin whipsnake. Though sandy washes and optimal habitat for coast horned lizard are not present within the project area, occurrences of coast horned lizard have been reported in the vicinity and therefore have a low potential to occur on-site.

Potential project impacts to northern California legless lizard, San Joaquin whipsnake, and coast horned lizard include direct impacts (injury or mortality) associated with the use and movement of construction equipment, construction materials and debris, vegetation and/or tree removal, and worker foot traffic. Indirect impacts of construction activities, including destruction or modification of habitat and generation of noise, vibration, and dust, may cause temporary disturbance to these species, if present, and may cause them to leave burrows and migrate to adjacent work areas. The indirect effects of erosion and sedimentation could also impact San Joaquin whipsnake through destruction of burrows. Mitigation Measure BIO-6 has been identified to reduce potential impacts to special-status reptiles to less than significant through conducting a preconstruction survey immediately prior to proposed ground disturbance and relocating individuals found within proposed work areas in compliance with applicable regulations. Upon implementation of mitigation measures BIO-1, BIO-2, and BIO-6, potential impacts to northern California legless lizard, San Joaquin whipsnake, and coast horned lizard would be less than significant.

Roosting Bats

Roosting bats are a CDFW SSC. Large oak trees within and adjacent to the project site and the existing accessory structure located in the center of the property proposed to be used for cannabis nursery have the potential to support bat species, including pallid bat (*Antrozous pallidus*), hoary bat (*Lasiurus cinereus*), and Townsend's big-eared bat (*Corynorhinus townsendii*). While no evidence of roosting bats

was observed during surveys of the project area, they are considered to have the potential to occur on-site.

Potential impacts to bat species include direct impacts (injury or mortality) associated with the use and movement of construction equipment, construction materials and debris, and vegetation removal and/or tree trimming within the project site, if these species are roosting within proposed impact areas. Indirect impacts of construction activities, including destruction or modification of habitat and generation of noise, vibration, and dust may cause temporary disturbance to these species, if present. Mitigation Measure BIO-7 has been identified to reduce potential impacts to roosting bats to less than significant through conducting a preconstruction survey immediately prior to proposed site disturbance activities and coordination with CDFW to determine appropriate buffer zones if roosting activities are observed within the project area. Upon implementation of mitigation measure BIO-7, potential impacts to roosting bats would be less than significant.

Crotch Bumble Bee and Western Bumble Bee

The California Fish and Game Commission determined that the listing of the crotch bumble bee, western bumble bee, and two other bumble bee species under the CESA was warranted in June 2019. The determination was challenged in the Superior Court of Sacramento, which determined that bumble bees could not be listed under the CESA because CESA protections are not extended to terrestrial invertebrates. At the time this document was prepared, the crotch bumble bee and western bumble bee maintained its status as a Candidate for listing under the CESA. However, future litigation may result in changes to their status. Currently, there is not an established survey protocol for these species. Neither crotch bumble bee nor western bumble bee were observed in the project biological survey area during the surveys; however, the vegetative communities in the project area provide suitable nesting and foraging habitat for crotch bumble bee and western bumble bee. If crotch bumble bee or western bumble bee were present within the project site during construction, take of individuals could occur. Take could include mortality resulting from excavations unearthing nest/colony sites and/or individuals being struck by vehicles. Mitigation measure BIO-8 is provided to avoid impacts to crotch bumblebee and western bumble bee during project development.

Based on the analysis and discussion provided above, the project's potential impacts associated with substantial adverse effects to special-status species would be *less than significant with mitigation.*

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

Three ephemeral drainages flow through the property, none of which support wetland or riparian vegetation (Althouse and Meade, Inc. 2018). No project components or activities are proposed within 50 feet of on-site drainages. Mitigation measure BIO-2 has been identified to require staging of equipment and materials to be located at least 100 feet from aquatic habitat (including drainages), use of secondary containment such as drip pans, use of sandbags and/or absorbent pads to prevent water and/or spilled fuel from leaving work areas, and other measures that would ensure minimization of impacts to on-site water features.

The project site is immediately adjacent to mixed oak woodland consisting of primarily blue oak and coast live oak trees. Mixed oak forest and coast live oak woodland are natural communities that are not considered sensitive by CDFW but are considered a biological resource by the County. Policy BR 3.1 of the County COSE identifies the need to protect oak woodlands, and Policy BR3.2 identifies the

need to require mitigation measures such as tree replacement when avoidance is not feasible in discretionary land use permits for new development.

The majority of the project site is located within the Tierra Redonda Mountain SRA, which encompasses approximately 1,300 acres and was designated for the purpose of maintaining the mountain biological ecosystem and preserving the scenic quality of the natural communities in the area. The North County Area Plan dictates "emphasis should be placed on maintenance of the entire mountain as an undisturbed ecosystem rather than several small isolated preserve areas."

The project would result in vegetation removal and compaction within the footprint of the hoop structure frames located on-site, within which cannabis cultivation is proposed. While no tree removal is proposed, the project has the potential to result in impacts to native oak and manzanita trees on-site through tree trimming, grade or drainage changes, trenching, soil compaction, fertilization, and/or irrigation within the drip line or critical root zone (1.5 times the canopy width). Based on current project development plans, the project has the potential to result in impacts to 32 blue oak and 1 coast live oak (Althouse and Meade, Inc. 2020).

Mitigation measure BIO-9 has been identified to require minimization of impacts to oak trees and BIO-10 has been identified to require replacement plantings of up to 50% impacted oak trees at a 2:1 ratio, based on suitable space available on the 100-acre project parcel and adjacent 2.25-acre parcel owned by the project applicant (APN 080-021-051). In the event that 50% of impacted oak trees are not able to be replaced due to insufficient area on-site, mitigation measure BIO-11 has been identified to require compensatory mitigation for the remainder of 50% of impacted oak trees through payment into the California Wildlife Conservation Board's Oak Woodlands Conservation Program, which would be used to plant oak trees and conserve oak woodland throughout the state. Lastly, mitigation measure BIO-12 has been identified to require all native oak trees on-site that would not be impacted to be protected during project site disturbance and construction activities, and for the unimpacted areas of the property to be entered into a conservation easement contract with the County to ensure no additional impacts or removal of native oak trees on-site in perpetuity, in accordance with applicable Nacimiento Area Plan standards for open space preservation (LUO 22.94.070.F). Therefore, potential project impacts associated with substantial adverse effects on sensitive natural communities would be *less than significant with mitigation*.

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

Three ephemeral drainages flow through the property, none of which support wetland or riparian vegetation (Althouse and Meade, Inc. 2018). No work is proposed within 50 feet of each of these ephemeral drainages, in accordance with County and RWQCB regulations. Therefore, potential impacts would be *less than significant.*

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

Three ephemeral drainages flow through the property, including one with intermittent streamflow that seasonally convey water in a northeastern direction toward San Antonio Lake and two that appear to flow only during storm events. Based on lack of wetland or riparian vegetation and other aquatic habitat features, none of these drainages are anticipated to support migratory fish species or other aquatic wildlife.

The project is located within an area designated as a critical linkage by the Critical Linkages: Bay Area & Beyond project, which was intended to identify areas that are vital for connectivity within the nine-county Bay Area to ensure the region is connected to the larger landscapes to the north and south. These areas are chosen for their intrinsic biodiversity value (CDFW 2014).

For the purposes of this analysis, it is reasonable to assume that the undeveloped portions of the project site may allow movement by wildlife, such as migratory birds and badgers, on a smaller scale. The project would result in the installation of new security fencing that would be installed around localized cultivation areas, as opposed to solid and durable fencing around the perimeter of the entire project site. This design minimizes the potential for restriction of wildlife movement through the project site. Therefore, potential impacts associated with substantial interference with the movement of native wildlife species or migratory wildlife corridors would be *less than significant.*

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

Implementation of the proposed project has the potential to conflict with local policies in the COSE that are intended to protect native habitat, sensitive species, woodlands, and riparian habitat. The Tierra Redonda Mountain SRA is also identified in North County Area Plan as having high priority for preservation and states that emphasis should be placed on maintenance of the entire mountain as an undisturbed ecosystem. In addition to mitigation measures BIO-1 through BIO-12 that would minimize and protect biological resources during project construction activities and during project operation, mitigation measure BIO-13 has been identified to require removal of all physical components that were devoted to the project upon revocation of a use permit or abandonment of the licensed cultivation site or nursery. This measure would ensure that the project site would be restored following end of operations. Therefore, potential impacts would be *less than significant with mitigation.*

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

The project site is not located within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other habitat conservation plan. Therefore, no impacts would occur.

Conclusion

Implementation of the proposed project has the potential to result in adverse impacts to special-status animals and sensitive natural communities, including native oak woodland, and would interfere with the movement of native and/or migratory species. Mitigation Measures BIO-1 through BIO-13 have been identified to avoid, reduce, and compensate for these potential impacts. Upon implementation of the mitigation measures identified below, potential impacts to biological resources would be less than significant.

Mitigation

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

BIO-2 **During any site disturbance and/or construction activities associated with the proposed project,** the following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on

plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

a. The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.

b. Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.

c. Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).

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

e. Washing of concrete, paint, equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.

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

BIO-3 **Prior to and during any site disturbance and/or construction activities associated with the proposed project,** a qualified biologist shall complete a preconstruction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.

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

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

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

BIO-4 **Sensitive and Nesting Birds Protection.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

a. A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.

b. If special-status avian species (aside from the burrowing owl) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.

c. The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

If 2 weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

BIO-5 **Prior to and during any site preparation and/or construction activities associated with the proposed project,** the applicant shall implement the following measures to avoid impacts to Monterey dusky-footed woodrat:

a. No more than two weeks prior to commencement of tree removal associated with construction, a County-approved, qualified biologist will survey trees scheduled for removal for woodrat nests. Based on the results of the surveys, the project applicant shall implement the following:

i. If no woodrat nests are observed, then grading and ground-disturbance activities may proceed and no further mitigation is required.

ii. If woodrat nests are observed within the project area, all work within 100 feet of nests shall not proceed and the 100-foot exclusion zone shall be flagged. All foot and vehicle traffic, as well as all project activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion

zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed. The results of the surveys will be submitted to the CDFW, with recommendations for variable buffer zones, as needed, around individual nests and/or relocation of nests and woodrats. The applicant shall implement buffer zones and/or relocation of nests or woodrats if approved by the CDFW.

iii. If two weeks lapse between project phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the Monterey dusky-footed woodrat survey shall be repeated.

BIO-6 **Prior to initiation of any site preparation/construction activities,** the applicant shall implement the following:

a. A County-approved biologist shall conduct an education and training session for all construction personnel to include, at a minimum, a description of northern California legless lizard, San Joaquin whipsnake, and coast horned lizard; the general measures to be implemented to avoid impacts to these species as they relate to the proposed project; the penalties for non-compliance; and the boundaries of the work area within which the project must be accomplished. To ensure that employees and contractors understand their roles and responsibilities, training may have to be conducted in languages other than English.

b. Immediately prior to any ground disturbance or vegetation removal (i.e., the morning of the commencement of disturbance), a County-approved biologist shall conduct a preconstruction survey of the project area. If any evidence of occupation of that portion of the project site by listed or other special-status reptile species is observed, a buffer shall be established by the qualified biologist that results in sufficient avoidance to comply with applicable regulations. If sufficient avoidance cannot be established, the applicant shall coordinate with the USFWS and/or CDFW for further guidance to avoid/minimize potential impacts. Copies of the preconstruction survey and results, as well as all permits and evidence of compliance with applicable regulations, shall be submitted to the County Planning and Building Department.

BIO-7 **Prior to and during any site disturbance and/or construction activities associated with the proposed project,** the applicant shall retain a County-approved qualified biologist to ensure the following protective measures are implemented to avoid impacts to roosting bats:

a. Prior to commencement of site disturbance and/or construction activities associated with the project, the applicant shall schedule these activities to occur outside of the typical bat maternity roosting and pupping season to avoid potential impacts to bats, if feasible. The typical bat maternal roosting season is defined as occurring from February 1 to August 31.

b. Prior to commencement of site disturbance and construction activities, if site disturbance and/or construction activities must occur during the typical bat maternity roosting season (February 1 to August 31), the applicant shall retain a County-qualified biologist to conduct a preconstruction survey within 14 days prior to commencement of proposed site-disturbance activities. If any roosting bats are found during preconstruction surveys, no work activities shall occur within 100 feet of active roosts

until bats have left the roosts. The County-qualified biologist shall prepare a report after each survey and a copy of the report shall be provided to the County within 14 days of completion of each survey. If no bat roosting activities are detected within the proposed work area, site disturbance and noise-producing construction activities may proceed, and no further mitigation is required.

BIO-8 **Prior to and during any site disturbance and/or construction activities associated with the proposed project,** the applicant shall retain a County-approved qualified biologist to conduct pre-construction survey(s) for crotch bumble bee and western bumble bee within suitable habitat areas (i.e., small mammal burrows, thatched/bunch grasses, upland scrubs, brush piles, unmowed/overgrown areas, dead trees, hollow logs, etc.) on the project site and areas within 50 feet of the project site. At a minimum, the survey effort shall include visual search methods targeting colonies or individuals. Surveys shall be conducted over an extended period of time to document and establish the presence of bees within the areas of disturbance. Upon completion of the surveys, the biologist shall prepare a survey report summarizing the findings and submit it to the County planning and building department.

If the survey(s) establish presence of crotch bumble bee or western bumble bee within the areas of disturbance, the applicant shall retain a County-qualified biologist to prepare a Biological Resources Management Plan (Management Plan) subject to review and approval of the County Planning and Building Department in consultation with CDFW. The Management Plan shall include the following, at a minimum:

a. Avoidance measures to conduct project activities in such a manner that avoids physical disturbances to the colony/nest site, including a minimum 50-foot no disturbance buffer to avoid take and potentially significant impacts;

b. If ground disturbance activities would 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).

If, prior to site disturbances, the California Fish and Game Commission determines that the conservation status of crotch bumble bee and western bumble bee does not warrant CESA protections or litigation changes the conservation status and the species are removed from the list of candidate species, the applicant will not need to obtain a Section 2081 Incidental Take Permit to disturb the colony(s).

BIO-9 **Prior to construction permit issuance or initiation of site-disturbance activities,** final project plans shall clearly delineate all trees within 50 feet of the proposed project, and shall show which trees are to be removed or impacted, and which trees are to remain unharmed. All trimming of native oak tree branches shall be minimized, especially for larger lower branches, and the amount trimmed in one season shall be limited to no more than 30% of the total individual tree canopy. All trimming of native oak tree branches shall be conducted by a County-qualified arborist.

BIO-10 **Prior to issuance of construction or grading permits or prior to site disturbance, whichever occurs first,** the qualified biologist shall prepare an Oak Tree Replacement Plan that provides for the installation and maintenance of replacement native oak trees on the project parcel for up to 50% of all native oak trees that would be impacted (as shown on final

project plans described above) and shall be reviewed and approved by the County Planning and Building Department. Mitigation replacement plantings for each oak tree removed shall be at a at a 4:1 ratio and at a 2:1 ratio for each oak tree impacted. Replacement plantings shall be located in suitable areas on the project parcel and the adjacent 2.25-acre parcel owned by the project applicant (APN 080-021-051), as determined by the County-qualified biologist. The Oak Tree Replacement Plan shall include, but not be limited to, the following components:

a. A brief narrative of the project location, description, and purpose;

b. Clearly identified parties responsible for the mitigation program and their contact information;

c. A landscape map showing and quantifying all oak tree planting areas;

d. A requirement that all replacement oak trees be located at least 50 feet from the proposed aboveground power connection and from existing powerlines.

e. A detailed discussion of the methods for implementing the Oak Tree Replacement Plan, including invasive species removal, sources of plant materials, and supplemental watering regimes;

f. Provisions for the collection of oak propagules from the disturbance area, replacement planting propagation, and reintroduction into the parcel;

g. Identification of locations, amounts, species, and sizes of the oak trees to be planted. For each individual of a species removed, the same species shall be planted.

h. Locations of oak tree replacement plantings shall not occur within 50 feet of previously recorded cultural resource sites located on the property, as detailed in the Phase I Archaeological Study, 1255 Tierra Redonda Road, San Luis Obispo County California (Padre Associates, Inc. 2019);

i. If 50% of total project impacted trees could not be mitigated through replacement plantings due to lack of suitable area available, identification of remaining unimpacted oak trees;

j. Identification of necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful plant reestablishment;

k. A program schedule and established success criteria for a 5-year maintenance, monitoring, and reporting program that is structured to ensure the success of the mitigation plantings; and

l. Methods for removing nonnative species from the replanting areas.

BIO-11 **Prior to issuance of construction or grading permits or prior to site disturbance, whichever occurs first,** the applicant shall coordinate with the County Planning and Building Department to determine the appropriate fee and submit payment to the California Wildlife Conservation Board's Oak Woodlands Conservation Program to mitigate for up to 50% of oak trees impacted by the project that have not mitigated through on-site replacement plantings (as described in BIO-10, above). Contribution to the Oak Woodlands Conservation Fun shall be paid prior to issuance of grading or construction permits or initiation of site disturbance activities, whichever occurs first.

BIO-12 **Prior to issuance of construction or grading permits or prior to site disturbance, whichever occurs first,** the project applicant shall coordinate directly with the County Planning and Building to enter the unimpacted oak woodland on the project property into a conservation easement that would prohibit oak tree removal and impacts to oak trees in perpetuity.

For the life of the project, all oak trees not identified as being impacted shall be maintained. Unless identified as impacted in the finalized site plans, the following activities are not allowed within the critical root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plant(s) for up to 3 years), grading (includes cutting and filling of material), compaction (e.g., regular use of vehicles), placement of impermeable surfaces (e.g., pavement), and disturbance of soil that impacts roots (e.g., tilling).

BIO-13 **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.

V. CULTURAL RESOURCES

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

Setting

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

As defined by CEQA, a historical resource includes:

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

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

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

Discussion

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

A Phase I Archaeological Study was prepared for the project (Padre Associates, Inc. 2019) and included a surface survey and a records search from the Central Coast Information Center (CCIC) of the California Historical Resources Information System (CHRIS). No cultural resources or historic-era resources were identified within the records search or project site during the pedestrian survey. The project site does not contain a site under the Historic Site (H) combining designation. Therefore, the project would not result in an adverse change in the significance of a historical resources and *impacts would be less than significant.*

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

A Phase I Archaeological Study was prepared for the project (Padre Associates, Inc. 2019) and included a surface survey and a records search from the CHRIS CCIC. The field surveyor relocated previously recorded Pismo clam shell fragments within the project site; however, isolated artifacts are not considered significant resources and the fragments would not be affected by project operations. The records search did not identify any other cultural resources within the proposed project site, and no other cultural resources were observed within the site during the pedestrian survey (Padre Associates, Inc. 2019).

The records search revealed that the project site is located within 600 feet of four previously recorded cultural resource sites on the project property. The project would utilize an existing unpaved access driveway that currently intersects one of the cultural resource sites. Based on current project site plans and California Fire Code requirements, the only work within this area of the unpaved access driveway would include regular maintenance of the roadway, such as adding material to the existing roadway footprint when needed. No expansion of this unpaved access driveway would occur, and no other ground-disturbing activities would occur in the areas with previously recorded resources.

The project would result in approximately 48,702 square feet of site disturbance, including 49 cubic yards of cut and 49 cubic yards of fill to be balanced on-site. Based on the proximity of proposed disturbance areas to known cultural resource sites and the identification of an isolated resource on-site, the project site has a low to moderate potential to contain sub-surface artifacts. Mitigation Measure CR-1 has been identified to require a County-qualified archaeologist to conduct a cultural resource awareness training for all construction personnel prior to initial ground-disturbance activities. In the event that resources are uncovered during grading activities, implementation of LUO 22.10.040 (Archaeological Resources) would be required, which is detailed in Mitigation Measure CR-2. This section requires that in the event archaeological resources are encountered during project construction, construction activities shall cease, and the County Planning and Building Department must be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with federal and state law. This protocol would ensure full compliance with California Health and Safety Code Section 7050.5 as well as CDFA requirements regarding accidental discovery of cultural resources. Therefore, potential impacts associated with substantial adverse changes in the significance of an archaeological resource would be *less than significant with mitigation.*

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

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

Conclusion

The project site is located within proximity to previously recorded archaeological resources and would result in a moderate amount of site disturbance and earthwork. Mitigation Measures CR-1 and CR-2 have been identified to effectively avoid potential impacts to previously undiscovered cultural resources within the project site. Therefore, upon implementation of the mitigation measures detailed below, potential impacts to cultural resources would be less than significant.

Mitigation

CR-1 **Prior to initial ground-disturbing activities,** a County-qualified archaeologist shall conduct a cultural resource awareness training for all construction personnel, which will include the following:

a. Review the types of archaeological artifacts that may be uncovered;

b. Provide examples of common archaeological artifacts to examine;

c. Review what makes an archaeological resource significant to archaeologists and local native Americans;

d. Describe procedures for notifying involved or interested parties in case of a new discovery;

e. Describe reporting requirements and responsibilities of construction personnel;

f. Review procedures that shall be used to record, evaluate, and mitigate new discoveries; and

g. Describe procedures that would be followed in the case of discovery of disturbed as well as intact human burials and burial-associated artifacts.

CR-2 **During and throughout all project ground disturbance and construction activities,** in the event that a potentially significant cultural resource is encountered during subsurface earthwork activities, all construction activities within a 100-foot radius of the find shall cease and the County Planning and Building Department shall be notified immediately. Work shall not continue until a County-qualified archaeologist, in conjunction with locally affiliated Native American representative(s) as necessary, evaluates the uncovered resource. Any previously unidentified resources found during construction shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria by a qualified archaeologist. Potentially significant cultural resources consist of, but are not limited to, stone, bone, glass, ceramic, wood, or shell artifacts; fossils; or features including hearths, structural remains, or historic dumpsites.

If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan, in conjunction with locally affiliated Native American representative(s) as necessary, that will capture those categories of data for which the site is significant. The research design and plan shall be reviewed and approved by the County. The archaeologist shall also perform appropriate technical analysis, prepare a comprehensive report, and file it with the CCIC, located at the University of California, Santa Barbara, and provide for the permanent curation of the recovered materials consistent with the approved plan.

VI. ENERGY

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

Setting

Local Utilities

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

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

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

Local Energy Plans and Policies

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

State Building Code Requirements

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

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

Vehicle Fuel Economy Standards

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

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

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

In January 2012, CARB approved the Advanced Clean Cars Program, which combines the control of GHG emissions and criteria air pollutants, as well as requirements for greater numbers of zero-emission vehicles, into a single package of standards for vehicle model years 2017 through 2025. The new rules strengthen the GHG standard for 2017 models and beyond. This will be achieved through existing technologies, the use of stronger and lighter materials, and more efficient drivetrains and engines. The program's zero-emission vehicle regulation requires a battery, fuel cell, and/or plug-in hybrid electric vehicles to account for up to 15% of California's new vehicle sales by 2025. The program also includes a clean fuels outlet regulation designed to support the commercialization of zero-emission hydrogen fuel cell vehicles planned by vehicle manufacturers by 2015 by requiring increased numbers of hydrogen fueling stations throughout the state. The number of stations will grow as vehicle manufacturers sell more fuel cell vehicles. By 2025, when the rules will be fully implemented, the statewide fleet of new cars and light trucks will emit 34% fewer global warming gases and 75% fewer smog-forming emissions than the statewide fleet in 2016 (CARB 2016).

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

Energy Use in Cannabis Operations

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

The total energy demand of a cannabis operation depends heavily on the type of cultivation, manufacturing, the location of the project, and the types of equipment required. Outdoor cultivation involves minimal equipment and has relatively low energy demands, while indoor cultivation involves more equipment that tends to have much higher energy demands (e.g., high-intensity light fixtures, climate control systems, etc.) (County of Santa Barbara 2017). Specific energy uses in indoor grow operations include high-intensity lighting, dehumidification to remove water vapor and avoid mold formation, space heating or cooling during non-illuminated periods and drying processes, preheating of irrigation water, generation of CO_2 from fossil fuel combustion, and ventilation and air conditioning to remove waste heat. Reliance on equipment can vary widely as a result of factors such as plant spacing, layout, and the surrounding climate of a given facility (CDFA 2017).

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

Depending on the site and type of activities, cannabis operations may range in measures that promote the conservation of energy resources. For instance, several current operators are known to engage in practices that promote energy conservation and reduce overall energy demands using high-efficiency lighting or through generation and use of solar energy. However, many other operations within the county have been observed to engage in activities that are highly inefficient and may result in the wasteful use of energy resources. Such operations may include the use of old equipment, highly inefficient light systems (e.g., incandescent bulbs), reliance on multiple diesel generators, and other similar inefficiencies (County of Santa Barbara 2017).

Discussion

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

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

Construction Activities

During the construction phase of the project, fossil fuels, electricity, and natural gas would be used by construction vehicles and equipment associated with vegetation removal and compaction within the existing hoop structure frames, installation of new security fencing, trenching and installation of new water lines, etc. The energy consumed during construction would be temporary in nature and would be typical of other similar construction activities in the county. Federal and state regulations in place require fuel-efficient equipment and vehicles and prohibit wasteful activities, such as diesel idling. Construction contractors, in an effort to ensure cost efficiency, would not be expected to engage in wasteful or unnecessary energy and fuel practices. Energy consumption during construction would not conflict with a state or local plan for renewable energy and would not be wasteful, unnecessary, or inefficient, and therefore would be less than significant.

Project Operations

The project's on-site operational electricity needs would be initially met by a 60-Hertz (less than 1 hp) diesel fuel generator, which would later be replaced by a new extension of underground PG&E service lines from an existing connection on the project property. The applicant has stated that an application for extended PG&E service lines would be submitted upon approval of the project land use permit.

U-occupancy structures, such as the existing 2,400-square-foot accessory structure for ancillary nursery, are exempt from CBC standards and therefore would not be subject to state-mandated energy efficiency design requirements or practices. As a result, the energy use associated with the indoor ancillary nursery has the potential to result in wasteful, inefficient, or unnecessary energy consumption. Proposed indoor nursery cultivation activities would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during operation if it utilizes significantly more energy (greater than 20%) than a typical commercial building of the same size. Based on a California Commercial End-Use Survey prepared for the California Energy Commission (Itron, Inc. 2006), a typical commercial building utilizes 21.25 kWh per square foot (kWh/sf) annually (13.63 kWh from electricity and 7.62 kWh from natural gas).

In order to calculate the proposed indoor nursery facilities' energy demand, the County utilizes the energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form (County of Santa Barbara 2018). This calculation form contains formulas for estimating electricity use of various types of cannabis operations based on square footage of the cultivation area, number of plants in continuous grow, and worst-case assumptions of types of equipment to be used and their associated energy loads. The form assumes that indoor cannabis cultivation uses approximately 200 kWh/sf annually.

The proposed project would include 2,400 square feet of indoor nursery cultivation. Based on the energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form (County of Santa Barbara 2018), the project's expected energy consumption for the indoor nursery cultivation activities would be approximately 480,000 kWh per year (kWh/year). Based on the California Energy Commission report, a typical non-cannabis

commercial building uses approximately 21.25 kWh/year/sf, which would be equivalent to 51,000 kWh/year for a 2,400-square-foot building.

Based on the energy consumption rates above, the proposed project's indoor nursery cultivation activities would use approximately 941% more energy than a typical non-cannabis commercial building of the same square footage, and would be roughly equivalent to the energy demand of 44 new single family homes (U.S. Energy Information Administration 2019). Therefore, this amount of energy use would potentially be wasteful and inefficient when compared to similar-sized buildings implementing energy efficiency measures. Based on the project's energy demand and proposed energy sources, the project would have the potential to result in significant environmental impacts through associated GHG emissions, as well as other environmental impacts associated with energy production.

The project's energy inefficiency and associated environmental impacts would have the potential to conflict with state and local plans for energy efficiency and renewable, including the policies of the COSE, the EWP goals, the 2001 SLOAPCD CAP (additional background information on GHG Emissions is provided in Section VIII), and CDFA renewable energy standards.

Mitigation Measures ENG-1 and ENG-2 would reduce the project's environmental impacts resulting from wasteful and inefficient energy use to less than significant through preparation of an Energy Conservation Plan prepared by a certified energy analyst, which would include measures to achieve energy use reduction or offsets, including, but not limited to, enrollment in PG&E's renewable energy programs, structure retrofitting, use of renewable energy sources, and other strategies or programs that effectively reduce energy use and/or increase the project utilization ratio of GHG-free energy sources. The applicant would be required to implement one or more of these strategies/programs until the project's energy demand is reduced and/or offset to a level within 20% of the energy use of a standard commercial building of the same size (51,000 kWh/year).

This may be accomplished by enrollment in one of PG&E's renewable energy programs such as Solar Choice and Regional Renewable Choice. Under the Solar Choice Program, a customer may purchase electricity from a pool of solar generating projects within the PG&E service area. As of the date of this MND, there are a total of six dedicated solar generation facilities in this program with a combined generating capacity of 50.25 megawatts, plus one additional 1.5 MW facility under development. Under the Regional Renewable Program a customer may purchase up to 100% of energy demand from a specific renewable energy provider within the PG&E service area. As of the date of this MND, there are five renewable energy providers within the PG&E service area. As with the Solar Choice Program, a customer may enroll by phone or by the internet.

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

Fuel Use

Ongoing operation of the project would result in fuel use associated with employee motor vehicle trips and deliveries. The project would employ up to 14 employees—six full time and eight part time. All vehicles used by employees and deliveries during operation would be subject to applicable federal and state fuel economy standards. Based on adherence to applicable federal and state fuel

regulations and the size and scope of proposed activities, project fuel use would not result in a potentially significant environmental impact and would not be wasteful, inefficient, or unnecessary.

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

Conclusion

The project would have the potential to result in a potentially significant energy demand and inefficient energy use during long-term operations, which could result in potentially significant environmental impacts. Inefficient energy use would potentially conflict with state or local renewable energy or energy efficiency plans. Potential impacts related to energy would be less than significant with implementation of Mitigation Measures ENG-1 and ENG-2

Mitigation

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

a. A detailed breakdown of energy demand prepared by a certified energy analyst. The energy breakdown shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities, including, but not limited to, lighting, odor management, and climate control equipment. Such quantification shall be expressed in total kWh per year and non-electrical sources shall be converted to kWh per year.

b. A program for providing a reduction or offset of all energy demand that is 20% or more above a typical commercial building of the same size. In this case, reductions and offsets must result in a total project energy demand that does not exceed 61,200 kWh/year. Such a program (or programs) may include, but is not limited to, the following:

    i. Evidence that the project will permanently source project energy demands from renewable energy sources (e.g., solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.

    ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy-saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include the following:

        1. Participating in an annual energy audit.

        2. Upgrading and maintaining efficient heating/cooling/dehumidification systems.

3. Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
4. Implementing automated lighting systems.
5. Utilizing natural light when possible.
6. Utilizing an efficient circulation system.
7. Ensuring that energy use is below or in-line with industry benchmarks.
8. Implementing phase-out plans for the replacement of inefficient equipment.
9. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.

iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. (Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.)

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

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

VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				

Initial Study – Environmental Checklist

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

Setting

The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) is a California law that was developed to regulate development near active faults and mitigate the surface fault rupture potential and other hazards. The Alquist-Priolo Act identifies active earthquake fault zones and restricts the construction of habitable

structures over known active or potentially active faults. San Luis Obispo County is in a geologically complex and seismically active region. The Safety Element of the County of San Luis Obispo General Plan identifies three active faults that traverse through the county and are currently zoned under the Alquist-Priolo Act: the San Andreas, the Hosgri-San Simeon, and the Los Osos. The Safety Element also identifies 17 other faults that are considered potentially active or have uncertain fault activity in the county. The Safety Element establishes policies that require new development be located away from active and potentially active faults. The Safety Element also requires that the County enforce applicable building codes relating to seismic design of structures and require design professionals to evaluate the potential for liquefaction or seismic settlement to impact structures in accordance with the Uniform Building Code. Based on the CDOC Fault Activity Map of California, the project site is located approximately 2.4 miles southwest from the San Marcos fault, a potentially active quaternary-age fault (CDOC 2015).

Ground shaking refers to the motion that occurs in response to local and regional earthquakes. Seismic ground shaking is influenced by the proximity of the site to an earthquake fault, the intensity of the seismic event, and the underlying soil composition. Ground shaking can endanger life and safety due to damage or collapse of structures or lifeline facilities. The CBC includes requirements that structures be designed to resist a certain minimum seismic force resulting from ground motion.

Liquefaction is the sudden loss of soil strength due to a rapid increase in soil pore water pressures resulting from ground shaking during an earthquake. Liquefaction potential increases with earthquake magnitude and ground shaking duration. Low-lying areas adjacent to creeks, rivers, beaches, and estuaries underlain by unconsolidated alluvial soil are most likely to be vulnerable to liquefaction. The CBC requires the assessment of liquefaction in the design of all structures. Based on the Safety Element Liquefaction Hazards Map, the project site is in an area with low potential for liquefaction.

Landslides and slope instability can occur as a result of wet weather, weak soils, improper grading, improper drainage, steep slopes, adverse geologic structure, earthquakes, or a combination of these factors. Despite current codes and policies that discourage development in areas of known landslide activity or high risk of landslide, there is a considerable amount of development that is impacted by landslide activity in the County each year. The Safety Element identifies several policies to reduce risk from landslides and slope instability. These policies include the requirement for slope stability evaluations for development in areas of moderate or high landslide risk, and restrictions on new development in areas of known landslide activity unless development plans indicate that the hazard can be reduced to a less-than-significant level prior to beginning development. The project site has relatively flat topography and, based on the Safety Element Landslide Hazards Map, is in an area with low to moderate potential for landslide risk.

Shrink/swell potential is the extent to which the soil shrinks as it dries out or swells when it gets wet. Extent of shrinking and swelling is influenced by the amount and kind of clay in the soil. Shrinking and swelling of soils can cause damage to building foundations, roads, and other structures. A high shrink/swell potential indicates a hazard to maintenance of structures built in, on, or with material having this rating. Moderate and low ratings lessen the hazard accordingly. Based on the NRCS Soil Survey of San Luis Obispo County, California – Paso Robles Area, the project is in an area with soils with a range from low to high potential for shrink swell (NRCS 2017).

The project site is underlain by sandstone of the Vaqueros formation (Diblee and Minch 2006). The Vaqueros Formation has yielded numerous vertebrate localities throughout California. Recovered specimens include seal, whale, hippopotamus-like mammal, artiodactyl, horse, Megalodon shark, camel, and a seal-like mammal. In addition, the Vaqueros Formation has yielded hundreds of invertebrate fossil localities throughout central and southern California, which yielded specimens characteristic of the Vaqueros Fauna (Aspen Environmental

Group 2015). On the south side of Tierra Redonda Mountain are sandy beds several feet thick, composed almost entirely of fossil turritellas, which is an extremely rare feature (U.S. Bureau of Land Management [BLM] 1996).

Discussion

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

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

The project site is not located within an Alquist-Priolo Fault Hazard Zone, and there are no mapped active faults crossing or adjacent to the site (CDOC 2018). The closest potentially active fault is approximately 1.4 miles northeast of the project site, known as the San Marcos Fault. Therefore, the project would not have the potential to result in substantial adverse effects involving rupture of a known earthquake fault and impacts would be *less than significant.*

(a-ii) Strong seismic ground shaking?

The closest potentially active fault is approximately 1.4 miles northeast of the project site, known as the San Marcos Fault. Because San Luis Obispo County is in a seismically active region, there is always a potential for seismic ground shaking. The project would be required to comply with the CBC and other applicable standards to ensure the effects of a potential seismic event would be minimized through compliance with current engineering practices and techniques. The project does not include construction of new structures for human occupancy or other unique components that would be particularly sensitive to seismic ground shaking or result in an increased risk of injury or damage as a result of ground shaking. Implementation of the project would not expose people or structures to significant increased risks associated with seismic ground shaking; therefore, impacts would be *less than significant.*

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

Based on the Safety Element Liquefaction Hazards Map, the project site is located in an area with low potential for liquefaction. In addition, the project would be required to comply with CBC seismic requirements to address the site's potential for seismic-related ground failure including liquefaction; therefore, the potential impacts would be *less than significant.*

(a-iv) Landslides?

The project site has relatively flat topography and, based on the Safety Element Landslide Hazards Map, is in an area with low to moderate potential for landslide risk. Therefore, the project would not result in significant adverse effects associated with landslides and impacts would be *less than significant.*

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

The project would result in approximately 48,702 square feet of site disturbance, including 49 cubic yards of cut and 49 cubic yards of fill to be balanced on-site. During grading activities there would be a potential for erosion and sedimentation to occur. A sedimentation and erosion control plan is required for all construction and grading projects (LUO Section 22.52.120) to minimize potential impacts related to erosion and sedimentation, and includes requirements for specific erosion control

materials, setbacks from creeks, and siltation. In addition, the project would be subject to RWQCB requirements for preparation of a Storm Water Pollution Prevention Plan (SWPPP) (LUO Section 22.52.130), which may include the preparation of a Storm Water Control Plan to further minimize on-site sedimentation and erosion. Therefore, project impacts related to soil erosion, topographic changes, and 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?

Landslides typically occur in areas with steep slopes or in areas containing escarpments. Based on the Landslide Hazards Map provided in the Safety Element, the project site is not located in an area with low to moderate potential for local failure or landslide.

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

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

The majority of the project site proposed for development is underlain by Rincon clay loam, 15 to 30 percent slopes. The subsoil of this complex has a high shrink-swell (expansion) potential (USDA 1983). Expansive soils tend to swell with seasonal increases in moisture and shrink during the dry season as subsurface moisture decreases. Volume changes that this type of soil undergoes can result in stress and damage to slabs and foundations if precautionary measures are not incorporated into the design and construction procedures. All proposed structures would be designed and constructed to comply with CBC requirements to minimize safety hazards associated with expansive soils, including preparation of soil tests to determine the presence or absence of expansive soils on proposed building sites, and preparation of a geotechnical report to include recommendations for foundation type and design criteria and provisions to mitigate the effects of expansive soils, as necessary; therefore, impacts would be *less than significant.*

(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 project would include use of existing and proposed portable restrooms and would not require use or installation of an on-site septic system; therefore, potential impacts associated with soils incapable of supporting the use of septic tanks *would not occur.*

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

The project site is located on the eastern side of Tierra Redonda Mountain. The project would not significantly alter the existing topography of the site and there are no known paleontological sites or unique features within or immediately adjacent to the proposed development area.

The project would result in approximately 48,702 square feet of site disturbance, including 49 cubic yards of cut and 49 cubic yards of fill to be balanced on-site, for activities including, but not limited to,

installation of new chain-link fencing, new water tanks, and new irrigation lines and trenching for new electricity connections. The project site is underlain by sandstone of the Vaqueros formation, which has been characterized as "highly fossiliferous" and therefore a high sensitivity for paleontological resources (BLM 1996). Therefore, project grading activities would have the potential to result in the discovery and disturbance of paleontological resources, which could result in a potentially significant impact. Standard County monitoring and inadvertent discovery measures have been identified to reduce this impact to less than significant; therefore, potential impacts associated with directly or indirectly destroying a unique paleontological resources or site or unique geologic feature would be *less than significant with mitigation.*

Conclusion

The project site is not within the GSA combining designation or an area of high risk of landslide, liquefaction, subsidence, or other unstable geologic conditions. The project would be required to comply with CBC and standard LUO requirements, which have been developed to properly safeguard against seismic and geologic hazards. The project has the potential to impact previously undiscovered paleontological resources. Standard paleontological monitoring and inadvertent discovery measures have been identified to reduce potential impacts to paleontological resources to less than significant. Therefore, upon mitigation of mitigation measures GEO-1 through GEO-3 detailed below, potential impacts related to geology and soils would be less than significant.

Mitigation

GEO-1 **Paleontological Monitoring and Treatment Plan. Prior to any ground-disturbing activities,** the applicant shall retain a County-approved paleontologist to prepare a Paleontological Monitoring and Treatment Plan (Plan, PMTP), and submit the Plan to the County for review and approval. The Plan shall be based on 'Society of Vertabrate Paleontology (SVP) guidelines' and meet all regulatory requirements. The County-approved paleontologist shall: a) have a Master's Degree or Ph.D. in paleontology, b) shall have knowledge of the local paleontology, and c) shall be familiar with paleontological procedures and techniques. The Plan shall:

a. identify construction impact areas of moderate to high sensitivity for encountering potential paleontological resources and the shallowest depths at which those resources may be encountered;

b. detail the criteria to be used to determine whether an encountered resource is significant, and if it should be avoided or recovered for its data potential;

c. detail methods of recovery, preparation and analysis of specimens, final curation of specimens at a federally accredited repository, data analysis, and reporting;

d. outline a coordination strategy to ensure that a County-approved paleontological monitor will conduct full-time monitoring of all grading activities in the "deeper" sediments determined to have a moderate to high sensitivity. For sediments of low or undetermined sensitivity, the Plan shall determine what level of monitoring is necessary. Sediments with no sensitivity will not require paleontological monitoring.

e. define specific conditions in which monitoring of earthwork activities could be reduced and/or depth criteria established to trigger monitoring. These factors shall be defined

by the project paleontological resource specialist, following examination of sufficient, representative excavations.

Monitoring/Compliance. Prior to issuance of a construction permit, the applicant shall show this measure on all applicable construction drawings. The Plan shall be submitted to the County for review and approval. **Prior to ground disturbance**, all construction workers shall be informed about the monitor and their role at the work site. As applicable per the approved Plan any required field measures shall be installed. **During construction,** all approved protection measures, if any, shall be kept in good working order and any necessary corrective measures addressed by the applicant upon discovery. The monitor shall be present as specified in the Plan. **Prior to final inspection/ occupancy of construction permit**, the applicant shall submit to the County a final post-construction report from the paleontologist summarizing construction compliance and protection.

GEO-2 **Paleontology Construction Monitoring. During ground-disturbing activities,** based on the Mitigation Measure GEO-1 (Paleontological Monitoring and Treatment Plan), the Applicant shall conduct full-time monitoring by a County-approved paleontological monitor as specified in the approved PMTP. This shall include monitoring during rough grading and trenching in areas determined to have moderate to high paleontological sensitivity and which have the potential to be shallow enough to be adversely affected by such earthwork. Sediments of low, marginal undetermined sensitivity shall be monitored by a County-approved paleontological monitor on a part-time basis as determined in the PMTP.

The Qualified Monitor shall verify they have a B.A. in Geology or Paleontology and a minimum of one year of paleontological monitoring experience in local or similar sediments. Construction activities shall be diverted when data recovery of significant fossils is warranted, as determined in the PMTP. Compliance/Monitoring shall adhere to and be consistent with the PMTP.

GEO-3 During ground-disturbing activities, if any paleontological resources are encountered, activities in the immediate area of the find shall be halted and the discovery assessed in accordance with the approved PMTP. A qualified paleontologist shall be retained to evaluate the discovery and recommend appropriate treatment options pursuant to guidelines developed by the Society of Vertebrate Paleontology. A paleontological resource impact mitigation program for treatment of the resources shall be developed and implemented if paleontological resources are encountered. If deemed significant, the paleontological resource(s) shall be salvaged and deposited in an accredited and permanent scientific institution where they will be properly curated and preserved. **Prior to final inspection/ occupancy of construction permit**, the applicant shall submit to the County a final post-construction report from the paleontologist summarizing the Data Recovery effort.

VIII. GREENHOUSE GAS EMISSIONS

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

Setting

GHGs are any gases that absorb infrared radiation in the atmosphere, and are different from the criteria pollutants discussed in Section III, Air Quality, above. The primary GHGs that are emitted into the atmosphere as a result of human activities are CO_2, methane (CH_4), nitrous oxide (N_2O), and fluorinated gases. These are most commonly emitted through the burning of fossil fuels (oil, natural gas, and coal), agricultural practices, decay of organic waste in landfills, and a variety of other chemical reactions and industrial processes (e.g., the manufacturing of cement).

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

In October 2008, the CARB published its *Climate Change Proposed Scoping Plan*, which is the state's plan to achieve GHG reductions in California required by AB 32. The Scoping Plan included CARB-recommended GHG reductions for each emissions sector of the state's GHG inventory. The largest proposed GHG reduction recommendations were associated with improving emissions standards for light-duty vehicles, implementing the Low Carbon Fuel Standard program, 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 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.

Pursuant to Section 8203 (g) of the Title 3, Division 8, Chapter 1 of the California Code of Regulations, beginning January 1, 2022, CDFA will require cultivation applicants to disclose the greenhouse gas emission

intensity (per kWh) of their utility provider and show evidence that the electricity supplied is from a zero net energy source.

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

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

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

In March 2012, the SLOAPCD approved thresholds for GHG emission impacts, and these thresholds were incorporated into their CEQA Air Quality Handbook. For GHG emissions, the Air Quality Handbook recommended applying a 1,150 $MTCO_2e$ 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"; CDFW 2017) which determined that AB 32 based thresholds derived from a gap analysis are invalid for projects with a planning horizon beyond 2020. Since the bright-line and service population GHG thresholds in the 2012 Handbook are AB 32 based and project horizons are now beyond 2020, the SLO County APCD no longer recommends the use of these thresholds in CEQA evaluations. Instead, the following threshold options are recommended for consideration by the lead agency:

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

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

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

- Lead Agency Adopted Defensible GHG CEQA Thresholds: Under this approach, a lead agency may establish SB 32-based local operational thresholds. As discussed above, SB 32 requires the state to

reduce GHG levels by 40 percent below 1990 levels by the year 2030. According to the *California Greenhouse Gas Emissions for 2000 to 2017, Trends of Emissions and Other Indicators* published by the California Air Resources Board, emissions of GHG statewide in 2017 were 424 million $MMTCO_2e$, which was 7 million MTCO2e *below* the 2020 GHG target of 431 $MMTCO_2e$ established by AB 32. At the local level, an update of the County's EnergyWise Plan prepared in 2016 revealed that 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[1]. Therefore, application of the 1,150 $MTCO_2e$ 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. It should be noted that the 1,150 $MTCO_2e$ per year Bright Line Threshold was based on the assumption that a project with the potential to emit less than 1,150 $MTCO_2e$ per year would result in impacts that are less than significant and less than cumulatively considerable impact and would be consistent with state and local GHG reduction goals.

Since SB 32 requires the state to reduce GHG levels by 40 percent below 1990 levels by the year 2030, the application of an interim "bright line" SB32-based working threshold that is 40 percent below the 1,150 $MMTCO_2e$ Bright Line threshold (1,150 x 0.6 = 690 $MMTCO_2e$) would be expected to produce comparable GHG reductions "in the spirit of" the targets established by SB32. Therefore, for the purpose of evaluating the significance of GHG emissions for a project after 2020, emissions estimated to be less than 690 $MMTCO_2e$ per year GHG are considered *de minimus* (too trivial or minor to merit consideration), and will have a less than significant impact that is less than cumulatively considerable and consistent with state and local GHG reduction goals.

Discussion

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

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

Based on estimated project energy use (see Section VI. Energy) and GHG emission factors derived from the CalEEMod computer model, the 2,400-square-foot indoor nursery building would result in the generation of approximately 139.2 $MTCO_2e$ per year, which is below the SB-32 based working threshold of 690 $MTCO_2e$/year (County of San Luis Obispo Staff 2020). Therefore, potential impacts associated with project related GHG emissions and consistency with plans and policies adopted for the purpose of reducing GHG emissions would be *less than significant*.

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. Potential impacts related to GHG emissions would be less than significant.

Mitigation

None are required.

[1] AB32 and SB32 require GHG emissions to be reduced to 1990 levels by the year 2020. The EnergyWise Plan assumes that the County's 1990 GHG emissions were about 15% below the levels identified in the 2006 baseline inventory.

IX. HAZARDS AND HAZARDOUS MATERIALS

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

Setting

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

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

The California Health and Safety Code provides regulations pertaining to the abatement of fire-related hazards and requires that local jurisdictions enforce the CBC, which provides standards for fire-resistive building and roofing materials, and other fire-related construction methods. The Safety Element of the County of San Luis Obispo General Plan provides a Fire Hazard Zones Map that indicates unincorporated areas in the county within moderate, high, and very high Fire Hazard Severity Zones (FHSZ). The project would be located within the State Responsibility Area in a Very High FHSZ. Based on the County Fire/California Department of Forestry and Fire Protection (CAL FIRE) referral response letter, it would take approximately 30 minutes to respond to a call regarding fire or life safety. For more information about fire-related hazards and risk assessment, see Section XX, Wildfire.

Discussion

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

The project includes regular use and storage of the following pesticides: Activia, Regalia, Venerate, Mildew cure, Neem oil, Sulfur, Dawn dish soap, Monterey county insect spray, Merit, Floramite, Abeemctan, SM99, and Green Clean. Pesticide and fertilizer usage would be conducted in compliance with applicable standards set forth by the County of San Luis Obispo Department of Agriculture, including, but not limited to, obtaining an Operator Identification Number and complying with all application, reporting, and use requirements. All pesticides and fertilizers to be used on-site would be stored within a secure, locking seatrain container.

The project includes regular use of a diesel fuel generator and a 500-gallon diesel fuel tank to support the on-site irrigation pump and nutrient delivery system as well as to provide fuel for on-site equipment. The project has been reviewed by the Department of Environmental Health and would be required to complete a Hazardous Materials Business Plan Flowchart and other applicable forms and pay fees in accordance with Department of Environmental Health standard protocol (Ghiglia 2019). The project would be conditioned to complete all applicable Department of Environmental Health forms and fees prior to initiation of proposed activities on-site. Therefore, based on compliance with applicable local policies and regulations, the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials and impacts would be *less than significant.*

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

Undeveloped portions of the property support oak woodland, grassland, and ruderal habitats. Three ephemeral drainages cross through the property as well. Oils, gasoline, lubricants, fuels, and other potentially hazardous substances would be used and temporarily stored on-site during construction activities. A spill or leak of these materials under accident conditions during construction activities could create a potentially significant hazard to on-site habitats and drainage features. Mitigation Measures HAZ-1 through HAZ-3 have been recommended to reduce potential impacts associated with upset or accident conditions during project construction.

During operation, the project includes regular storage, use, and refilling of diesel fuel on-site. A spill or leak of diesel fuel under accident conditions could create a potentially significant hazard to on-site habitats and drainage features. Mitigation Measure HAZ-2 has been identified to require designated areas for cleaning and refueling of equipment be located a minimum of 100 feet from on-site drainage features and regular equipment checks to avoid potential leaks or spills. Therefore, potential impacts associated with hazards to the public or the environment through reasonably foreseeable upset or accident conditions would be *less than significant with mitigation.*

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

The closest school facility is located approximately 5.2 miles southeast of the project site. The project site is not located within 0.25 mile of an existing or proposed school; therefore, *no impacts* would occur.

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

Based on the DTSC Envirostor and SWRCB GeoTracker databases, the proposed project site is not listed on or located in close proximity to a site listed on the Cortese List, which is a list of hazardous materials sites compiled pursuant to CGC Section 65962.5. The nearest hazardous waste cleanup site to the project site is approximately 1 mile north of the project property, and has been completed and closed since 1997. Therefore, *no impacts would occur.*

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

The nearest operating airstrip in proximity to the project site is the Camp Roberts Airstrip, located approximately 11 miles east of the project site. The project would be not located within an Airport Review Area and there are no active public or private landing strips within the immediate project vicinity; therefore, *no impacts would occur.*

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

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

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

Undeveloped portions of the property support oak woodland, grassland, and ruderal habitats. The project would be located within the State Responsibility Area in a Very High FHSZ. The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and California PRC, which includes improvements to the existing access road/driveway to accommodate emergency vehicle access, vegetation clearing or trimming around all existing and proposed structures, and installation of a water storage tank for fire protection. County Fire /CAL FIRE prepared a Fire Safety Plan letter for the project, and the applicant will be required to comply with the requirements of the plan for the life of the project; therefore, potential impacts would be *less than significant.*

Conclusion

The project includes the use of potentially hazardous materials during construction and operation. Mitigation measures have been identified below to reduce potential impacts associated with routine transport, use, and disposal of these materials. Upon implementation of Mitigation Measures HAZ-1 through HAZ-3, potential impacts associated with hazards and hazardous materials would be less than significant.

Mitigation

HAZ-1 **Prior to site disturbance activities,** the contractor shall prepare a Hazardous Materials Response Plan to allow for a prompt and effective response to any accidental spills. Workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

HAZ-2 **During site disturbance activities and for the life of the project,** the cleaning and refueling of equipment and vehicles shall occur only within a designated staging area and at least 100 feet (30 meters) from wetlands or other water features. At a minimum, all construction equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and avoid potential leaks or spills. During operations, equipment shall be checked and maintained on a weekly basis to ensure proper operation and avoid potential fuel leaks or spills.

HAZ-3 **During site disturbance and construction activities,** all project-related spills or leaks of hazardous materials shall be cleaned up immediately. Spill prevention and clean-up materials shall be located on-site at all times during construction.

X. HYDROLOGY AND WATER QUALITY

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

Setting

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

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

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

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

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

Discussion

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

The project proposes to establish new cultivation sites and associated facilities in an area that contains gently sloping topography and is not located within the 100-year Flood Hazard designation. All project

activities would be located a minimum of 50 feet from the ephemeral drainages located on-site. The project would be required to comply with all National Pollution Discharge Elimination System (NPDES) requirements and prepare a SWPPP that incorporates BMPs during construction. Water quality protection measures would include protection of stockpiles, slopes, all disturbed areas, and access roads, as well as perimeter containment measures. Therefore, impacts related to violation of water quality standards, quality of groundwater, stormwater system capacity, amount of runoff, and location of activities within the flood zone are *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 project is not located within a groundwater basin designated as Level of Severity (LOS) III per the County's Resource Management System or in an Area of Severe Decline by the Sustainable Groundwater Management Act (SGMA). The project would be served by two existing wells on-site and multiple water storage tanks (existing and proposed) and would result in a maximum water demand of 1.44 acre-feet per year (AFY). Based on sustained well pump tests conducted in 2016, the wells have a combined sustained yield of approximately 9.8 gallons per minute. Based on the project's location outside of an LOS III basin, sustained pump rates of the wells on-site, and proposed irrigation water storage tanks, the project's water use would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge and impacts 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 result in approximately 48,702 square feet of site disturbance, including 49 cubic yards of cut and 49 cubic yards of fill to be balanced on-site. While all project activities would be located a minimum of 50 feet from the ephemeral drainages located on-site, project construction and site disturbance activities could have the potential to result in erosion and sedimentation adversely affecting on-site drainages if proper protections are not implemented. Mitigation Measure WQ-1 has been identified to require the use and availability of erosion control BMPs to minimize potential impacts to on-site drainages. Therefore, potential impacts associated with erosion and siltation from substantial alteration of the existing on-site drainage pattern would be *less than significant with mitigation.*

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

The project would not substantially increase the amount of impervious surface area or the rate and volume of surface runoff in a manner that could result in flooding on- or off-site. Based on the nature and size of the project, changes in surface hydrology would be negligible. Therefore, potential impacts related to increased surface runoff resulting in flooding would be *less than significant.*

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

The project would not substantially increase the amount of impervious surface area or the rate and volume of surface runoff in a manner that could exceed the capacity of existing stormwater or drainage systems. Based on the nature and size of the project, changes in surface hydrology would

be negligible. Therefore, potential impacts related to increased surface runoff exceeding stormwater capacity would be *less than significant.*

(c-iv) Impede or redirect flood flows?

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

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

Based on the Safety Element Flood Hazard Map, the project site is not located within a 100-year flood zone (County of San Luis Obispo 2017). Based on the San Luis Obispo County Tsunami Inundation Maps, the project site is not located in an area with potential for inundation by a tsunami (CDOC 2019). The project site is not located within close proximity to a standing body of water with the potential for a seiche to occur. Therefore, the project site has no potential to release pollutants due to project inundation and *no impacts would occur.*

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

The project is not located within a groundwater basin designated as LOS III per the County's Resource Management System or in severe decline by SGMA. The project would not substantially increase water demand, deplete groundwater supplies, or interfere substantially with groundwater recharge. The project would not conflict with the Central Coastal Basin Plan, SGMA, or other local or regional plans or policies intended to manage water quality or groundwater supplies; therefore, impacts would be *less than significant.*

Conclusion

The project would not substantially increase the amount of impervious surface area or the rate and volume of surface runoff and is not located within a groundwater basin designated as LOS III per the County's Resource Management System or in an Area of Severe Decline by the SGMA. Mitigation Measure WQ-1 has been identified to require the use and availability of erosion control BMPs to minimize potential impacts to on-site drainages. Upon implementation of Mitigation Measure WQ-1, potential impacts associated with hydrology and water quality would be less than significant.

Mitigation

WQ-1 **During project site disturbance activities,** erosion control measures (e.g., silt fencing, fiber rolls, and barriers) shall remain available on-site and shall be utilized as necessary to prevent erosion and sedimentation in jurisdictional areas. No synthetic plastic mesh products shall be used for erosion control and use of these materials on-site is prohibited. Erosion control measures shall be checked to ensure that they are intact and functioning effectively and maintained on a daily basis throughout the duration of site disturbance activities. The contractor shall also apply adequate dust control techniques, such as site watering, during construction to protect water quality of jurisdictional drainages located on-site.

XI. LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
(a) Physically divide an established community?	☐	☐	☐	☒
(b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☒	☐	☐

Setting

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

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

The inland LUE also contains the area plans of each of the four inland planning areas: Carrizo, North County, San Luis Obispo, and South County. The area plans establish policies and programs for land use, circulation, public facilities, services, and resources that apply "areawide," in rural areas, and in unincorporated urban areas within each planning area. Part three of the LUE contains each of the 13 inland community and village plans, which contain goals, policies, programs, and related background information for the County's unincorporated inland urban and village areas. The project site is located within the Nacimiento subarea of the North County Planning Area and is not subject to any community or village plans.

Discussion

(a) Physically divide an established community?

The project does not propose project elements or components that would physically divide the site from surrounding areas and uses. The project would be consistent with the general level of development within the project vicinity and would not create, close, or impede any existing public or

private roads, or create any other barriers to movement or accessibility within the community. Therefore, the proposed project would not physically divide an established community and *no impacts would occur.*

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

The project would be consistent with the property's land use designation and the guidelines and policies for development within the applicable area plan, inland LUO, and the COSE. The proposed project components are allowed uses within property's land use designation and would be generally consistent with the guidelines and policies for development within the North County Area Plan, inland LUO, and the COSE. The project would be required to be consistent with standards set forth by County Fire/CAL FIRE and the County Public Works Department.

According to the North County Area Plan, the project site is located within the Tierra Redonda Mountain Sensitive Resources Area (SRA) designation. Tierra Redonda Mountain is a 1,300-acre landmark with high ecological importance and has been given a high priority for preservation by the State Department of Parks and Recreation. Natural communities include grassland, savannah, chaparral, limestone streamside habitat, sand dunes, marshland, and the predominant oak woodland community. Several rare or endemic plant species are found here including *Baeria letalea, Adenostemma sparsifolium*, and others. Most of the public lands are generally designated for open space use only. Emphasis should be placed on maintenance of the entire mountain as an undisturbed ecosystem rather than several small isolated preserve areas. Use should be carefully regulated because of fire hazard problems and potential damage to fragile ecosystems. Implementation of the proposed project has the potential to result in adverse impacts to special-status animals, sensitive natural communities including native oak woodland, and would interfere with the movement of native and/or migratory species. Mitigation measures BIO-1 through BIO-13 have been identified to avoid, reduce, and compensate for these potential impacts. Upon implementation of the mitigation measures identified below, potential impacts to biological resources would be less than significant.

The Nacimiento Sub-Area Standards in the County's LUO Planning Area Standards (PAS) also apply to the project. These standards include, but are not limited to, prohibition of first floor building elevations from being below the 825-foot elevation, treatment of lake water where use is authorized, standards for sewage disposal, standards for circulation, and requirements for open space preservation. The project site is subject to PAS 22.94.070.F.1, which requires approval of Minor and Conditional Use Permits being contingent upon the project applicant executing an agreement with the County to maintain portions of the site not intended for development in open space use. Guarantees of open space preservation may be in the form of agreements, easements, contracts, or other appropriate instruments, provided that such guarantees are not to grant public access unless desired by the property owner. The project would be conditioned to demonstrate compliance with this standard prior to initiation of site disturbance or building permit issuance associated with the project.

According to the BLM Caliente Resource Management Plan (BLM 1996) and the BLM Bakersfield Field Office Approved Resource Management Plan (BLM 2014), the Tierra Redonda Mountain is designated an Area of Critical Environmental Concern (ACEC), a boundary that approximately aligns with the County's SRA designation. The proposed white hoop structure covers would have the potential to detract from the quality of the scenic vista as seen from Lynch Canyon Road and Interlake Road, substantially degrade the visual character of existing public views of the site and its surroundings, and create a new source of substantial glare that could affect daytime views of the area. Mitigation

Measure AES-1 has been identified to require the preparation, implementation, and maintenance of a visual screening plan, that would include one or more strategies such as use of earth-toned hoop covers and black-out tarps, use of screening fencing, and/or use of vegetative screening. Upon implementation of Mitigation Measure AES-1, potential impacts associated with aesthetics would be less than significant.

The project would be required to implement measures to mitigate potential impacts associated with aesthetics, air quality, biological resources, cultural resources, energy, hazards and hazardous materials, hydrology and water quality, and tribal cultural resources; therefore, with mitigation, the project would not conflict with policies or regulations adopted for the purpose of avoiding or mitigating environmental effects and impacts would be *less than significant with mitigation.*

Conclusion

The project would not divide an established community. The project would be consistent with local and regional land use designations, plans, and policies and with implementation of mitigation measures.

Mitigation

Implement Mitigation Measures AES-1, AQ-1, BIO-1 through BIO-13, CR-1 and CR-2, ENG-1 and ENG-2, GEO-1 through GEO-3, HAZ-1 through HAZ-3, and WQ-1.

XII. MINERAL RESOURCES

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

Setting

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

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

- **MRZ-1:** Areas where available geologic information indicates that little likelihood exists for the presence of significant mineral resources.

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

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

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

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

Based on the CGS Information Warehouse for Mineral Land Classification, the project site is not located within an area that has been evaluated for mineral resources and is not in close proximity to an active mine (CGS 2015). The nearest mine is approximately 1.75 miles to the east. The project is not located within a designated mineral resource zone or within an Extractive Resource Area combining designation.

According to the BLM (BLM 1996, 2014) the Tierra Redonda Mountain is designated an ACEC, a boundary that approximately aligns with the County's SRA designation. This ACEC is considered by the BLM to have moderate occurrence potential for oil and gas, and moderate occurrence potential for phosphate (BLM 1996). Eighty-one acres of federal land within this designation are identified as federal mineral estate, and the BLM Bakersfield Field Office Approved Resource Management Plan created Action Item AC-D-18, which calls for the federal lands within this ACEC be identified as open for fluid mineral leasing, subject to major constraints (BLM 2014).

Discussion

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

The project would encumber approximately 1.44 acres of the 100-acre parcel for cannabis activities. With the exception of the existing 2,400 square-foot accessory structure, impacts would be semi-permanent in nature and would not preclude future mineral or gas extraction after cessation of cannabis operations, or on another portion of the site during cannabis operations. Therefore, impacts would be *less than significant.*

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

The project is not located within a designated MRZ or within an Extractive Resource Area combining designation, or otherwise delineated on any local plans as a mineral resource recovery site. Therefore, impacts would be *less than significant.*

Conclusion

Impacts to mineral resources would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

XIII. NOISE

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

Setting

The Noise Element of the County of San Luis Obispo General Plan provides a policy framework for addressing potential noise impacts in the planning process. The purpose of the Noise Element is to minimize future noise conflicts. The Noise Element identifies the major noise sources in the county (e.g., highways and freeways, primary arterial roadways and major local streets, railroad operations, aircraft and airport operations, local industrial facilities, other stationary sources) and includes goals, policies, and implementation programs to reduce future noise impacts. Among the most significant polices of the Noise Element are numerical noise standards that limit noise exposure within noise-sensitive land uses and performance standards for new commercial and industrial uses that might adversely impact noise-sensitive land uses.

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

- Residential development, except temporary dwellings
- Schools (preschool to secondary, college and university, and specialized education and training)
- Health care services (e.g., hospitals, clinics, etc.)

- Nursing and personal care
- Churches
- Public assembly and entertainment
- Libraries and museums
- Hotels and motels
- Bed and breakfast facilities
- Outdoor sports and recreation
- Offices

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

The LUO establishes acceptable standards for exterior and interior noise levels (Table 2) and describes how noise shall be measured. Exterior noise level standards are applicable when a land use affected by noise is one of the sensitive uses listed in the Noise Element. Exterior noise levels are measured from the property line of the affected noise-sensitive land use.

Table 2. Maximum Allowable Exterior Noise Level Standards[1]

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

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

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

Discussion

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

Project construction would result in a temporary increase in noise levels associated with construction activities, equipment, and vehicle trips. Construction noise would be variable, temporary, and limited in nature and duration. The County LUO requires that construction activities be conducted during daytime hours to be able to utilize County construction noise exception standards and that construction equipment be equipped with appropriate mufflers recommended by the manufacturer. Compliance with these standards would ensure short-term construction noise would be less than significant.

The project does not propose the use of a heating, ventilation, and air conditioning (HVAC) system that would be a permanent source of stationary noise. The project applicant currently utilizes a diesel fuel generator for several hours each day to power the on-site irrigation pump and would continue to use the generator for this use until new electricity infrastructure is established following issuance of building permits. The generator is currently housed within an accessory building located just north of the existing workshop proposed to be used as an indoor nursery, approximately 1,000 feet from the

nearest property line. Noise attenuates (diminishes) at a rate of 6 dB per doubling of distance. Therefore, project-related noise sources producing 65 dB at 25 feet would be perceived at less than 35 dB at the nearest property line, not taking into consideration its location within a structure. Therefore, the resulting noise is not anticipated to exceed the maximum allowable nighttime level (65 dB) or the hourly average equivalent noise level (45 dB).

Ambient noise levels at the project site and in surrounding areas after project implementation would not be significantly different than existing levels. Therefore, potential operational noise impacts would be less than significant.

Based on the limited nature of construction activities, and the consistency of the proposed use with existing and surrounding uses, impacts associated with the generation of a substantial temporary or permanent increase in ambient noise levels would be *less than significant.*

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

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

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

There is a private airstrip located approximately 1.6 miles northwest of the project parcel. It is unknown if the airstrip is still in use, but it appears from aerial imagery to be associated with a private residence located nearby, and is of a size that would only accommodate a small personal aircraft. Based on the size and nature of the airstrip, noise impacts to people working for the cannabis operation would be *less than significant.*

Conclusion

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

Mitigation

None necessary.

XIV. POPULATION AND HOUSING

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

Setting

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

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

Discussion

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

The project proposes cannabis activities within a rural area and would employ up to 14 full- and part-time/temporary employees. Workers would likely be sourced from the local labor pool and would not require new or additional housing as a result of the proposed project. The project would not generate a substantial number of new employment opportunities that would encourage population growth in the area. The project does not include the extension or establishment of roads, utilities, or other infrastructure that would induce development and population growth in new areas. In addition, the existing single-family residence on site will remain and the project would be subject to inclusionary housing fees to offset any potential increased need for housing in the area. Therefore, the project would not directly or indirectly induce substantial growth and impacts would be *less than significant.*

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

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

Conclusion

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

Mitigation

None necessary.

XV. PUBLIC SERVICES

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

Setting

Fire protection services in unincorporated San Luis Obispo County are provided by CAL FIRE, which has been under contract with the County to provide full-service fire protection since 1930. Approximately 180 full-time state employees operate the County Fire Department, supplemented by as many as 100 state seasonal fire fighters, 300 County paid-call and reserve fire fighters, and 120 state inmate fire fighters. CAL FIRE responds to emergencies and other requests for assistance, plans for and takes action to prevent emergencies and reduce their impact, coordinates regional emergency response efforts, and provides public education and

training in local communities. CAL FIRE has 24 fire stations located throughout the county, and the project would be served by County Fire/CAL FIRE station #33, located approximately 15 vehicle miles south of the project site in the gated community of Heritage Ranch. Based on the referral response letter received from County Fire/CAL FIRE regarding the proposed project, emergency personnel would be able to reach the site within 30 minutes of receiving a call.

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

There are 12 school districts that currently enroll approximately 34,000 students in over 75 schools in San Luis Obispo County. The project site is located within the San Miguel Elementary School District and the Paso Robles Joint Unified School District for middle school and high school.

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

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

Discussion

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

Fire protection?

The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and California PRC, which include improvements to the existing access road to accommodate emergency vehicle access, vegetation clearing or trimming around all existing and proposed structures, and potential installation of a water storage tank for fire protection (if fire sprinklers are required). County Fire/CAL FIRE has provided a referral response letter for the project that details required items to be completed prior to final inspection/operation of the project. Based on the limited amount of development proposed, the project itself would not create a significant new demand for fire services, but the referral response does note that cumulative effects of commercial development within rural areas continues to place challenges on the ability of County Fire/CAL FIRE to provide effective and efficient emergency services in rural areas. The project would be subject to public facility fees to offset the increased cumulative demand on fire protection services. Therefore, impacts would be *less than significant*. Additional information regarding wildfire hazard impacts is

discussed in Section XX, Wildfire, and cumulative impacts are discussed in Section XXI, Mandatory Findings of Significance.

Police protection?

The applicant has prepared a security plan subject to review and approval by the Sheriff's Office. The Security Plan lays out infrastructure and operational guidelines to prevent and deter any foreseeable security breaches, crimes, and/or statute violations. The project would be required to adhere to the security measures and protocols in the Security Plan as well as with any additional recommendation or requirements provided by the Sheriff's Office. In addition, the project would be subject to public facility fees to offset the project's cumulative contribution to demand on law enforcement services. Therefore, impacts related to police services would be *less than significant.*

Schools?

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

Parks?

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

Other public facilities?

As discussed above, the proposed project would be subject to applicable fees to offset negligible increased demands on public facilities; therefore, impacts related to other public facilities would be *less than significant.*

Conclusion

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

Mitigation

None necessary.

XVI. RECREATION

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

Setting

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

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

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

The project is not located in an area identified for a future trail corridor. The nearest trail corridor is approximately 1 mile south around the perimeter of Lake Nacimiento.

Discussion

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

The project proposes cannabis activities within a rural area and would employ up to six full-time employees and up to eight additional part-time/temporary employees during harvest times. Workers

would likely be sourced from the local labor pool and would not result in increased demand on existing or planned recreational facilities in the county. The project is not proposed in a location that would affect any existing trail, park, recreational facility, coastal access, and/or natural area. The project would not induce population growth or create a significant need for additional park or recreational facilities; therefore, potential impacts would be *less than significant.*

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

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

Conclusion

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

Mitigation

None necessary.

XVII. TRANSPORTATION

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

Setting

The San Luis Obispo Council of Governments (SLOCOG) holds several key roles in transportation planning within the county. As the Regional Transportation Planning Agency (RTPA), SLOCOG is responsible for conducting a comprehensive, coordinated transportation program; preparing a Regional Transportation Plan (RTP); programming state funds for transportation projects; and administering and allocating transportation development act funds required by state statutes. The 2019 RTP, adopted June 5, 2019, is a long-term blueprint of San Luis Obispo County's transportation system. The plan identifies and analyzes transportation needs of the region and creates a framework for project priorities. SLOCOG represents and works with the County as well as the Cities within the county in facilitating the development of the RTP.

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

The County's Framework for Planning (Inland), includes the Land Use and Circulation Elements of the County of San Luis Obispo General Plan. The framework establishes goals and strategies to meet pedestrian circulation needs by providing usable and attractive sidewalks, pathways, and trails to establish maximum access and connectivity between land use designations. Due to the remote location of the project site, there are no pedestrian, bicycle, or public transit facilities within 5 miles of the project site.

Discussion

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

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

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

The County is developing a methodology 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 project would not substantially change existing land uses on-site and would not be open to the public. Based on the limited number of employees, nature, and location of the project, the new vehicle trips generated by the proposed project would fall below the suggested screening threshold of 110 trips per day identified in the state guidance (Technical Advisory on Evaluating Transportation Impacts in CEQA; OPR, December 2018), and would be assumed to be insignificant. Therefore, potential impacts would be *less than significant.*

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

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

(d) Result in inadequate emergency access?

The project would not result in road closures during short-term construction activities or long-term operations. Individual access to adjacent properties would be maintained during construction activities and throughout the project area. Project implementation would not affect long-term access through the project area and sufficient alternative access exists to accommodate regional trips. Therefore, the project would provide for adequate emergency access and impacts would be *less than significant.*

Conclusion

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

Mitigation

None necessary.

XVIII. TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(i)	Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☒	☐
(ii)	A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

Setting

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

1. Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
    a. Included or determined to be eligible for inclusion in the CRHR; or
    b. Included in a local register of historical resources as defined in California PRC Section 5020.1(k).
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in California PRC Section 5024.1(c).

In applying these criteria for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

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

alternatives and mitigation measures recommended by the tribe to avoid or lessen potential impacts on tribal cultural resources.

In accordance with AB 52 Cultural Resources requirements, outreach to four Native American tribes has been conducted: Northern Salinan, Xolon Salinan, tiᵸu tiᵸu yak tiłhini Northern Chumash, and Northern Chumash Tribal Council. Consultation with the Northern Chumash Tribal Council was conducted and concluded with no further comments or requests upon preparation and review of the archaeological reports prepared for the project.

Discussion

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

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

In accordance with AB 52 Cultural Resources requirements, outreach has been conducted to four Native American tribes: Northern Salinan, Xolon Salinan, yak tiᵸu tiᵸu yak tiłhini Northern Chumash, and Northern Chumash Tribal Council. In April 2018, Fred Collins of the Northern Chumash Tribal Council requested a copy of the project records search. County staff provided Collins with the Phase I Archaeological Surface Survey that was prepared for the project by Heritage Discoveries in November 2018. In December 2018, Collins requested that the report be peer reviewed. Both the peer review report, prepared by Applied Earthworks in December 2019, and the subsequent Phase I Archaeological Study prepared by Padre Associates (2019) was provided to Collins, and in April 2020, he responded that Northern Chumash Tribal Council had no further comments on the project.

A Phase I Archaeological Study was prepared for the project (Padre Associates, Inc. 2019) and included a surface survey and a records search from the CHRIS CCIC. No historic-era resources were identified within the records search or project site during the pedestrian survey. The project site does not contain a site under the Historic Site (H) combining designation. Therefore, the project would not result in an adverse change in the significance of a historical resources and impacts would be *less than significant.*

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

As discussed in Section V, Cultural Resources, the project site is located within proximity to previously recorded archaeological resources and would result in a moderate amount of site disturbance and earthwork. Mitigation Measures CR-1 and CR-2 have been identified to effectively avoid potential impacts to previously undiscovered cultural resources within the project site. Therefore, upon implementation of the mitigation measures CR-1 and CR-2, potential impacts to tribal cultural resources would be less than significant.

Conclusion

In the event unanticipated sensitive resources are discovered during project activities, implementation of Mitigation Measures CR-1 and CR-2, and adherence with LUO standards and State Health and Safety Code

procedures, would reduce potential impacts to less than significant; therefore, potential impacts to tribal cultural resources would be less than significant with mitigation.

Mitigation

None necessary.

XIX. UTILITIES AND SERVICE SYSTEMS

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

Setting

The County Public Works Department provides water and wastewater services for specific County Service Areas (CSAs) that are managed through issuance of water/wastewater "will serve" letters. The Public Works Department currently maintains CSAs for the communities of Nipomo, Oak Shores, Cayucos, Avila Beach, Shandon, and Santa Margarita and the San Luis Obispo Country Club. Other unincorporated areas in the

county rely on on-site wells and individual wastewater systems. Regulatory standards and design criteria for on-site wastewater treatment systems are provided by the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (California OWTS Policy).

Per the County's Stormwater Program, the County Public Works Department is responsible for ensuring that new construction sites implement BMPs during construction and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1 acre or more must obtain coverage under the SWRCB's Construction General Permit.

PG&E is the primary electricity provider and both PG&E and SoCalGas provide natural gas services for urban and rural communities within the county. The project's energy needs would be served by PG&E, though the water well is currently served by a diesel generator and would continue to be served by a diesel generator until PG&E service is connected.

There are three landfills in San Luis Obispo County: Cold Canyon Landfill, located near the city of San Luis Obispo; Chicago Grade Landfill, located near the community of Templeton; and Paso Robles Landfill, located east of the city of Paso Robles. The project's waste needs would be served by San Miguel Garbage Company and the Paso Robles Landfill.

Discussion

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

The proposed project would not result in the necessity of new or expanded water or wastewater facilities. The project would utilize portable restrooms for employees working in the hoop structures and nursery. Therefore, the project would result in a *less-than-significant impact.*

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

A water management plan prepared by the applicant estimates that the total water demand for the proposed project would be up to 1.44 AFY. The well pump tests from 2016 conclude that the wells produce sufficient water to meet the project's water demand. The project would be consistent with existing and planned levels and types of development in the project area and would not create new or expanded water supply entitlements. Short-term construction activities would require minimal amounts of water, which would be met through available existing supplies. Operational water demands would be less than existing demands. Therefore, potential impacts on water supplies would be *less than significant.*

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

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

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

Construction activities would result in the generation of minimal solid waste materials; no significant long-term increase in solid waste would occur. Local landfills have adequate permit capacity to serve the project and the project does not propose to generate solid waste in excess of state or local

standards or otherwise impair the attainment of solid waste reduction goals. Therefore, potential impacts would be *less than significant.*

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

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

Conclusion

The project would not result in potentially significant impacts associated with utilities or service systems; therefore, no mitigation is necessary.

Mitigation

None necessary.

XX. WILDFIRE

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

Setting

In central California, the fire season usually extends from roughly May through October; however, recent events indicate that wildfire behavior, frequency, and duration of the fire season are changing in California. FHSZs are defined by CAL FIRE based on the presence of fire-prone vegetation, climate, topography, assets at risk (e.g., high population centers), and a fire protection agency's ability to provide service to the area (CAL FIRE 2007). FHSZs throughout the county have been designated as "Very High," "High," or "Moderate." In San Luis Obispo County, most of the area that has been designated as a "Very High Fire Hazard Severity Zone" is located in the Santa Lucia Mountains, which extend parallel to the coast along the entire length of San Luis Obispo County. The project would be located within the State Responsibility Area in a Very High FHSZ. Based on CAL FIRE's referral response letter, it would take approximately 30 minutes to respond to a call regarding fire or life safety.

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

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

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

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

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

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

Discussion

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

The project does not require any road closures and would be designed to accommodate emergency vehicle access. Implementation of the proposed project would not have a permanent impact on any adopted emergency response plans or emergency evacuation plans. Temporary construction activities and staging would not substantially alter existing circulation patterns or trips. Access to adjacent areas would be maintained throughout the duration of the project.

Based on the County's Land Use View tool and Dam and Levee Failure Plan, the project is not located within an area that would be inundated in the event of failure of the Nacimiento Reservoir Dam (Lake Nacimiento). The project would not impair implementation or physically interfere with County hazard mitigation or emergency plans. Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Potential impacts would be *less than significant.*

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

The project is located within the Very High FHSZ and is located on a parcel with moderately dense native vegetation. The site is located within a State Responsibility Area and, based on the County's fire response time map, it would take 30 minutes to respond to a call regarding fire or life safety. The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and California PRC, which includes improvements to the existing access road/driveway to accommodate emergency vehicle access, vegetation clearing or trimming around all existing and proposed structures, and installation of a water storage tank for fire protection. County Fire/CAL FIRE prepared a Fire Safety Plan letter for the project, and the applicant will be required to comply with the requirements of the plan for the life of the project.

The cannabis activities would be located on fairly gentle slopes of the site. Winds in the area vary from 6–9 miles per hour and primarily come from the north (October–April) and west (April–October). As described in Section VII, Geology and Soils, the potential for landslides in the project area is low to moderate and would not be conducive to the formation of debris flows in the nearby existing channel to the north.

Therefore, the project would not exacerbate wildfire risks and impacts would be *less than significant.*

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

The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and California PRC, which includes minor improvements (e.g., adding of road base to existing roadway areas, etc.) and maintaining the existing access road/driveway to accommodate emergency vehicle access, vegetation clearing or trimming around existing and proposed structures, and installation of a water storage tank and fire pump for fire protection. These infrastructure improvements would reduce fire risk. Per the referral response letter prepared by County Fire/CAL FIRE, the project would be subject to final inspection by a County Fire/CAL FIRE representative prior to occupancy or initiation of proposed activities (Bullard 2019). Therefore, potential impacts would be *less than significant.*

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

The cannabis activities would be located on fairly gentle slopes. Winds in the area vary from 6–9 miles per hour and primarily come from the north (October–April) and west (April–October). As described in Section VII, Geology and Soils, the potential for landslides in the project area is low to moderate, and the project is not proposing disturbance in areas of steep slopes that would be conducive to the formation of debris flows in the nearby existing channel. The project does not include any design elements that would expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, impacts would be *less than significant.*

Conclusion

The project would not expose people or structures to new or exacerbated wildfire risks and would not require the development of new or expanded infrastructure or maintenance to reduce wildfire risks. Therefore, potential impacts associated with wildfire would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

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		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☒	☐	☐
(c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Discussion

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

Based on the nature and scale of proposed development, the project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of a rare or endangered plant or animal. Mitigation has previously been identified to reduce impacts to nesting birds, eagles, oak trees, Monterey dusky-footed woodrat, roosting bats, northern California legless lizard, San Joaquin whipsnake, and coast horned lizard. The project would not eliminate important examples of the major periods of California history or prehistory. Potential impacts would be *less than significant with mitigation*.

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

The State CEQA Guidelines define cumulative impacts as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts." State CEQA Guidelines Section 15355 further states that individual effects can be various changes related to a single project or the change involved in several 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 that 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 (Section 15130).

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

Existing and Reasonably Foreseeable Cannabis Activities

In 2016 the County estimated that were as many as 500 unpermitted (illegal) cannabis cultivation sites within the unincorporated county. Assuming 0.5 acre per site, the canopy associated these activities could be as high as 250 acres.

Table 3 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, and Figure 3 illustrates the reasonably foreseeable future development scenario. As shown on Table 3, the County has received applications for a total of 115 cultivation sites (including indoor and outdoor) with a total potential cannabis canopy of 330 acres. Under the County's cannabis regulations (LUO Sections 22.40. et seq. and Coastal Zone LUO 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 square feet (0.5 acre) of indoor canopy. Therefore, if 141 cultivation sites are ultimately approved, the maximum total cannabis canopy allowable in the unincorporated county will be 493 acres (141 sites × 3.5 acres of canopy per site = 493 acres).

Table 3. Summary of Cannabis Activities for Unincorporated San Luis Obispo County[1]

Project Type	Total Number of Cannabis Activities[2]	Canopy (acres)	Approved
Indoor (Mixed-light) Cultivation	114	75.9	30
Outdoor Cultivation		225	
Ancillary Nursery	**114**	**66.4**	**30**
Processing	9	--	0
Manufacturing	24	--	6

Table 3. Summary of Cannabis Activities for Unincorporated San Luis Obispo County[1]

Project Type	Total Number of Cannabis Activities[2]	Canopy (acres)	Approved
Non-Storefront Dispensary	28	--	15
Commercial Distribution	8	--	4
Commercial Transport	5	--	1
Testing Laboratory	1	--	1
Total	**303**	**367.3**	**87**

[1] As of the date of this Initial Study.

[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 cannabis activities.

There are four approved or proposed cannabis activities within 5 miles of the proposed project. For purposes of assessing the cumulative impacts of cannabis cultivation activities, the following assumptions are made:

- All 114 cultivation sites will be approved and developed;
- Each cultivation site will be developed as follows:
  - 3 acres of outdoor cultivation;
  - 0.5 acre of indoor cultivation;
  - 19,000 square feet of ancillary nursery;
  - A total area of disturbance of 6 acres to include the construction of one or more buildings to house the indoor cultivation, ancillary nursery, and processing;
  - A total of six full-time employees;
  - A total of six average daily motor vehicle trips; and
  - All sites will be served by a well and septic leach field.

Aesthetic and Visual Resources

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

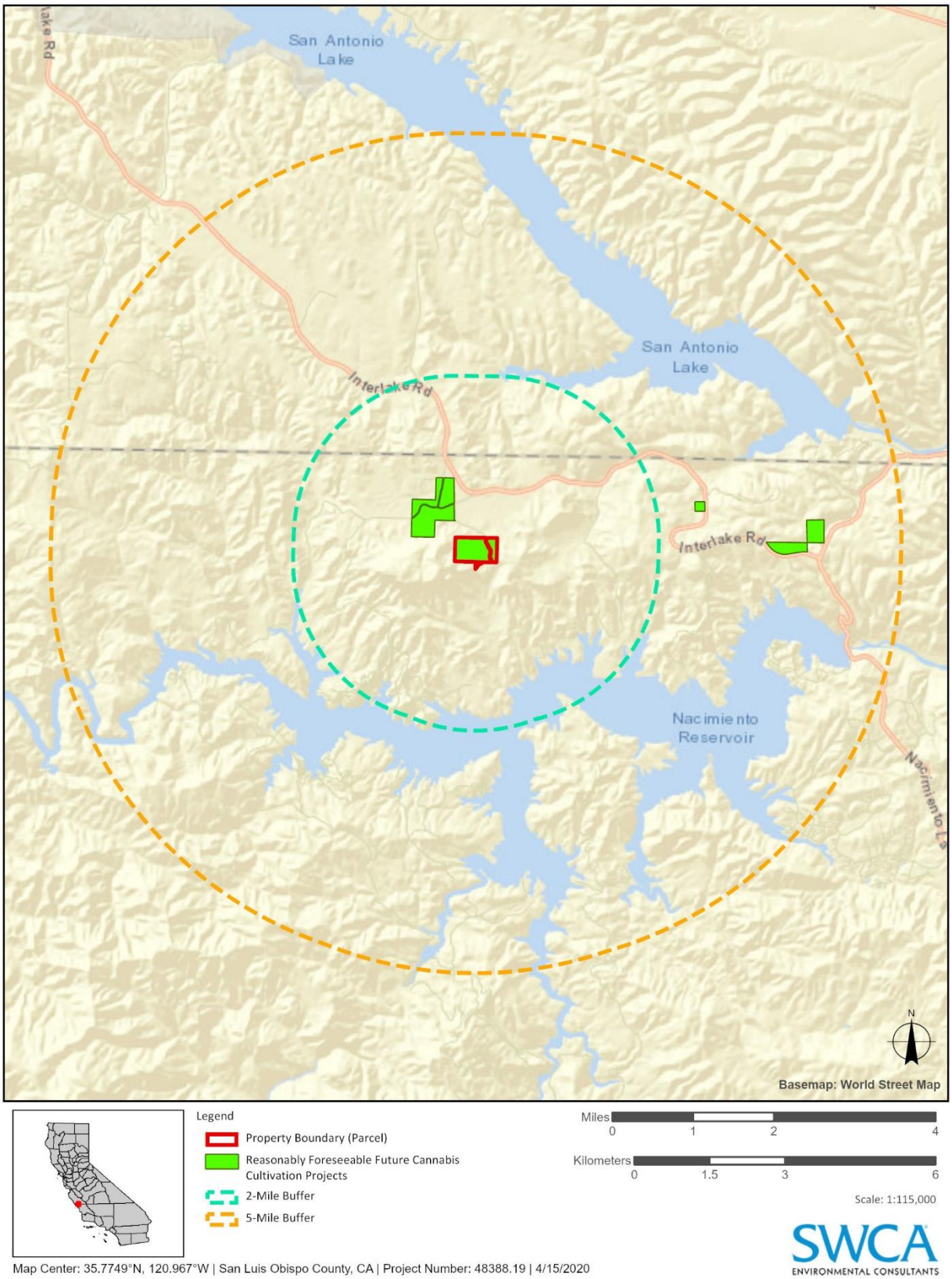

Figure 3. Reasonably Foreseeable Future Development Scenario

Agriculture and Forestry Resources

The analysis provided in Section II, Agriculture and Forestry Resources, indicates that the project would not result in the permanent conversion of Prime Farmland, based on the FMMP, and no potential impacts to forest land or timberland would occur. The project would not result in a conflict with existing zoning for agricultural use or Williamson Act contract. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the project's potential impacts to agriculture and forestry resources is considered less than cumulatively considerable.

Air Quality

The analysis provided in Section III, Air Quality, concludes that the project has the potential to result in PM_{10} emissions in exceedance of operational SLOAPCD standards and could adversely affect nearby sensitive receptors. Mitigation Measure AQ-1 has been identified to require the applicant to coordinate with the County Public Works Department in the preparation of an operational dust and air quality control plan to be reviewed and approved by the County Planning and Building Department and implemented for the life of the project in order to reduce project operational fugitive dust emissions to below applicable SLOAPCD thresholds and reduce potential impacts to nearby sensitive receptors to less than significant. Therefore, potential impacts associated with Air Quality would be less than significant with mitigation. When considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to potential impacts to air quality are considered less than cumulatively considerable.

Biological Resources

The analysis provided in Section IV, Biological Resources, concludes that the project has the potential to result in adverse impacts to special-status animals, sensitive natural communities including native oak woodland, and would interfere with the movement of native and/or migratory species. Mitigation Measures BIO-1 through BIO-13 have been identified to avoid, reduce, and compensate for these potential impacts. Upon implementation of the mitigation measures identified below, potential impacts to biological resources would be less than significant. Because project impacts will have a less-than-significant impact with mitigation, when considered with the potential impacts of other reasonably foreseeable development in the area, project impacts are considered less than cumulatively considerable.

Energy

Cannabis cultivation typically uses an insignificant amount of natural gas. Accordingly, this assessment of cumulative impacts is based on demand for electricity. The analysis provided in Section VI, Energy, states that the project would have the potential to result in an energy demand of approximately 480,000 kWh per year.

The project's energy use and use of energy resources would contribute cumulatively to use of energy resources within the vicinity. As proposed, the project would result in a substantial energy demand in comparison to standard commercial facilities of the same square footage. Mitigation Measures ENG-1 and ENG-2 have been identified to reduce and/or offset project environmental impacts associated with energy usage through preparation of an Energy Conservation Plan and implementation of a combination of measures that would collectively reduce project energy use to a level within 20% of the energy use of a standard commercial building of the same size (51,000 kWh/year). Therefore, upon

implementation of identified mitigation measures, the project's individual impacts associated with energy use would be reduced to less than significant.

Table 4 provides a summary of potential electricity demand associated with development of all 115 previous approved and currently active cannabis cultivation projects. The summary was derived using the CalEEMOD computer model used by the CARB and assumes all 115 sites are developed with the maximum allowable canopies: 3 acres for outdoor cultivation and 22,000 for indoor cultivation.

Table 4 indicates that electricity demand in San Luis Obispo County could increase by as much 45% if all 115 cultivation projects are approved and constructed without mitigation.

Table 4. Projected Demand for Electricity from Approved and Reasonably Foreseeable Cannabis Cultivation Projects

Land Use	Total Electricity Demand from Current Cannabis Cultivation Projects[1] (Gigawatt Hours/Year)	Electricity Consumption in San Luis Obispo County in 2018[2] (Gigawatt Hours)	Total Demand in San Luis Obispo County with Cannabis Cultivation (Gigawatt Hours/Year)	Percent Increase Over 2018 Demand
Outdoor Cultivation	119.6			
Indoor (Mixed-light) Cultivation	203.6			
Total	**323.2**	**1,765.9**	**2,569**	**18%**

[1] Source: CalEEMOD 2016 v.3.2. Assumes 115 cultivation projects with 3.5 acres of cannabis canopy.

[2] Source: California Energy Commission 2019.

Table 5 shows the percent increase in the projected 2030 demand throughout PG&E's service area for electricity, assuming all 114 cultivation projects are approved and implemented.

Table 5. Projected Demand for Electricity from Approved and Reasonably Foreseeable Cannabis Cultivation Projects Compared with Projected 2030 Demand

Increased Electricity Consumption in San Luis Obispo County with 115 Cannabis Cultivation Projects[1] (Gigawatt Hours)	323
Projected 2030 Demand[2]	33,784
Percent Increase in 2030 Demand with Cannabis Cultivation	**0.95%**

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

[2] Source: Pacific Gas and Electric, 2018, Integrated Resource Plan. PG&E is required by State law (the Renewable Portfolio Standard) to derive at least 60% percent of their electricity from renewable sources by 2030..

The project's 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 be considered wasteful and inefficient and cumulatively considerable. Mitigation Measures ENG-1 and ENG-2 require the applicant to provide an Energy Conservation Plan demonstrating strategies to reduce or offset for cannabis-

related electricity demand and GHG emissions. With implementation of these measures, cumulative impacts associated with energy use will be less than cumulatively considerable.

Greenhouse Gas Emissions

As discussed in Section VIII, Greenhouse Gas Emissions, the project is expected to generate 139.2 metric tons of GHG emissions per year. Accordingly, using the GHG threshold information described in the Setting section, the project is not expected to exceed than the SB-32 based working threshold of 690 $MTCO_2e$/year (County of San Luis Obispo Staff 2020). Therefore, the project's potential direct and cumulative GHG emissions are considered less than significant and less than cumulatively considerable.

Hydrology/Water Demand

The project site's well does not lay over a designated groundwater basin, and therefore will not cumulatively adversely impact a groundwater basin.

Noise

As discussed in Section XIII, Noise, noise associated with HVAC and odor management systems are considered less than significant. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to potential noise impacts is considered less than cumulatively considerable.

Population and Housing

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

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

Public Services

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

Transportation

The County Public Works Department 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 6 provides an estimate of total Average Daily Traffic (ADT) and VMT associated with buildout of the 115 approved and active cannabis cultivation projects.

Table 6. Cumulative Average Daily Trips from Cannabis Cultivation

Use	Unit*	ADT	Cannabis Cultivation	Total ADT	PM Peak Hour Trips	VMT
Cultivation, Indoor (includes greenhouses, plant processing, drying, curing, etc.)	1,000 SF	0.27	2,530,000 sf	690	10.3	19,320
Cultivation, Outdoor (includes hoop house)	Acres	2.00	345 acres	683	68.3	19,126
Seasonal Employees**	Employee	2.00	460 employees	460	460	12,880
Total:				**1,833**	**538.6**	**51,326**

* Units based on gross square feet (SF), acres, and employees.

** Seasonal Trips are adjusted based on the annual frequency.

The most recent estimate of total VMT for the county is from 2013, at which time total VMT per day was estimated to be 7,862,000. Assuming a 1% annual growth in VMT during the intervening 6 years, the current VMT is estimated to be about 8,333,720. Accordingly, the 51,326 VMT associated with cannabis cultivation will result in an increase of about 0.61 percent in the total county VMT. The small increase in VMT is not expected to result in a reduction of the level of service on county streets and intersections. In addition, the project will generate a level of ADT that is below the 110 ADT threshold of significance for ADT identified by OPR. Moreover, each project will be required to mitigate the project-specific impacts to the transportation network. Such mitigation may include, but is not limited to, the installation of roadway and intersection improvements necessary to serve the project and the payment of applicable road improvement fees. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to roadway impacts is considered less than cumulatively considerable.

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

Based on the nature and scale of the project, the project would not result in a substantial adverse direct or indirect effect on human beings.

Conclusion

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

Mitigation

Implement Mitigation Measures AES-1, AQ-1, BIO-1 through BIO-13, CR-1 and CR-2, ENG-1 and ENG-2, GEO-1 through GEO-3, HAZ-1 through HAZ-3, and WQ-1.

Exhibit A - Initial Study References and Agency Contacts

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

Contacted	Agency	Response
☒	County Public Works Department	**In File****
☒	County Environmental Health Services	**In File****
☒	County Agricultural Commissioner's Office	**In File****
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☒	Air Pollution Control District	**None**
☒	County Sheriff's Department	**None**
☒	Regional Water Quality Control Board	**None**
☐	CA Coastal Commission	**Not Applicable**
☒	CA Department of Fish and Wildlife	**None**
☒	CA Department of Forestry (Cal Fire)	**In File****
☐	CA Department of Transportation	**Not Applicable**
☐	Community Services District	**Not Applicable**
☒	Other Templeton Area Advisory Group (TAAG)	**In File****
☒	Other Agricultural Preserve Review Committee (APRC)	**In File****

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

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

- ☒ Project File for the Subject Application

County Documents

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

Other Documents

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

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

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Exhibit B – Other Agency Approvals That May Be Required

California Department of Food and Agriculture, CalCannabis Cultivation Licensing Division

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

The project is also subject to the CDFA's regulations for cannabis cultivation pursuant to the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), including environmental protection measures related to aesthetics, cultural resources, pesticide use and handling, 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 CCR Title 3, Division 8, Chapter 1, Article 4. These measures include (but are not limited to) the following:

Section 8102 – Annual State License Application Requirements

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

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

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

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

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

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

Section 8106 – Cultivation Plan Requirements

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

(3) A pest management plan.

Section 8108 -- Cannabis Waste Management Plans

Section 8216 – License Issuance in an Impacted Watershed

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

Section 8304 – General Environmental Protection Measures

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

(b) Compliance with any conditions requested by the California Department of Fish and Wildlife or the State Water Resources Control Board under section 26060.1(b)(1) of the Business and Professions Code;

(c) All outdoor lighting used for security purposes shall be shielded and downward facing;

(d) Immediately halt cultivation activities and implement section 7050.5 of the Health and Safety Code if human remains are discovered;

(e) Requirements for generators pursuant to section 8306 of this chapter;

(f) Compliance with pesticide laws and regulations pursuant to section 8307 of this chapter;

(g) Mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare.

Section 8305 – Renewable Energy Requirements

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

Section 8306 -- Generator Requirements

Section 8307 – Pesticide Use Requirements

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

Section 8308 – Cannabis Waste Management

Bureau of Cannabis Control

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

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

Federal Endangered Species Act

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

State Water Resources Control Board

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

California Department of Fish and Wildlife

Lake or Streambed Alternation

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

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

California Endangered Species Act

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

Exhibit C - Mitigation Summary

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

DATE: February 8, 2021

DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM FOR BRADLEY CANYON FARMS, LLC CONDITIONAL USE PERMIT (DRC2018-00110)

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

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

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

AESTHETICS (AES)

AES-1 **Prior to initiation of proposed activities including but not limited to covering of hoop structures,** the applicant shall submit a Visual Screening Plan prepared by a licensed landscape architect or other qualified professional to the County of San Luis Obispo Planning and Building Department for review and approval. The Visual Screening Plan shall set forth strategies to be implemented to achieve a 75% reduction in the visibility of all existing and proposed on-site high-contrast materials (e.g., white hoop structure covers, black-out tarps, etc.) when viewed from Tierra Redonda Road, Lynch Canyon Road, and Interlake Road. Such strategies shall include, but are not limited to, the following:

a. The use of earth-toned hoop covers and black-out tarps.

b. Additional screening fencing or landscaping. If screening or fencing is proposed, it shall meet the requirements of LUO Section 22.40.050 D 6.

c. Locating the hoop structures in an area of the site that is less visible from surrounding roadways; or

d. Any combination of strategies approved by the Director that would achieve a 75% or more reduction in visibility of high-contrast materials.

The Visual Screening Plan shall include photo-simulations from a minimum of four verifiable reference points along Tierra Redonda Road, Lynch Canyon Road, and Interlake Road illustrating implementation of the chosen screening strategies to achieve a 75% reduction in the visibility of existing and proposed high-contrast materials.

All strategies implemented by the Visual Screening Plan shall be maintained for the life of the project and verified through mandatory participation in the County's quarterly cannabis monitoring program.

Monitoring: Visual Screening Plan shall be reviewed and approved by County Department of Planning Staff prior to implementation. Ongoing compliance will be verified on a quarterly basis in accordance with the County Cannabis Monitoring Program.

AIR QUALITY (AQ)

AQ-1 **Prior to issuance of grading or construction permits or site disturbance activities, whichever occurs first,** the applicant shall coordinate directly with the County of San Luis Obispo Public Works Department to prepare a Dust and Air Quality Plan that shall include, at a minimum, the following components:

a. A mitigation plan for continuing dust control from the property frontage to the nearest County of San Luis Obispo-maintained road. This mitigation plan shall implement one of the following:

   i. For the life of the project, pave and maintain the roadway; or,

   ii. For the life of the project, maintain the unpaved roadway with a San Luis Obispo County Air Pollution Control District (SLOAPCD)-approved dust suppressant such that fugitive dust emissions do not impact off-site areas and do not exceed the SLOAPCD 20% opacity limit. The applicant shall also coordinate directly with the County of San Luis Obispo Public Works Department to implement and maintain design standards to ensure vehicles that use the unpaved roadway are physically limited (e.g., speed bumps) to a posted speed limit of 15 miles per hour or less.

b. Evidence of road maintenance provided by the State of California, County of San Luis Obispo, special district, homeowners association, or other organized maintenance, such as a road maintenance agreement.

c. An agreement, to support and not protest; the formation of an assessment district; or the creation of another funding mechanism. The consenting person(s) retains all due process rights as to any term or condition that was unknown at the time of application approval. The consenting person(s) may contest the specific proportionality.

d. The Dust and Air Quality Plan may be modified to adjust for changed conditions or to improve the effectiveness of the dust-reducing technology. The plan and all modifications to the plan are subject to review and approval by the County of San Luis Obispo Public Works Department.

The Dust and Air Quality Plan shall be submitted to the County of San Luis Obispo Planning and Building Department for review and approval. All measures identified in the final approved Dust and Air Quality Plan shall be adhered to for the life of the project.

Monitoring: Dust and Air Quality Plan shall be reviewed and approved by County Department of Planning Staff prior to implementation. Ongoing compliance will be verified on a quarterly basis in accordance with the County Cannabis Monitoring Program.

BIOLOGICAL RESOURCES (BIO)

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

BIO-2 **During any site disturbance and/or construction activities associated with the proposed project,** the following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

a. The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.

b. Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.

c. Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).

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

e. Washing of concrete, paint, equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.

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

BIO-3 **Prior to and during any site disturbance and/or construction activities associated with the proposed project,** a qualified biologist shall complete a preconstruction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.

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

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

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

BIO-4 **Sensitive and Nesting Birds Protection.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

a. A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.

b. If special-status avian species (aside from the burrowing owl) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.

c. The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

If 2 weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

BIO-5 **Prior to and during any site preparation and/or construction activities associated with the proposed project,** the applicant shall implement the following measures to avoid impacts to Monterey dusky-footed woodrat:

a. No more than two weeks prior to commencement of tree removal associated with construction, a County-approved, qualified biologist will survey trees scheduled for removal for woodrat nests. Based on the results of the surveys, the project applicant shall implement the following:

i. If no woodrat nests are observed, then grading and ground-disturbance activities may proceed and no further mitigation is required.

ii. If woodrat nests are observed within the project area, all work within 100 feet of nests shall not proceed and the 100-foot exclusion zone shall be flagged. All foot and vehicle traffic, as well as all project activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed. The results of the surveys will be submitted to the CDFW, with recommendations for variable buffer zones, as needed, around individual nests and/or relocation of nests and woodrats. The applicant shall implement buffer zones and/or relocation of nests or woodrats if approved by the CDFW.

iii. If two weeks lapse between project phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the Monterey dusky-footed woodrat survey shall be repeated.

BIO-6 **Prior to initiation of any site preparation/construction activities,** the applicant shall implement the following:

a. A County-approved biologist shall conduct an education and training session for all construction personnel to include, at a minimum, a

description of northern California legless lizard, San Joaquin whipsnake, and coast horned lizard; the general measures to be implemented to avoid impacts to these species as they relate to the proposed project; the penalties for non-compliance; and the boundaries of the work area within which the project must be accomplished. To ensure that employees and contractors understand their roles and responsibilities, training may have to be conducted in languages other than English.

b. Immediately prior to any ground disturbance or vegetation removal (i.e., the morning of the commencement of disturbance), a County-approved biologist shall conduct a preconstruction survey of the project area. If any evidence of occupation of that portion of the project site by listed or other special-status reptile species is observed, a buffer shall be established by the qualified biologist that results in sufficient avoidance to comply with applicable regulations. If sufficient avoidance cannot be established, the applicant shall coordinate with the USFWS and/or CDFW for further guidance to avoid/minimize potential impacts. Copies of the preconstruction survey and results, as well as all permits and evidence of compliance with applicable regulations, shall be submitted to the County Planning and Building Department.

BIO-7 **Prior to and during any site disturbance and/or construction activities associated with the proposed project,** the applicant shall retain a County-approved qualified biologist to ensure the following protective measures are implemented to avoid impacts to roosting bats:

a. Prior to commencement of site disturbance and/or construction activities associated with the project, the applicant shall schedule these activities to occur outside of the typical bat maternity roosting and pupping season to avoid potential impacts to bats, if feasible. The typical bat maternal roosting season is defined as occurring from February 1 to August 31.

b. Prior to commencement of site disturbance and construction activities, if site disturbance and/or construction activities must occur during the typical bat maternity roosting season (February 1 to August 31), the applicant shall retain a County-qualified biologist to conduct a preconstruction survey within 14 days prior to commencement of proposed site-disturbance activities. If any roosting bats are found during preconstruction surveys, no work activities shall occur within 100 feet of active roosts until bats have left the roosts. The County-qualified biologist shall prepare a report after each survey and a copy of the report shall be provided to the County within 14 days of completion of each survey. If no bat roosting activities are detected within the proposed work area, site disturbance and noise-producing construction activities may proceed, and no further mitigation is required.

BIO-8 **Prior to and during any site disturbance and/or construction activities associated with the proposed project,** the applicant shall retain a County-approved qualified biologist to conduct pre-construction survey(s) for crotch bumble bee and western bumble bee within suitable habitat areas (i.e., small

mammal burrows, thatched/bunch grasses, upland scrubs, brush piles, unmowed/overgrown areas, dead trees, hollow logs, etc.) on the project site and areas within 50 feet of the project site. At a minimum, the survey effort shall include visual search methods targeting colonies or individuals. Surveys shall be conducted over an extended period of time to document and establish the presence of bees within the areas of disturbance. Upon completion of the surveys, the biologist shall prepare a survey report summarizing the findings and submit it to the County planning and building department.

If the survey(s) establish presence of crotch bumble bee or western bumble bee within the areas of disturbance, the applicant shall retain a County-qualified biologist to prepare a Biological Resources Management Plan (Management Plan) subject to review and approval of the County Planning and Building Department in consultation with CDFW. The Management Plan shall include the following, at a minimum:

a. Avoidance measures to conduct project activities in such a manner that avoids physical disturbances to the colony/nest site, including a minimum 50-foot no disturbance buffer to avoid take and potentially significant impacts;

b. If ground disturbance activities would 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).

If, prior to site disturbances, the California Fish and Game Commission determines that the conservation status of crotch bumble bee and western bumble bee does not warrant CESA protections or litigation changes the conservation status and the species are removed from the list of candidate species, the applicant will not need to obtain a Section 2081 Incidental Take Permit to disturb the colony(s).

BIO-9 **Prior to construction permit issuance or initiation of site-disturbance activities,** final project plans shall clearly delineate all trees within 50 feet of the proposed project, and shall show which trees are to be removed or impacted, and which trees are to remain unharmed. All trimming of native oak tree branches shall be minimized, especially for larger lower branches, and the amount trimmed in one season shall be limited to no more than 30% of the total individual tree canopy. All trimming of native oak tree branches shall be conducted by a County-qualified arborist.

BIO-10 **Prior to issuance of construction or grading permits or prior to site disturbance, whichever occurs first,** the qualified biologist shall prepare an Oak Tree Replacement Plan that provides for the installation and maintenance of replacement native oak trees on the project parcel for up to 50% of all native oak trees that would be impacted (as shown on final project plans described above) and shall be reviewed and approved by the County Planning and Building Department. Mitigation replacement plantings for each oak tree removed shall be at a at a 4:1 ratio and at a 2:1 ratio for each oak tree impacted. Replacement plantings shall be located in suitable areas on the project parcel and the adjacent 2.25-acre parcel owned by the project

applicant (APN 080-021-051), as determined by the County-qualified biologist. The Oak Tree Replacement Plan shall include, but not be limited to, the following components:

a. A brief narrative of the project location, description, and purpose;

b. Clearly identified parties responsible for the mitigation program and their contact information;

c. A landscape map showing and quantifying all oak tree planting areas;

d. A requirement that all replacement oak trees be located at least 50 feet from the proposed aboveground power connection and from existing powerlines.

e. A detailed discussion of the methods for implementing the Oak Tree Replacement Plan, including invasive species removal, sources of plant materials, and supplemental watering regimes;

f. Provisions for the collection of oak propagules from the disturbance area, replacement planting propagation, and reintroduction into the parcel;

g. Identification of locations, amounts, species, and sizes of the oak trees to be planted. For each individual of a species removed, the same species shall be planted.

h. Locations of oak tree replacement plantings shall not occur within 50 feet of previously recorded cultural resource sites located on the property, as detailed in the Phase I Archaeological Study, 1255 Tierra Redonda Road, San Luis Obispo County California (Padre Associates, Inc. 2019);

i. If 50% of total project impacted trees could not be mitigated through replacement plantings due to lack of suitable area available, identification of remaining unimpacted oak trees;

j. Identification of necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful plant reestablishment;

k. A program schedule and established success criteria for a 5-year maintenance, monitoring, and reporting program that is structured to ensure the success of the mitigation plantings; and

l. Methods for removing nonnative species from the replanting areas.

BIO-11 **Prior to issuance of construction or grading permits or prior to site disturbance, whichever occurs first,** the applicant shall coordinate with the County Planning and Building Department to determine the appropriate fee and submit payment to the California Wildlife Conservation Board's Oak Woodlands Conservation Program to mitigate for up to 50% of oak trees impacted by the project that have not mitigated through on-site replacement plantings (as described in BIO-10, above). Contribution to the Oak Woodlands Conservation Fun shall be paid prior to issuance of grading or construction permits or initiation of site disturbance activities, whichever occurs first.

BIO-12 **Prior to issuance of construction or grading permits or prior to site disturbance, whichever occurs first,** the project applicant shall coordinate directly with the County Planning and Building to enter the unimpacted oak woodland on the project property into a conservation easement that would prohibit oak tree removal and impacts to oak trees in perpetuity.

For the life of the project, all oak trees not identified as being impacted shall be maintained. Unless identified as impacted in the finalized site plans, the following activities are not allowed within the critical root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plant(s) for up to 3 years), grading (includes cutting and filling of material), compaction (e.g., regular use of vehicles), placement of impermeable surfaces (e.g., pavement), and disturbance of soil that impacts roots (e.g., tilling).

BIO-13 **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: Final project plans and the Oak Tree Replacement Plan shall be reviewed and approved by County Department of Planning Staff prior to project initiation. Survey reports shall be submitted to the County of San Luis Obispo Department of Planning for review. Ongoing compliance will be verified on a quarterly basis in accordance with the County Cannabis Monitoring Program.

CULTURAL RESOURCES (CR)

CR-1 **Prior to initial ground-disturbing activities,** a County-qualified archaeologist shall conduct a cultural resource awareness training for all construction personnel, which will include the following:

a. Review the types of archaeological artifacts that may be uncovered;

b. Provide examples of common archaeological artifacts to examine;

c. Review what makes an archaeological resource significant to archaeologists and local native Americans;

d. Describe procedures for notifying involved or interested parties in case of a new discovery;

e. Describe reporting requirements and responsibilities of construction personnel;

f. Review procedures that shall be used to record, evaluate, and mitigate new discoveries; and

g. Describe procedures that would be followed in the case of discovery of disturbed as well as intact human burials and burial-associated artifacts.

CR-2 **During and throughout all project ground disturbance and construction activities,** in the event that a potentially significant cultural resource is encountered during subsurface earthwork activities, all construction activities within a 100-foot radius of the find shall cease and the County Planning and Building Department shall be notified immediately. Work shall not continue until a County-qualified archaeologist, in conjunction with locally affiliated Native American representative(s) as necessary, evaluates the uncovered resource. Any previously unidentified resources found during construction shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria by a qualified archaeologist. Potentially significant cultural resources consist of, but are not limited to, stone, bone, glass, ceramic, wood, or shell artifacts; fossils; or features including hearths, structural remains, or historic dumpsites.

If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan, in conjunction with locally affiliated Native American representative(s) as necessary, that will capture those categories of data for which the site is significant. The research design and plan shall be reviewed and approved by the County. The archaeologist shall also perform appropriate technical analysis, prepare a comprehensive report, and file it with the CCIC, located at the University of California, Santa Barbara, and provide for the permanent curation of the recovered materials consistent with the approved plan.

Monitoring: Required prior to and during project site disturbance activities. Compliance to be verified by the County of San Luis Obispo.

ENERGY (ENG)

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

a. A detailed breakdown of energy demand prepared by a certified energy analyst. The energy breakdown shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities, including, but not limited to, lighting, odor management, and climate control equipment. Such quantification shall be expressed in total kWh per year and non-electrical sources shall be converted to kWh per year.

b. A program for providing a reduction or offset of all energy demand that is 20% or more above a typical commercial building of the same size. In this case, reductions and offsets must result in a total project energy demand that does not exceed 61,200 kWh/year. Such a program (or programs) may include, but is not limited to, the following:

    i. Evidence that the project will permanently source project energy demands from renewable energy sources (e.g., solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.

    ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy-saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include the following:

        1. Participating in an annual energy audit.
        2. Upgrading and maintaining efficient heating/cooling/dehumidification systems.
        3. Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
        4. Implementing automated lighting systems.
        5. Utilizing natural light when possible.
        6. Utilizing an efficient circulation system.
        7. Ensuring that energy use is below or in-line with industry benchmarks.
        8. Implementing phase-out plans for the replacement of inefficient equipment.
        9. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.

    iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. (Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.)

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

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

Monitoring: The project Energy Conservation Plan shall be reviewed and approved by County Department of Planning Staff prior to project initiation. Ongoing compliance will be verified on a quarterly basis in accordance with the County Cannabis Monitoring Program.

GEOLOGY (GEO)

GEO-1 **Paleontological Monitoring and Treatment Plan. Prior to any ground-disturbing activities,** the applicant shall retain a County-approved paleontologist to prepare a Paleontological Monitoring and Treatment Plan (Plan, PMTP), and submit the Plan to the County for review and approval. The Plan shall be based on 'Society of Vertabrate Paleontology (SVP) guidelines' and meet all regulatory requirements. The County-approved paleontologist shall: a) have a Master's Degree or Ph.D. in paleontology, b) shall have knowledge of the local paleontology, and c) shall be familiar with paleontological procedures and techniques. The Plan shall:

a. identify construction impact areas of moderate to high sensitivity for encountering potential paleontological resources and the shallowest depths at which those resources may be encountered;

b. detail the criteria to be used to determine whether an encountered resource is significant, and if it should be avoided or recovered for its data potential;

c. detail methods of recovery, preparation and analysis of specimens, final curation of specimens at a federally accredited repository, data analysis, and reporting;

d. outline a coordination strategy to ensure that a County-approved paleontological monitor will conduct full-time monitoring of all grading activities in the "deeper" sediments determined to have a moderate to high sensitivity. For sediments of low or undetermined sensitivity, the Plan shall determine what level of monitoring is necessary. Sediments with no sensitivity will not require paleontological monitoring.

e. define specific conditions in which monitoring of earthwork activities could be reduced and/or depth criteria established to trigger

monitoring. These factors shall be defined by the project paleontological resource specialist, following examination of sufficient, representative excavations.

Monitoring/Compliance. Prior to issuance of a construction permit, the applicant shall show this measure on all applicable construction drawings. The Plan shall be submitted to the County for review and approval. **Prior to ground disturbance**, all construction workers shall be informed about the monitor and their role at the work site. As applicable per the approved Plan any required field measures shall be installed. **During construction,** all approved protection measures, if any, shall be kept in good working order and any necessary corrective measures addressed by the applicant upon discovery. The monitor shall be present as specified in the Plan. **Prior to final inspection/ occupancy of construction permit**, the applicant shall submit to the County a final post-construction report from the paleontologist summarizing construction compliance and protection.

GEO-2 **Paleontology Construction Monitoring. During ground-disturbing activities,** based on the Mitigation Measure GEO-1 (Paleontological Monitoring and Treatment Plan), the Applicant shall conduct full-time monitoring by a County-approved paleontological monitor as specified in the approved PMTP. This shall include monitoring during rough grading and trenching in areas determined to have moderate to high paleontological sensitivity and which have the potential to be shallow enough to be adversely affected by such earthwork. Sediments of low, marginal undetermined sensitivity shall be monitored by a County-approved paleontological monitor on a part-time basis as determined in the PMTP.

The Qualified Monitor shall verify they have a B.A. in Geology or Paleontology and a minimum of one year of paleontological monitoring experience in local or similar sediments. Construction activities shall be diverted when data recovery of significant fossils is warranted, as determined in the PMTP. Compliance/Monitoring shall adhere to and be consistent with the PMTP.

GEO-3 During ground-disturbing activities, if any paleontological resources are encountered, activities in the immediate area of the find shall be halted and the discovery assessed in accordance with the approved PMTP. A qualified paleontologist shall be retained to evaluate the discovery and recommend appropriate treatment options pursuant to guidelines developed by the Society of Vertebrate Paleontology. A paleontological resource impact mitigation program for treatment of the resources shall be developed and implemented if paleontological resources are encountered. If deemed significant, the paleontological resource(s) shall be salvaged and deposited in an accredited and permanent scientific institution where they will be properly curated and preserved. **Prior to final inspection/ occupancy of construction permit**, the applicant shall submit to the County a final post-construction report from the paleontologist summarizing the Data Recovery effort.

Monitoring: The project Paleontological Monitoring and Treatment Plan shall be reviewed and approved by County Department of Planning Staff prior to project initiation.

Prior to final inspection/ occupancy of construction permit, the applicant shall submit to the County a final post-construction report from the paleontologist summarizing the Data Recovery effort.

HAZARDS AND HAZARDOUS MATERIALS (HAZ)

HAZ-1 **Prior to site disturbance activities,** the contractor shall prepare a Hazardous Materials Response Plan to allow for a prompt and effective response to any accidental spills. Workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

HAZ-2 **During site disturbance activities and for the life of the project,** the cleaning and refueling of equipment and vehicles shall occur only within a designated staging area and at least 100 feet (30 meters) from wetlands or other water features. At a minimum, all construction equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and avoid potential leaks or spills. During operations, equipment shall be checked and maintained on a weekly basis to ensure proper operation and avoid potential fuel leaks or spills.

HAZ-3 **During site disturbance and construction activities,** all project-related spills or leaks of hazardous materials shall be cleaned up immediately. Spill prevention and clean-up materials shall be located on-site at all times during construction.

Monitoring: Required prior to and at the time of project site disturbance activities. Compliance will be verified by the County Department of Planning and Building.

HYDROLOGY AND WATER QUALITY (WQ)

WQ-1 **During project site disturbance activities,** erosion control measures (e.g., silt fencing, fiber rolls, and barriers) shall remain available on-site and shall be utilized as necessary to prevent erosion and sedimentation in jurisdictional areas. No synthetic plastic mesh products shall be used for erosion control and use of these materials on-site is prohibited. Erosion control measures shall be checked to ensure that they are intact and functioning effectively and maintained on a daily basis throughout the duration of site disturbance activities. The contractor shall also apply adequate dust control techniques, such as site watering, during construction to protect water quality of jurisdictional drainages located on-site.

Monitoring: Required at the time of project site disturbance activities. Compliance will be verified by the County Department of Planning and Building.

February 8, 2021

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	Name (Print)	Date
Helios R Dayspring	Helios R Dayspring	2-11-21