



Negative Declaration & Notice Of Intent

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 21-112

DATE: August 23, 2021

PROJECT/ENTITLEMENT: Greenview, LLC. Minor Use Permit;DRC2018-00010

APPLICANT NAME: Greenview, LLC
Email: cano.a.ucla@gmail.com

ADDRESS: 8770 Carrisa Hwy, Santa Margarita, CA 93453

CONTACT PERSON: Rene Cano

Telephone: 510-365-7633

PROPOSED USES/INTENT: A request by GreenView, LLC for a Minor Use Permit (DRC2018-00010) for the phased development of up to three acres of outdoor cannabis cultivation canopy within hoop structures, ancillary processing activities, ancillary transport, and other related site improvements. Phase I includes the installation of 129,600 square feet of hoop structures, security fencing and surveillance equipment, a 5,000-gallon galvanized steel water tank, three 2,500-gallon tanks, a 120 square foot pesticide storage shed, and improvements for parking and access roads. Phase II includes the installation of a 10,000 square foot processing facility. The project would result in approximately 4.02 acres of site disturbance, including 182 cubic yards of cut and 122 cubic yards of fill. A modification from County parking standards is requested to allow a total of seven parking spaces where 10 spaces are required.

LOCATION: The project site is in the Agriculture land use category, and located at 8770 Carrisa Highway, in the Carrizo Planning Area, approximately 4 miles northwest of the village of California Valley.

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

STATE CLEARINGHOUSE REVIEW: YES ☒ NO ☐

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

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

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

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

Notice of Determination

State Clearinghouse No. _____

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

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

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

Eric Hughes, ehughes@co.slo.ca.us

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency



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

PLN-2039
12/2019

Project Title & No. GreenView, LLC Minor Use Permit ED21-112 (DRC2018-00010)


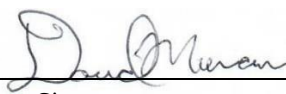
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant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

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

DETERMINATION: (To be completed by the Lead Agency)

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

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

Steve Conner, AICP		August 3, 2021
Prepared by (Print)	Signature	Date
David Moran		(for) Steve McMasters, Principal Environmental Specialist
Reviewed by (Print)	Signature	July 1, 2021 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 **GreenView LLC**, for a Minor Use Permit (DRC2018-00010), to establish up to three (3) acres of outdoor cannabis cultivation within hoop houses and a 10,000-square foot (sf) ancillary processing building for de-stemming and drying, temporary storage in a secured transport vehicle, and transport of product (grown onsite) to licensed offsite facilities. Project development would result in 4.02 acres of site disturbance and would include grading improvements to an existing private dirt access road and new internal access roads (including 182 cubic yards of cut and 122 cubic yards of fill), and the placement of a 5,000-gallon galvanized steel water tank for fire suppression and three (3) 2,500-gallon plastic water tanks for irrigation. In addition, a modification from County parking standards is requested to allow a total of seven parking spaces where 10 spaces are required. The project would employ up to five (5) full-time workers and six (6) part-time workers. The project site is in the Agricultural land use category on a 41-acre property located at 8770 Carrisa Highway (State Highway 58), in the Carrizo Planning Area, approximately 4 miles northwest of the village of California Valley.

The project will be implemented in two phases. Phase 1 will include installation and operation of a 3-acre cultivation area, and Phase 2 will include construction and operation of a 10,000-sf processing building. The proposed cultivation will be in a portion of the site that has been previously farmed with vegetables,

Initial Study – Environmental Checklist

hay, and corn. Figure 1 shows a regional map and



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Fig. 1. Project Location

Initial Study – Environmental Checklist

Figure 2 shows an aerial image of the project site. Table 1 summarizes the project components and Figure 3 shows the site plan. Cannabis would be planted in 54 hoop houses in north/south facing rows and three (3) hoop houses would be oriented east/west at the northern end of the proposed cultivation area. The proposed construction and cultivation operations would be setback a minimum of 50 feet south of the existing east/west-aligned ephemeral drainage that bisects the northern and southern portions of the property. The site is accessed from Highway 58 (Carrisa Highway) via a private driveway easement that extends northward along the eastern side of the adjoining property to the west (Assessor's Parcel Number 072-301-004). Access improvements would include two (2) new roads that would connect the proposed cultivation area to the private driveway, and one new road that would connect the two new access roads with new parking spaces along the western edge of the proposed cultivation area. The southernmost access road would provide primary access to the proposed processing building from the driveway. The access road would be a new 24-foot-wide gravel emergency access road with two ten-foot swinging gates; and it would include a circular turnaround for fire department/emergency services access.

The ancillary processing building would be 10,000 sf and include a processing area, an office, a security room, restrooms, harvest storage, fertilizer and pesticide storage, and a loading/transport space. The building would be used for cannabis curing, drying, trimming, storing, packaging, and loading for transport as well as other accessory uses for employees. The structure would process only cannabis that is grown onsite. The structure would be 18 feet, six inches in height and would be styled to look agrarian (rural/rustic/agricultural). Figure 4 and Figure 5 show the floor plans and elevations of the processing building.

Clearing and grubbing would occur in the proposed 3-acre cultivation area. Earthwork for project development would result in 0.92 acres of grading, and a total of 182 cubic yards of cut and 122 cubic yards of fill with an excess of 60 cubic yards of cut soil; the site is relatively flat and most of the earthwork would involve compaction of access roads and the building pad.

The project would operate up to seven (7) days per week, starting at 6:30 AM. and ending at 6:30 PM., for up to seven-hour shifts. During harvest season (which would occur five [5] times per year), the project would employ up to 11 people for approximately seven (7) days per harvest. Operations may extend up to 15.5 hours per day during harvest season (6:30 AM. to 10:00 PM.).

Solar-powered security lighting would be located on the fence-line, one at each corner of the fenced outdoor cultivation area, one at each gated entrance to the cultivation site, and one at each mid-point between the corners and access gates (approximate 100-foot spacing). Lighting would be shielded downward, activated by motion-sensor and alarm, and mounted on 10-foot-high poles along the fencing. No signage is proposed. The cannabis operation would be enclosed in 8-foot-high chain link fencing with privacy slats and four locked swinging gates.

The project site would be served by an existing well that has historically served the property for the existing residence, 1,250 square feet of cannabis cultivation, crop production, and cattle grazing. The well is located southeast of the existing onsite single-family residence. Approximately 353 linear feet of new water service line would be installed and connect the proposed processing building and water supply tanks to an existing water line near the eastern property boundary. Portable restrooms would be rented and serviced by a local provider during Phase I of the proposed project. During Phase II, permanent restrooms and other associated plumbing would be constructed inside the proposed processing building and a new septic system with leach field would be constructed to the west of the processing building and south of the proposed main emergency access road.

Initial Study – Environmental Checklist

Seven (7) 9-foot by 18-foot parking spaces, including two (2) Americans with Disabilities Act (ADA)-compliant spaces, would be provided. Solid waste would be stored on site in an area outside of the cultivation area, adjacent to the proposed processing building. All organic waste storage would either be shredded and tilled back into the soil or stored in a compost pile within the locked fence area. Trash service would be provided by a local waste management company.

Table 1 – Project Components

Project Component	Count	Size	Footprint (sf)	Canopy(sf)
Phase I				
(N) Outdoor cultivation (hoop houses)	57	624' x 216' 100' x 68'	141,584	130,680
(N) Access roads	5	12' x 216' (2) * 16' x 302' 24' x 302' 24' x 292'	24,272*	N/A
(N) Waste/recycling area	1	12' x 20'	240	N/A
(N) Compost area	1	20' x 40'	800	N/A
(N) Parking spaces	7	9' x 18' each	1,134	N/A
(N) Water tanks	1	5,000 gallons	N/A	N/A
	3	2,500 gallons	N/A	N/A
Phase II				
(N) Processing building, including permanent restrooms	1	151.5' x 66'	10,000	N/A
(N) Septic leach lines	5	40' x 60'	2,400	N/A
Sub-Total of Cannabis Activities/Uses			175,246	136,500

(N) = new

(sf) = square feet

(ac) = acres

*5,184 sf of roads included in cultivation footprint.

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

Baseline Conditions:

Existing development on the site includes a single-family residence and multiple small accessory structures (shed, chicken coop, carport) a small agricultural pond located on the southwestern corner of the property, and a larger bermed agricultural pond located near the central eastern edge of the property. The smaller pond is approximately 40-feet in diameter and was constructed around 2011. The larger pond is approximately 75 feet wide by 150 feet long and may have existed for some time as a smaller bermed feature but was apparently enlarged in 2015. Cattle grazing occurs on the northern portion of the property. The existing residential area, accessory structures, pond and cattle grazing would remain and not be a part of the cannabis operations, except for use of the existing well and use of a shed to house the proposed security equipment.

Initial Study – Environmental Checklist

Cannabis cultivation occurred on-site from approximately 2016 to 2018 under registration number CCM2016-00398. Cultivation activities included approximately 1,250 square feet of outdoor cannabis cultivation within a fenced area.

The topography is flat with elevations ranging from 2,018 to 2,026 feet above mean sea level (msl). Soils consist of Yeguas-Pinspring Complex, an alluvial clay loam to coarse sandy/gravelly loam, derived from sandstone, shale, and basalt. The soils are well-drained, slightly saline, and typically occur on flat or gently sloping land.

The project is partially in a 100-year Flood Hazard Combining Designation Overlay. The Overlay is associated with an ephemeral drainage that roughly bisects the property in a northwest to southeast flow direction. The drainage is classified by the USGS as a blue line stream with potential for historic human habitation (County of San Luis Obispo Online Land Use Viewer). Within the eastern end of the drainage is a larger bermed agricultural pond. The drainage and pond were dry when the project site was surveyed in January 2019 but were full during March 2019 biological surveys.

A Biological Resources Assessment was prepared by Althouse and Meade, Inc. in June of 2020 for the project site. The majority of the project site has been in agricultural production variously for many years, often with just portions of the land tilled or grazed in any given year. Aerial imagery confirms that the project site has been in agricultural use since at least 1994. The northern portion of the site is fenced in and used for cattle grazing. Fallow fields in the middle and southern portions of the project site are dominated by naturalized Mediterranean grasses with a few deciduous ornamental trees. The ephemeral drainage that bisects the middle portion of the site flows eastward.

Developed areas in the project site consist of graded roads, residential and accessory structures, domestic animal enclosures, and associated landscaping on approximately 4 acres in the southwestern corner of the site.

Surrounding land uses include similar agricultural operations and sparse single-family residences and accessory structures. The Topaz Solar Farm surrounds the site on the north, east, and across Highway 58 to the south. The closest solar panels are located approximately 800 feet south of the project site.

The project site is within the Carrizo Agricultural Preserve but is not subject to a Land Conservation Act (Williamson Act) contract.

Ordinance Modifications:

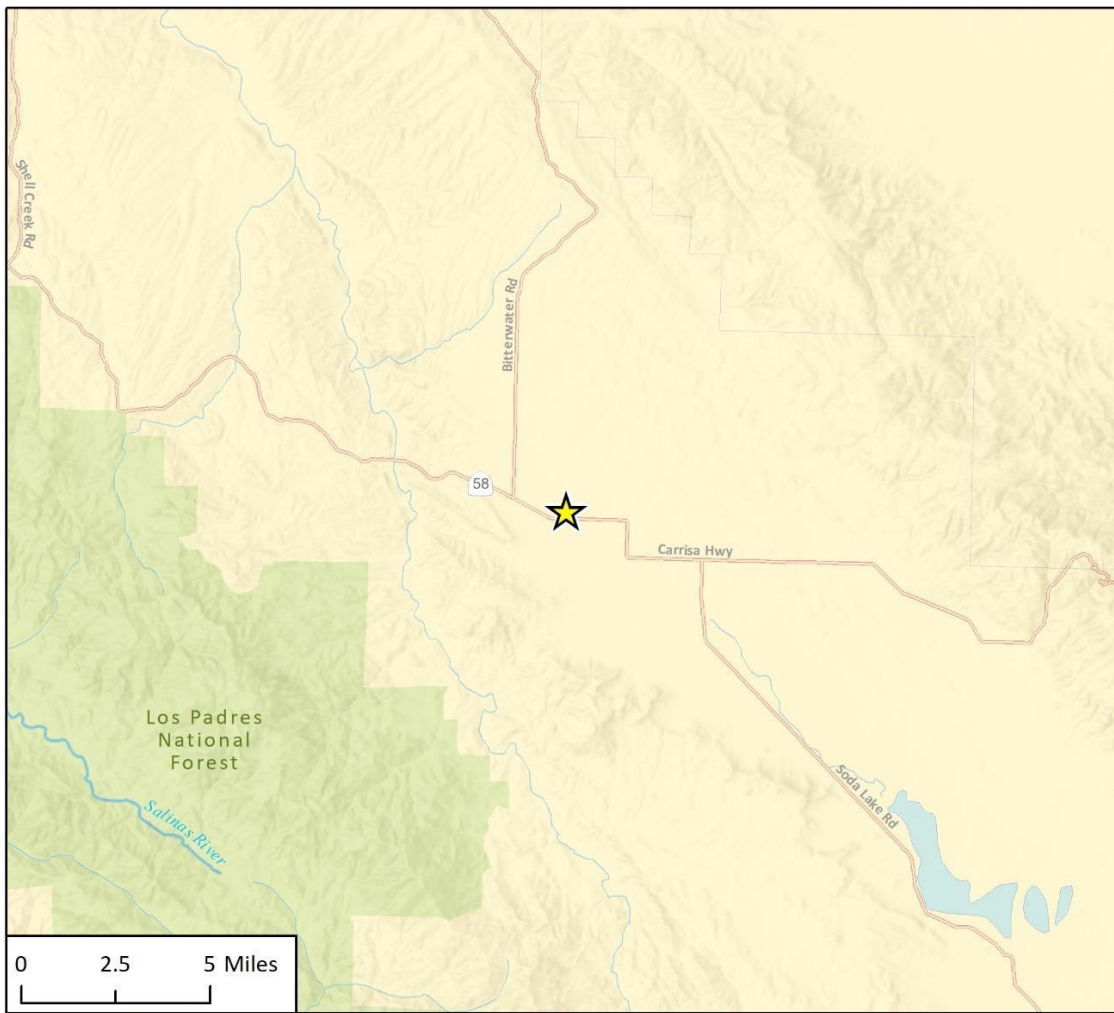
Parking. The project includes a request for modification from the parking provisions set forth in Section 22.18.050.C of the County Land Use Ordinance (LUO), which requires 1 space per 1,000 sf of ag processing area, which equates to 10 parking spaces. To grant a parking modification, the following findings must be made according to LUO Section 22.18.020H:

- a. The characteristics of use, the site, or its immediate vicinity do not necessitate the number of spaces, type of design, or improvements required by this chapter; and
- b. Reduced parking or an alternative to the parking design standards of this Chapter will be adequate to accommodate on the site all parking needs generated by the use, or that additional parking is necessary because of special features of the use, site, or site vicinity and
- c. No traffic safety problems will result from the proposed modifications of parking standards.

Initial Study – Environmental Checklist

The characteristics of the proposed operation/use would not necessitate the number of parking spaces required by LUO Section 22.18. A minimum of six employees would be onsite at overseeing project operation, and there would be a maximum of 11 employees on site during harvest which occurs for a few days, five times a year. No traffic safety issues would result from the proposed modification of parking standards. Carpool measures would also be implemented as part of project operations to limit daily parking capacity to seven vehicles. Therefore, seven spaces are proposed as sufficient to meet the parking demands of the project.

Initial Study – Environmental Checklist



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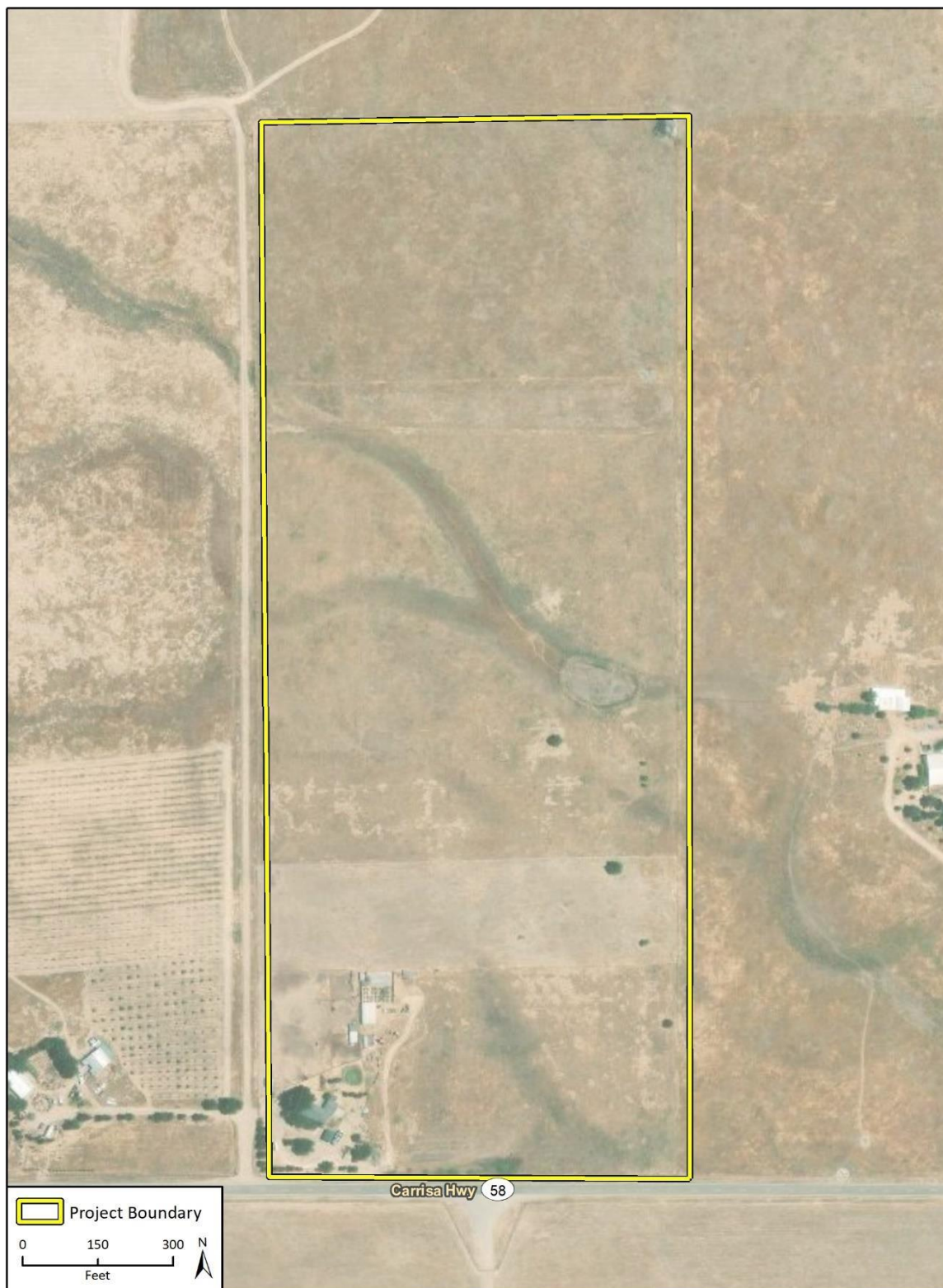
★ Project Location



Fig. 1 Regional Location

Figure 1 Regional Location

Initial Study – Environmental Checklist

**Figure 2 Project Site Aerial**

Initial Study – Environmental Checklist

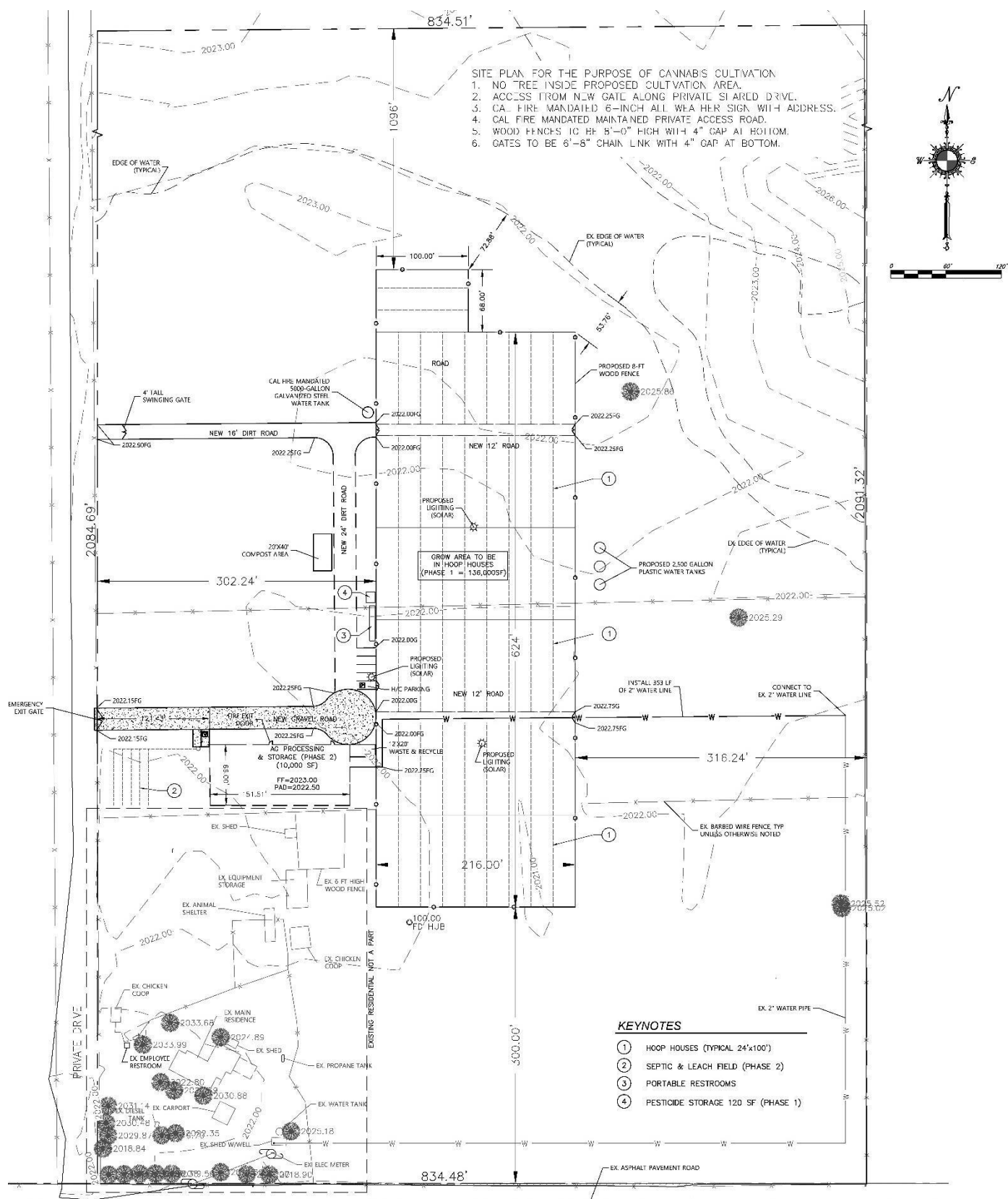


Figure 3 Site Plan

Initial Study – Environmental Checklist

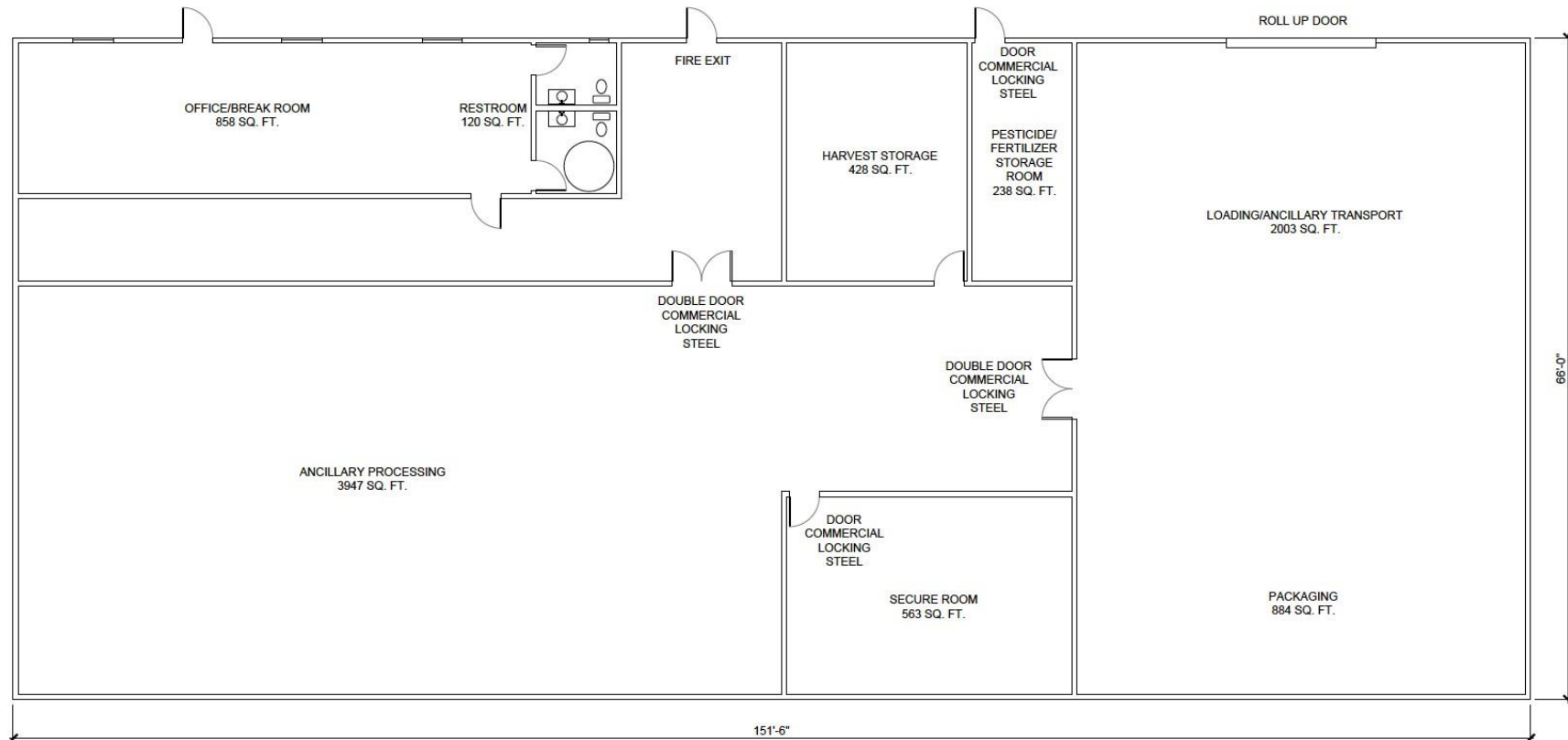


Figure 4 Processing Building Layout

Initial Study – Environmental Checklist

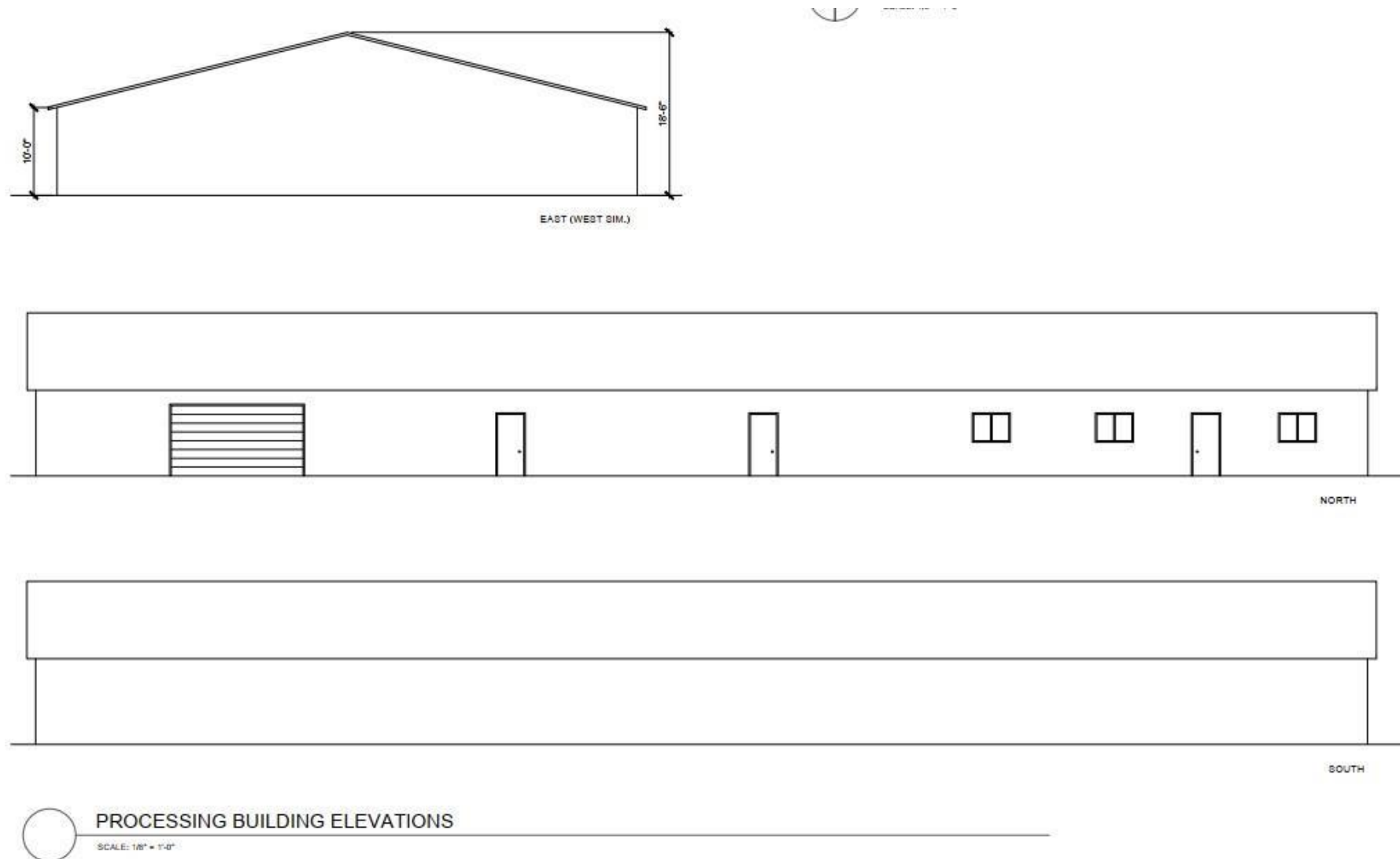


Figure 5 Processing Building Elevations

Initial Study – Environmental Checklist

ASSESSOR PARCEL NUMBER(S): 072-301-012

Latitude: 35.36923 ° N

Longitude: 120.06924 ° W

SUPERVISORIAL DISTRICT # 5

Other Public Agencies Whose Approval is Required

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

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

B. Existing Setting

Plan Area: Carrizo

Sub: None

Comm: Santa Margarita

Land Use Category: Agriculture

Combining Designation: Flood Hazard Area (FH) - 100 Year

Parcel Size: 41 acres

Topography: Nearly level

Vegetation: Fallow Cropland, Residential, Ephemeral Drainage, Pond

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

Surrounding Land Use Categories and Uses:

North: Agriculture

East: Agriculture

South: Agriculture

West: Agriculture

C. Environmental Analysis

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

Initial Study – Environmental Checklist

I. AESTHETICS

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

Setting

The project site is located on the north side of Highway 58 in the California Valley in a predominantly rural and agricultural area, with scattered rural residences. Views from Highway 58 through the Carrizo Plain/California Valley are expansive, with the Temblor and Caliente Ranges forming the visual backdrop. The site, as with most of the surrounding properties, is currently utilized for dry farming agricultural activities. The majority of the property is undeveloped, with a single-family residence, an animal shelter, two chicken coops, several accessory structures, a well, and an agricultural pond, located in the southwestern portion of the site. Ornamental trees are located near the residence. Agricultural uses occur on surrounding properties such as dry farming activities. The properties to the north, east, and west of the project site are agricultural parcels with single-family residences and other accessory agricultural uses. The properties to the south of the project site contain photovoltaic arrays associated with the Topaz Solar Farm. The topography of the site and surrounding area is relatively flat to gently sloping.

Pursuant to the County Conservation and Open Space Element, the project site is not located in a designated scenic vista containing protected scenic resources (County of San Luis Obispo, 2010). There are no unique geological or physical features located on site. Table VR-2 of the Conservation and Open Space Element provides a list of Suggested Scenic Corridors, which includes Highway 58 from the Santa Margarita urban reserve line to the Kern County line. The project site is located along this Suggested Scenic Corridor (County of San Luis Obispo, 2010). However, Highway 58 in the project vicinity is not a State Designated or

Initial Study – Environmental Checklist

State Eligible Scenic Highway (California Department of Transportation [Caltrans], 2021). Existing sources of lighting in the vicinity of the project site include lighting from single-family homes and vehicles traveling along Highway 58. State law sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8304 (c) states: All outdoor lighting used for security purposes shall be shielded and downward facing. Section 8304 (g) states: mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare.

Discussion

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

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

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

The project site is not visible from a designated State Scenic Highway, and it does not contain any scenic resources such as trees, rock outcroppings, or historic buildings. No impact would occur.

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

The project site is in a non-urbanized area with predominantly agricultural uses. The project would involve clearing and grubbing of an area that is currently undeveloped and vacant. The project would result in the disturbance of approximately 4.02 acres of land to allow for up to 3 acres of outdoor cannabis cultivation, access roads, and a building pad.

The project site can be seen by motorists along Highway 58. Traffic counts taken by Caltrans for Highway 58 at Soda Lake Road in 2016 indicate an average daily traffic volume of 600 trips with a peak hour volume of 90. This suggests that the project site would be viewed frequently by motorists traveling on the Highway. However, the roadway in the vicinity of the project site is relatively straight and traffic speeds are high, around 55 miles per hour (mph) or more. Assuming a speed of 55 mph, a vehicle would pass by the project site in about 11 seconds and the potential impacts to views from the highway would be very brief.

In compliance with LUO Section 22.40.050 D. 6, cannabis plants associated with cultivation would not be easily visible from offsite. The cultivation area would be set back approximately 300 feet north of Highway 58. In addition, the project site would be enclosed within an 8-foot-tall secure chain link fence with privacy slats to preclude visibility. The project would be compatible with adjacent uses and surrounding visual character (agricultural and rural residential uses). Therefore, the project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. Impacts would be less than significant.

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

Existing sources of light in the project vicinity include exterior lighting associated with the on-site residence and the nearby residences and existing sources of glare include the nearby solar farms;

Initial Study – Environmental Checklist

however, nighttime lighting in the area is minimal. The project would introduce new sources of light and glare, including exterior security lighting. Motion-sensored security lighting would be located on the fence-line. Lighting would be provided via 10-foot tall, solar-powered units and would be consistent with California Code of Regulations Section 8304(c) and (g), which require that outdoor security lighting be shielded and downward facing to minimize light pollution. In compliance with LUO Section 22.40.050.D.10., the security lighting would be motion-activated and directed downward to the interior of the site to preclude visibility from off-site. The project will be subject to conditions of approval which require security and indoor lighting to be compliant with the LUO. Impacts from exterior security lighting would be less than significant.

See also the discussion of potential impacts to biological resources associated with new sources of light provided in Section IV. Biological Resources, as well as mitigation measure BR-17.

Conclusion

No significant aesthetic impacts would occur, and no mitigation measures are necessary. See also the discussion of potential impacts to wildlife from new sources of light provided in Section IV. Biological Resources.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

II. AGRICULTURE AND FORESTRY RESOURCES

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

Initial Study – Environmental Checklist

Setting

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

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

Land Use Category: Agriculture

Historic/Existing Commercial Crops: dryland crops

State Classification: Prime Farmland, Farmland of Local Potential

In Agricultural Preserve? Yes, Carrizo Agricultural Preserve

Under Williamson Act contract? No

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

Table SL-2 of the Conservation/Open Space Element lists the important agricultural soils of San Luis Obispo County. Soils on the project site, their farmland classifications, and total acreages are shown in Table 2 and then described in detail below.

Table 2 Classifications and Acreages of Soils On-site

Soil	Farmland Classifications			Acres Impacted by Project
	Conservation/Open Space Element Classification	FMMP Classification	NRCS Classifications	
Yeguas Pinspring Complex (0-2% slope)	Prime Farmland if Irrigated, Highly Productive Rangeland Soils	Prime Farmland, Farmland of Local Potential	Prime Farmland if Irrigated	4.02 acres

Sources: Table SL-2 of the County General Plan's Conservation/Open Space Element; State Farmland Mapping and Monitoring Program 2016; and Natural Resources Conservation Service 2021.

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

The soil type(s) and characteristics on the portion of the project site where cannabis activities are proposed include:

Yeguas Pinspring Complex (0-2 % slope)

The parent material of this soil type is alluvium derived from sandstone, shale, and basalt. The drainage class of this unit is well drained, and it is composed mostly of loam, clay, and clay loam. This soil type tends to occur on alluvial fans and alluvial flats. This soil has medium runoff potential and moderately low wind erodibility potential. This soil type is considered prime farmland if irrigated per the County General Plan, Conservation/Open Space Element.

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Discussion

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

The project would result in the disturbance of approximately 4.02 acres of Prime Farmland to allow for up to three acres of outdoor cannabis cultivation in hoop houses and access roads. In addition, the project would include a 10,000 square foot ancillary processing building, resulting in the permanent conversion of approximately 0.23 acre of Prime Farmland. The permanent and semi-permanent conversion of 4.02 acres of Prime Farmland is considered less than significant because:

- The outdoor cannabis cultivation would be fenced and grown in-ground under hoop houses. The cannabis cultivation area could be readily converted back to an agricultural use at the end of the life of the project or at such time as cannabis activities cease; and
- The 4.02 acres represents a small fraction of the total Prime Farmland (see Table 11) in San Luis Obispo County, as mapped by the Department of Conservation Farmland Mapping and Monitoring Program in 2016.

As analyzed in Discussion (b) below, the project was referred to the County of San Luis Obispo Department of Agriculture/Weights & Measures and was reviewed for ordinance and policy consistency. The recommendations of the Agriculture Department will be incorporated into the conditions of approval.

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

The project site is within the Agriculture land use category where cannabis activities are an allowable use with either a Minor Use Permit or a Conditional Use Permit. The project was referred to the County of San Luis Obispo Department of Agricultural/Weights & Measures and was reviewed for ordinance and policy consistency. The recommended conditions of approval set forth in their letter of June 14, 2018, will be incorporated into the project conditions to ensure consistency with ordinance and policy. The project site is located within the Carrizo Agricultural Preserve Area but is not under Williamson Act contract. Therefore, the project would not conflict with existing zoning for agricultural use, or a Williamson Act contract and impacts would be less than significant.

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

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

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

The project site and immediate vicinity do not include any forest land as defined by Public Resources Code sections 122220(g), and 4526. Therefore, the project would not result in the loss of forest land or conversion of forest land to non-forest use. No impact would occur.

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

The project would result in the disturbance of approximately 4.02 acres of prime farmland (pursuant to the County Conservation and Open Space Element) to allow for up to three acres of outdoor cannabis cultivation, a 10,000-square-foot ancillary processing building, and associated vehicular circulation areas. The proposed cannabis operations would be compatible with and continue to support agricultural uses and no other changes to the existing environment would result in conversion to non-agricultural uses. No forest land would be affected. Impacts would be less than significant.

Conclusion

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

Sources

See Exhibit A.

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III. AIR QUALITY

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

Setting

The project site is located in the South-Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (SLOAPCD). The District is in non-attainment for the 24-hour state standard for particulate matter (PM₁₀) and the one-hour and eight-hour state standards for ozone (O₃) (SLOAPCD 2019). The SLOAPCD adopted the 2001 Clean Air Plan (CAP) in 2002, which sets forth strategies for achieving and maintaining Federal and State air pollution standards. The CAP provides a complete description of the air basin and the environmental and regulatory setting and is incorporated by reference. The CAP may be reviewed in its entirety by following this link <https://www.slocleanair.org/rules-regulations/clean-air-plan.php>.

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

Thresholds of Significance for Construction Activities. The SLOAPCD developed and updated their San Luis Obispo County CEQA Air Quality Handbook (2012) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. The Handbook includes screening criteria for project impacts (Table 3). According to the Handbook, a project with grading in excess of 4.0 acres and/or a project that will move 1,200 cubic yards of earth per day can exceed the construction thresholds for diesel particulate matter (PM₁₀) and ozone precursors (ROG + NO_x). The SLOAPCD has estimated that a project with operations that include an unpaved roadway of one mile in length carrying 6.0 round trips would likely exceed the 25 lbs/day PM₁₀ threshold.

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Table 3 – APCD CEQA Handbook Thresholds of Significance for Construction

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

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

Notes:

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

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

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

If a project has the potential to cause an odor or other nuisance problem which could impact a considerable number of people, then it may be significant. The nearest offsite sensitive receptor to the site is a single-family residence located approximately 800 feet west-southwest of the proposed outdoor cultivation area and approximately 700 feet west-southwest of the proposed ancillary processing building.

Discussion

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

The applicable air quality plan is the SLOAPCD Clean Air Plan (SLOAPCD, 2002). In order to be considered consistent with the CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP (SLOAPCD, 2012). Adopted land use planning strategies include, but are not limited to, planning compact communities with higher densities, providing for mixed land use, and balancing jobs and housing. The project does not include development of retail or commercial uses that would be open to the public; therefore, land use planning strategies such as mixed-use development and planning compact communities are generally not applicable. The project would not result in a significant increase in employees and therefore would not significantly affect the local area's jobs/housing balance.

Adopted transportation control measures include, but are not limited to, a voluntary commute options program, local and regional transit system improvements, bikeway enhancements, and telecommuting programs. Project employees would generally be performing manual tasks such as

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planting, harvesting, monitoring the irrigation equipment, and processing crops; therefore, the project would not be a feasible candidate for participation in a telecommuting program. The project would encourage carpooling by employees. No regional transit system serves the project area and therefore improvements to the transit system are not feasible. The project site is in a rural area, off an established bikeway system and therefore bikeway enhancements are not feasible. Therefore, the project would not conflict with or obstruct implementation of the CAP and impacts would be less than significant.

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

Construction-related Impacts. Ground disturbance includes clearing and grubbing, installation of base material, and trenching for the waterline. The earthwork associated with the proposed project would be a total of approximately 182 cubic yards of cut and 122 cubic yards of fill for grading for the processing building pad, with a net export of 60 cubic yards to be hauled offsite (an estimated one truck trip). The grading amounts would be substantially less than the screening criterium of 1,200 cubic yards per day. Additionally, the area of grading disturbance would be approximately 0.92 acre, which is below the screening criterium of 4.0 acres. Therefore, the project's potential impacts related to the exceedance of federal, state, or SLOAPCD ambient air quality standards due to construction activities would be less than significant.

Operational Impacts. During operation, the project has the potential to generate criteria pollutants (ozone precursors and fine particulates), primarily from new vehicle trips. According to the project trip generation estimates provided by Pinnacle Traffic Engineering in a memo dated February 2, 2019, the project is expected to generate up to 12 two-way daily motor vehicle trips and up to three (3) peak hour trips. According to the 2012 SLOAPCD CEQA Handbook, a project that generates fewer than 99 average daily motor vehicle trips will generate emissions that fall below the threshold of significance for ozone precursors. In addition, the site would be accessed via a 0.2-mile portion of unpaved driveway (unnamed) off Highway 58. Because the road portion is less than one mile in length, project operations would not exceed the 25 lbs/day PM₁₀ threshold. LUO Section 22.40.050.D.4 requires that the applicant provide a mitigation plan for continuing dust control from the property frontage to the nearest public road. The applicant will be required to provide evidence of a road maintenance agreement as a condition of approval. Therefore, project compliance with the LUO will reduce operational impacts related to exceedance of federal, state, or APCD ambient air quality standards to less than significant.

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

Sensitive receptors are people who have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residential dwelling unit(s). The nearest offsite sensitive receptor to the site is a single-family residence located approximately 800 feet west-southwest of the proposed outdoor cultivation area and approximately 700 feet west-southwest of the proposed ancillary processing building.

As proposed, the project would result in the disturbance of approximately 4.02 acres of land to allow for up to 3 acres of outdoor cannabis cultivation, and minor grading associated with access roads and a 10,000-square-foot ancillary processing building. Ground disturbance during construction would be temporary and minimal, lasting two weeks or less. Based on the analysis in III. (b) above,

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the project would not result in substantial pollutant exposure due to construction or operations. Further, according to the California Air Resources Board's (ARB) Community Health Perspective Handbook (2005), temporary activities do not typically result in particulate matter emissions concentrations that would cause a significant health risk effect. Therefore, the project would not expose sensitive receptors to substantial pollutant concentrations and impacts would be less than significant.

According to the SLOAPCD CEQA Air Quality Handbook, Naturally Occurring Asbestos (NOA) has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities a geologic evaluation should be conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Based on the APCD online map of potential NOA occurrence, the project site does not lie in the area where a geologic study for the presence of NOA is required (SLOAPCD, 2021). Therefore, impacts would be less than significant.

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

The project includes outdoor cannabis cultivation which can produce potentially objectionable odors during the flowering, harvest, drying, and processing stages and these odors could disperse through the air and be sensed by surrounding receptors. Accordingly, Sections 22.40.050.D.8 and 22.40.065.D.4. of the LUO mandate the following:

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

The project is located in an area designated for agricultural uses. Surrounding land uses include active agriculture, rural residential, solar farms and undeveloped lands on parcels of similar size (25 to 60 acres). The nearest offsite sensitive receptor to the site is a single-family residence located approximately 800 feet west-southwest of the proposed outdoor cultivation area and approximately 700 feet west-southwest (generally upwind) of the proposed ancillary processing building. Applicants have filed applications for cannabis use permits on the parcels containing the nearest offsite sensitive receptors located immediately east and west of the subject parcel.

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

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

The project incorporates the following features to address odors:

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- The outdoor cannabis cultivation would be sited in the central portion of the site, surrounded by fencing and setback a minimum of 300 feet from property lines, which meets setback requirements. Therefore, nuisance odors would not be an issue.
- The Operations Plan required by LUO Section 22.40.040.A.3. sets forth operating procedures to be followed to help ensure odors associated with cannabis-related activities do not leave the project site.
- The project will be conditioned to operate in a manner that ensures odors associated with cannabis activities are contained on the project site.
- The project will be conditioned to participate in an ongoing cannabis monitoring program. Once implemented by the County, the project site will be inspected four times per year to ensure ongoing compliance with conditions of approval, including those relating to odor management.

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

Conclusion

The proposed project construction and operations would not conflict with the SLOAPCD Clean Air Plan, exceed SLOAPCD thresholds for any criteria pollutants, or expose sensitive receptors to substantial pollutant concentrations. Project design would reduce the potential for cannabis odors to adversely affect a substantial number of people. Impacts to air quality would be less than significant.

Sources

See Exhibit A.

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IV. BIOLOGICAL RESOURCES

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

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Setting

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

Name and distance from blue line creek(s): An ephemeral drainage roughly bisects the property and flows eastward in the central portion of the site (**Figure 6 Biological Resources Habitat Map** Figure 6). According to the US Fish and Wildlife Service National Wetlands Inventory (USFWSNWI), the drainage has braided channels defined as R4SBC (Riverine, Intermittent, Streambed, Seasonally Flooded) and Freshwater Emergent Wetland, classified as PEM1A (Palustrine, Emergent, Persistent, Temporary Flooded). A bermed agricultural pond (approximately 75-foot-wide by 150-foot-long) was observed within the eastern end of the drainage.

Habitat(s): Fallow cropland dominated by naturalized Mediterranean grasses, residential (disturbed/developed areas with a few deciduous ornamental trees), ephemeral drainage, and bermed agricultural ponds.

Althouse and Meade, Inc. (A&M) prepared a Biological Resources Assessment (BRA) for the project site in June of 2020 (A&M, 2020). The purpose of the BRA was to characterize the site's existing conditions and identify biological resources that would potentially be impacted by the project. The BRA included a records search and field surveys of the proposed project site on January 23, March 12, and March 18, 2019. Surveys included a general botanical and wildlife inventory, identification of vegetation communities and habitat associated with hydrological features (Figure 6), and an assessment of the potential for special-status wildlife species and natural communities to occur on the project site.

Based on searches of the CDFW California Natural Diversity Database (CNDDB) and California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California, suitable habitat for a total of 46 special status botanical species and 29 special status wildlife species, as well as migratory nesting birds, was identified within five miles of the project site. No special status species were observed within the proposed area of disturbance during the field surveys. However, transient species such as kit fox, badger, burrowing owl, and reptiles are known from the vicinity and could pass through the site on occasion.

Special Status Plants

Based on the field surveys and the known habitat requirements of the special status species identified by the records search, the following five special status plant species have potential to occur on the site due to potentially suitable habitat:

- Oval-leaved snapdragon (*Antirrhinum ovatum*) – CRPR 4.2
- Indian valley spineflower (*Aristocapsa insignis*) – CRPR 1.B.2
- Salinas milk-vetch (*Astragalus macrodon*) – CRPR 4.3
- Diamond-petaled California poppy (*Eschscholzia rhombipetala*) – CRPR 1B.1
- Munz's tidy-tips (*Layia munzii*) – CRPR 1B.2

A&M determined that Munz's tidy tips (*Layia munzii*) - has a low potential to occur and potentially suitable habitat is present on site. Although Munz's tidy tips occurs in grasslands near the property, A&M conducted an appropriately timed survey on March 18, 2019 concurrent with confirmed blooming in the Carrizo Plains area and did not observe any occurrences. The other four species have low and moderate potential to occur on site, but A&M determined that the soils on site may not be suitable. Botanical surveys were conducted on April 13th and May 4th, 2021 – to cover the blooming periods for the snapdragon, spineflower, and milk-vetch. The 2020 March surveys covered part of the blooming period for the poppy.

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Special Status Wildlife

Based on field observations and a search of the CNDDDB, the following 18 special status wildlife species were identified by A&M (2020) as having some potential to occur on the project site based on the presence of suitable habitat:

Mammals

- Giant kangaroo rat (*Dipodomys ingens*) – FE; SE
- Tulare grasshopper mouse (*Onychomys torridus tularensis*) - SSC
- San Joaquin kit fox (*Vulpex macrotis mutica*) – Federal Endangered (FE); State Threatened (ST)
- American badger (*Taxidea taxus*) – SSC

Birds

- Tri-colored blackbird (*Agelaius tricolor*) – State Endangered (SE); CDFW Species of Special Concern (SSC)
- Merlin (*Falco columbarius*) – CRPR special animal
- Burrowing owl (*Athene cunicularia*) – SSC
- Prairie falcon (*Falco mexicanus*) – CDFW Watch List
- Long-eared owl (*Asio otus*) – SSC
- Loggerhead shrike (*Lanius ludovicianus*) – SSC

Reptiles and Amphibians

- Northern California legless lizard (*Anniella pulchra*) – SSC
- Coast horned lizard (*Phrynosoma blainvillii*) –
- California glossy snake (*Arizona elegans occidentalis*) – SSC
- San Joaquin coachwhip (*Coluber flagellum ruddocki*) – SSC
- Western pond turtle (*Emys marmorata*) – SSC
- Western spadefoot toad (*Spea hommondii*) – SSC

Invertebrates

- Longhorn fairy shrimp (*Branchinecta longiantenna*) – FE
- Vernal pool fairy shrimp (*Branchinecta lynchi*) – Federal Threatened (FT)

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Figure 6. Biological Resources

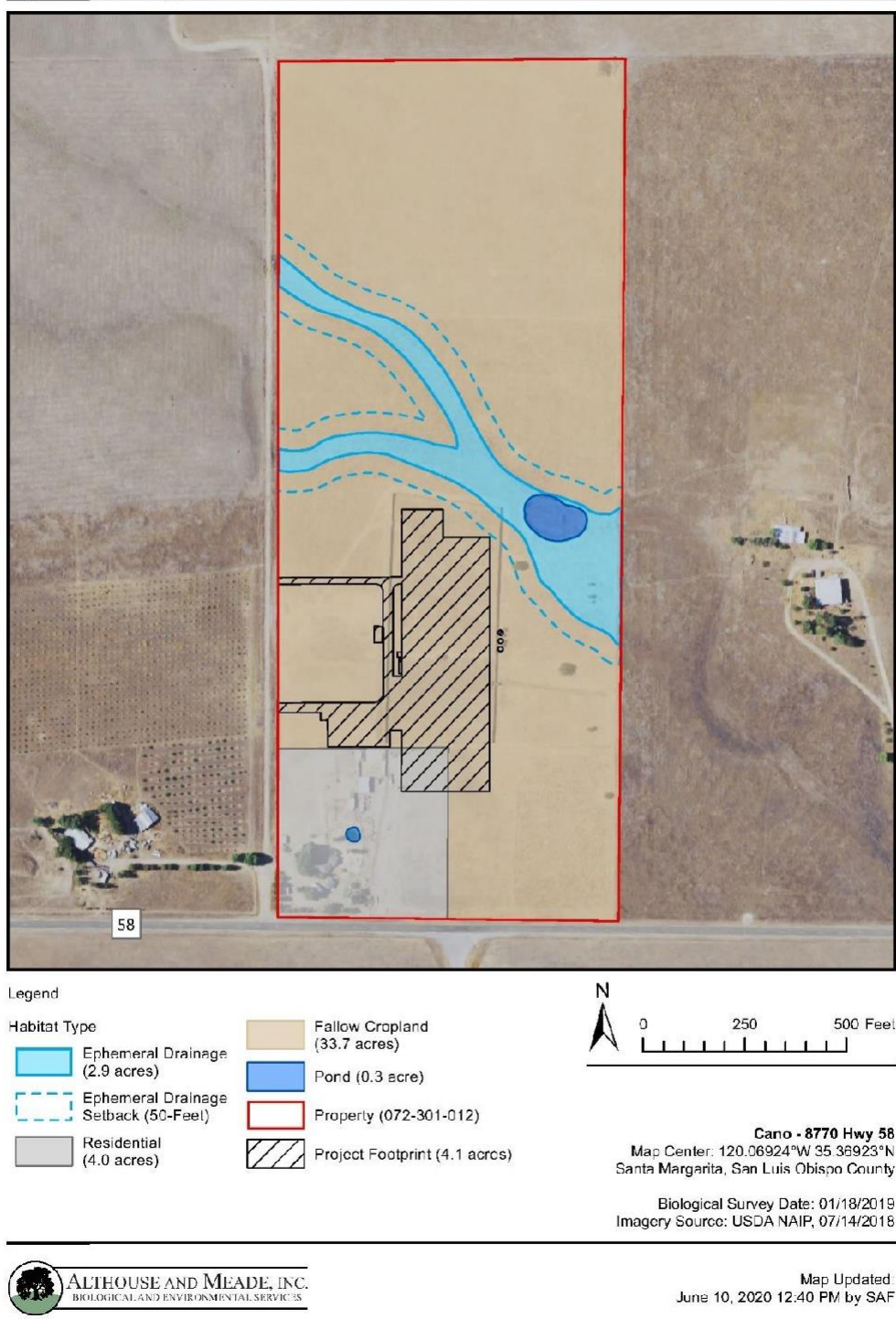


Figure 6 Biological Resources Habitat Map

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Special Status Small Mammals. Giant kangaroo rat (*Dipodomys ingens*) and Tulare grasshopper mouse (*Onychomys torridus tularensis*) are known to occur in the region. Formal surveys for giant kangaroo rat have not been completed in much of the area. Tulare grasshopper mouse occurs infrequently in grasslands in the vicinity. Neither species was observed on the site during the field surveys; and A&M determined that neither species is expected to occur on the site.

American Badger. The project site is within the known range of the American badger, and numerous occurrences have been reported in the area. Badgers are residents of grassland areas, but also forage in croplands on occasion in areas where California ground squirrels have become established. American badgers are highly mobile and could be present anywhere in the region where suitable prey base is found. Badgers or signs (e.g., dens, scat, tracks) were not detected on the project site during the January 2019 reconnaissance survey. Badgers could occur on the site periodically throughout the year.

San Joaquin Kit Fox. San Joaquin kit foxes were documented as occurring regularly in the vicinity of the project site. No San Joaquin kit fox or signs (e.g., dens, scat, tracks) were detected on the project site during the January 2019 reconnaissance survey. The disturbed agricultural fields maintain a low prey base on site and are not preferred by denning kit foxes; however, kit foxes can occur in cropland fields on occasion, especially when large undisturbed grassland areas are adjacent. Therefore, kit foxes are expected to occur on the project site on occasion as transients moving through or foraging.

The County has established procedures for the mitigation of potential impacts to San Joaquin kit fox. If the project site lies within the kit fox habitat area (Figure 7) and the site is less than 40 acres in size, the pre-determined standard mitigation ratio for the project area is applied. The standard mitigation ratio is based on the results of previous kit fox habitat evaluations and determines the amount of mitigation acreage based on the total area of disturbance from project activities.

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

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

Birds. Loggerhead shrike, tri-colored blackbird, and long-eared owl have a high potential to occur on the project site.

- Loggerhead shrikes are common in the Carrizo Plain area and are known to nest in shrubs in the vicinity. Loggerhead shrikes were observed on the project site during the reconnaissance survey and could be found nesting in the deciduous trees on site outside the project footprint.
- Tri-colored blackbirds nest in emergent reeds in pond habitats and have been documented nesting in nearby ponds. Nesting habitat was not found on site for tri-colored blackbirds but they could be

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observed on the site, particularly during the wintering period where they regularly forage in local crop fields.

- Long-eared owls nest in trees, often near water, and are known to nest regularly at the Carrizo Elementary School, 1.7 miles southeast of the project site, in pine trees. Potential nesting areas for long-eared owl are located on the project site.

Merlin and prairie falcon have low potential to occur on the site and were not observed during the field surveys. Potential foraging habitat for these species exists on site, but no nesting habitat was observed during the field surveys.

Burrowing Owl. Burrowing owls usually nest in abandoned burrows of ground squirrels, badgers, or other small mammals, although they may dig their own burrow in soft soil. Routine cultivation of the project site has eliminated some of the ground squirrel burrows and therefore reduced potential for burrowing owl occurrence. Burrowing owls could forage on site and have a low probability of denning on site; however, burrowing owls or signs (e.g., pellets, whitewash) were not observed during the January 2019 reconnaissance survey.

Reptiles and Amphibians. San Joaquin coachwhip, California glossy snake, coast horned lizard, western pond turtle, and western spadefoot toad are known from the vicinity and could occur on the project site. Although none were observed on the project site during the reconnaissance survey, these species are generally cryptic and occurring in low abundance, making detection difficult. These species could occur in the project footprint on occasion as transients moving through the site during seasonally appropriate conditions. Legless lizards are fossorial (burrowing) and not likely to occur in the footprint of the project site.

Fairy Shrimp. Based on information in the CNDDDB, Longhorn fairy shrimp (*Branchinecta longiantenna*) and Vernal pool fairy shrimp (*Branchinecta lynchi*) have the potential to occur in the area and on the property. On March 12, 2019, an unidentified species of *Branchinecta* fairy shrimp was visually observed in the agricultural pond within the ephemeral drainage, as well as in a small puddle in the drainage on the downstream side of the pond berm.

Bumble Bees. In addition to the special status wildlife species identified by A&M through field observations and CNDDDB queries, CDFW has provided input regarding four invertebrate candidates for listing as State Endangered. In 2018, a petition to list four species of bumble bees as endangered was received by the California Fish and Game Commission, and CDFW was tasked with evaluating available scientific information to determine if listing was warranted. The four bumble bee species are: Crotch bumble bee (*Bombus crotchii*), Franklin's bumble bee (*Bombus franklini*), Suckley cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis*). CDFW's Evaluation Report was completed in April 2019, and it was determined that, based on information in the petition, the four species are warranted for listing as endangered under the California Endangered Species Act (CESA). The Fish and Game Commission accepted the petition for consideration at their June 2019 meeting, and CDFW is now completing additional analysis to determine if the species will meet the listing criteria. During the approximately one-year review period, the four bumble bee species are identified as candidate species as defined by Section 2068 of the Fish and Game Code, and thereby are afforded all legal protections under CESA consistent with listing as endangered. CDFW's final evaluation report was expected in early 2021, but no updates have been provided on the website <https://fgc.ca.gov/CESA>.

Although no records of these four species were identified in the vicinity of the project from a query of the CNDDDB conducted as part of the BRA, two of these species, the Crotch bumble bee and western bumble bee, historically occurred in the San Luis Obispo County area. The current and historic distribution of

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western bumble bee is predominantly in northern California along the coast and mountains. There are no current reports of western bumble bee in San Luis Obispo County and only one historic record on the coast near Pismo Beach. The nearest current records of the western bumble bee are farther to the south near the Santa Monica Mountains and on the northern Channel Islands (Xerces Society, 2018). Therefore, it has been determined that the western bumble bee has no potential to occur on the project site. The current distribution (2002-2017) of Crotch bumble bee is primarily restricted to the coast in central and southern California, with three additional occurrences in the vicinity of the San Gabriel Mountains and San Bernardino Mountains. However, because the Crotch bumble bee and western bumble bee are known to have occurred historically in the general area and given the extensive grassland and scrub habitats in the region, it is possible that individuals (particularly of the Crotch bumble bee, which is still known to occur in this area) could be present within the project area. They could also occur in offsite habitats and fly over and potentially forage on, or adjacent to, the proposed project area. Ground nests are often in abandoned holes made by ground squirrels, mice and rats, or occasionally abandoned bird nests (Osborne et al., 2008). As stated above, the ongoing and historic surface disturbance from agricultural operations onsite would remove nesting and overwintering habitat of the western bumble bee and Crotch bumble bee from the proposed project area. Given the current land uses on the project site, it is unlikely that these two species could nest or overwinter in the proposed area of disturbance, but fallow areas or agricultural crops could potentially contain individuals foraging onsite at the time project activities commence.

Wetlands

A&M reviewed the United States Fish and Wildlife Service's (USFWS) National Wetlands Inventory (NWI) and noted that the onsite drainage was also considered Freshwater Emergent Wetland (PEM1A). Based on the field survey, A&M classified the site as ephemeral, where surface water only flows in direct response to precipitation during large rain events and is dry throughout most of the year (Dart, 2021). Both the drainage and the existing pond lack hydrophytic vegetation and hydrologic indicators necessary to qualify as wetland. A&M stated that the USFWS classification is generalized for the entire channel that spans over 48 acres of the mapped waterway, and the portion of the onsite drainage does not demonstrate wetland conditions based on the three-factor criteria required to define wetland habitat. In addition, A&M reviewed the Stream Classification Finder¹ (State Water Resources Control Board, 2021) and National Hydrography Dataset (USGS, 2021), which classify the channel as ephemeral (or Class III under the Water Board Watercourse Class system). Therefore, A&M determined that wetland habitat is not present on the property.

Wildlife Movement

Wildlife movement corridors, or habitat linkages, are generally defined as connections between habitat patches that allow for physical and genetic exchange between otherwise isolated animal populations. Such linkages may serve a local purpose, such as providing a linkage between foraging and denning areas, or they may be regional in nature. Some habitat linkages may serve as migration corridors, wherein animals periodically move away from an area and then subsequently return.

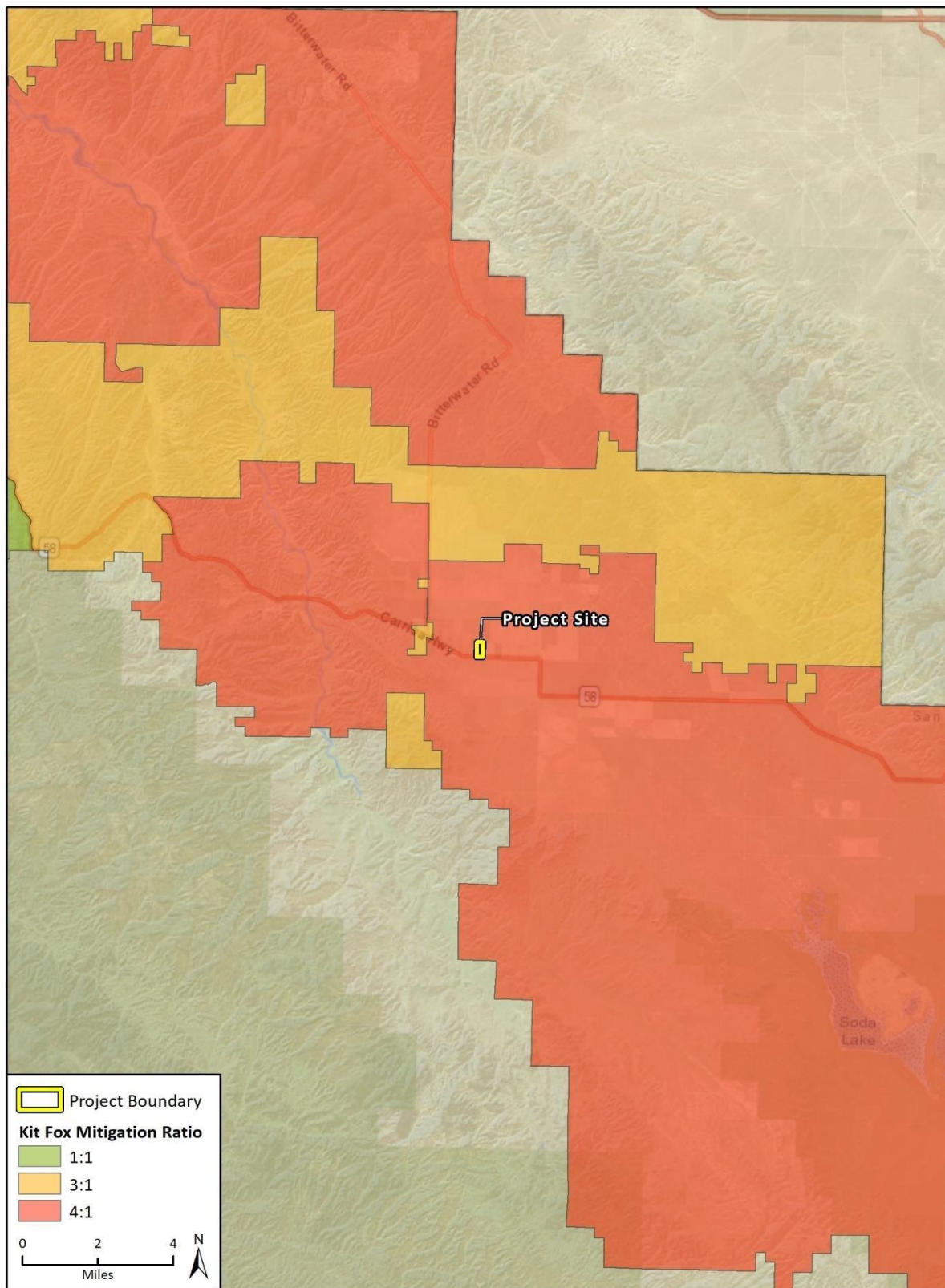
The project site is in an area of the Carrizo Plain that already contains substantial existing barriers to large scale animal movement for species such as Tule elk (*Cervus canadensis nannodes*) and pronghorn (*Antilocapra americana*). The most notable of these wildlife movement barriers is the Topaz Solar Farm (Topaz), a utility-scale solar development project that surrounds the project site to the north, east, and

¹ Central Coast Water Board Cannabis Program Stream Classification Finder accessed online:
<https://gispublic.waterboards.ca.gov/portal/apps/View/index.html?appid=9b7f9b80c1904869b0f2a98e1c1-f81e>

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south, with several solar array fields located less than ½ mile from the boundary of the property. All of the Topaz solar array fields are fenced in ways that allow for small mammal movement under the fences, but large ungulates, such as Tule elk and pronghorn, are unable to move through these areas. The Environmental Impact Report for the Topaz project required that certain movement corridors be established between blocks of arrays to allow for some large animal movement through and around the site. However, in practice, these existing movement corridors are not being utilized as much as predicted based on current CDFW studies of radio collared pronghorn in the region. CDFW presented preliminary unpublished information at the Carrizo Colloquium (May 11, 2018) in San Luis Obispo that showed that the pronghorn herd in the Northern Carrizo may be avoiding traveling through the center areas of the Topaz site, despite the creation of corridors for movement. The herd appears to utilize areas east of the Topaz facility with movement patterns oriented northwest and southeast.

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**Figure 7 SJKF Standard Mitigation Ratio Map**

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Discussion

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

Special Status Plants

As discussed in the Setting above, no special status plants were observed on the property during the reconnaissance surveys conducted by A&M. Based on the known habitat requirements of the special status plant species identified by the records search, no federal, state, or CNPS-listed threatened or endangered plant species are expected to occur on the project site. In addition, the project site has been subjected to repeated disturbance over many years because of agricultural operations. Annual grassland on the project site primarily consists of non-native species. Therefore, no direct impacts to special status plants are expected. Spreading the seed of invasive species from the project site and into new areas may result in impacts to special-status plant populations within the region. Indirect impacts would occur if construction equipment inadvertently transports residual plant material from other construction sites (e.g., seeds of invasive plant species carried to the site within the undercarriage or tires of heavy equipment that has not been cleaned thoroughly between construction sites), which could lead to the spread of invasive, non-native species from construction equipment. Indirect impacts to special status plant species would be less than significant with implementation of mitigation measures BR-1 through BR-2, and BR-12 which require implementation of a Worker Environmental Awareness Program (WEAP), prevention of potential spread of invasive botanical species, and reduction of potential impacts related to trespass outside of the project footprint and site disturbance.

Special Status Wildlife

As described above, A&M and CDFW identified 18 special status wildlife species that have the potential to be on and/or in the vicinity of the project site based on CNDDDB occurrence records and presence of at least some suitable habitat within the project site. The project site has been subject to repeated disturbance over many years as a result of active agricultural operations.

Special Status Small Mammals. No special status small mammals (e.g., giant kangaroo rat or Tulare grasshopper mouse) were detected within the project site and there are no anticipated direct impacts to these species as a result of the construction phase of the project. However, there is suitable habitat for these species south of the project site, and there is potential for direct impacts as a result of ongoing operational ground disturbance related to outdoor cultivation that may crush, trample, or entomb individuals underground, should they colonize the project site in the future from this adjacent suitable habitat. Indirect impacts may include an increase in anthropogenic activities (e.g., site lighting, trespass outside of project footprint). Impacts to special status small mammal species would be less than significant with incorporation of mitigation measures BR-1, BR-12 through BR-15, and BR-17, which require implementation of a Worker Environmental Awareness Program (WEAP), reduction of potential impacts related to trespass outside of the project footprint and site disturbance, weekly site visits, monthly biological monitoring, annual biological surveys, and nighttime lighting minimization.

American Badger. American badger was not present on the project site or within the project footprint during reconnaissance surveys. However, American badgers are known to occur in the vicinity and

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could occupy the site or move through the site at any time. Site preparation and project construction activities could impact American badger if active dens are present. The project would impact a small area in relation to the regional habitat availability and the large amount of open space surrounding the project. Direct impacts to American badger, if present, may occur as a result of construction activities that may result in direct impacts to an individual or entomb an animal in an active den. Indirect impacts include an increase in anthropogenic activities (e.g., site lighting, trespass outside of project footprint) that may deter denning and alteration or removal of suitable habitat. As such, impacts would be potentially significant, and mitigation is required in order to reduce construction impacts to badgers. Implementation of mitigation measures BR-1, BR-3, BR-12 through BR-15, and BR-1 would reduce potential direct and indirect impacts to a less than significant level by requiring implementation of a WEAP, pre-construction surveys, species avoidance and impact minimization measures, weekly site visits, monthly biological monitoring, annual biological surveys, reduction of potential impacts related to trespass outside of the project footprint and site disturbance, and nighttime lighting minimization.

San Joaquin Kit Fox. San Joaquin kit fox was not present on the project site during reconnaissance surveys; however, the site is within the known range of San Joaquin kit fox and is considered suitable habitat by CDFW and U.S. Fish and Wildlife Service (USFWS). The project area is within a County-designated four to one (4:1) mitigation area for San Joaquin kit fox. A Kit Fox Habitat Evaluation form was prepared for the project by A&M (2020) and submitted to CDFW for review. Based on the proposed project, site plans, and estimated area of disturbance, CDFW has made a preliminary determination that the project earned a score of 81 on the evaluation and would impact 3.8 acres of kit fox habitat. This is a conservative estimate and is based on the preliminary site plans. A subsequent and final letter, which may include revised scoring and mitigation requirements, will be issued by CDFW after the CEQA document for the project is finalized. The impacted areas of kit fox habitat are subject to change during the construction permit process when the final site plans are prepared and submitted to the County. A reduction in the impacted acres would not result in additional impacts to kit fox habitat, and any increase to the estimated impacted acres of kit fox habitat could potentially require additional environmental analysis. Changes to the number of impacted acres will require coordination with CDFW.

Site preparation, project construction, and ongoing operational ground disturbance related to outdoor cultivation activities could impact San Joaquin kit fox if active dens are present on or within 200 feet of the project site and/or an individual is traversing the site. Potential direct impacts to kit fox, if present, could occur during initial site preparation, construction, and operational activities that may directly result in take of an individual or entomb an animal in an active den. Indirect impacts include an increase in anthropogenic activities (e.g., site lighting, trespass outside of project footprint) that may deter denning, a reduction in the prey base for foraging kit fox, and alteration or removal of suitable habitat. Implementation of mitigation measures pursuant to the County Guide to SJKF Mitigation Procedures under CEQA would be required. Mitigation must be fulfilled by contribution to the preservation of habitat through a conservation easement agreement, compensation to a predetermined mitigation bank, or payment of an in-lieu fee to the San Francisco office of The Nature Conservancy. Pursuant to CDFW's preliminary review of the Habitat Evaluation form, total compensatory mitigation required for the project will be 15.2 acres, based on four (4) times 3.8 acres of SJKF habitat impacted. Potentially significant impacts associated with project construction and operation activities would be reduced to less than significant with implementation of BR-1, BR-4 through BR-6, BR-12 through BR-15, and BR-17, which require implementation of a

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WEAP, pre-construction surveys, species avoidance and impact minimization measures, weekly site visits, monthly biological monitoring, annual biological surveys, reduction of potential impacts related to trespass outside of the project footprint and site disturbance, and nighttime lighting minimization

Special Status Nesting Birds. Suitable foraging and nesting habitat is present for special status nesting birds on and surrounding the project site. Site preparation and project construction activities could indirectly impact special status nesting bird species such as burrowing owl, loggerhead shrike, tri-colored blackbird, and long-eared owl, as well as common nesting birds and raptors protected by the Migratory Bird Treaty Act (16 United States Code Sections [§§] 703–712) and California Fish and Game Code (CFG Code Division 4, Part 2, §§ 3503 and 3513), that may nest within suitable habitat found adjacent to the project and within the project area. These impacts would occur if construction activities take place during the typical avian nesting season, generally February 1 through September 15. Other indirect impacts may occur due to construction-related disturbances that may deter nesting or cause nests to fail. Increased short- and long-term anthropogenic activity including increased light pollution may also result in nest failures or deterring nesting behavior. Potential direct and indirect impacts to special status nesting birds would be less than significant with the incorporation of mitigation measures BR-1, BR-7 through BR-8, BR-12 and BR-17 which would require worker awareness training, nesting bird surveys, reduction of potential impacts related to trespass outside of the project footprint and site disturbance, and nighttime lighting minimization.

Special Status Reptiles and Amphibians. Site preparation and project construction activities could impact special status reptiles and amphibians, including the San Joaquin coachwhip, California glossy snake, coast horned lizard, northern California legless lizard, western pond turtle, and western spadefoot toad. Direct impacts to these species, if present, may occur as a result of construction activities that may crush, trample, or entomb individuals underground. Indirect impacts include an increase in anthropogenic activities (e.g., site lighting, trespass outside of project footprint) and alteration or removal of suitable habitat. Direct and indirect impacts to these species would be less than significant with incorporation of mitigation measures BR-1, BR-9, BR-11, BR-12 and BR-17, which would require worker awareness training, surveys, species avoidance and impact minimization measures, biological monitoring, reduction of potential impacts related to trespass outside of the project footprint and site disturbance, and nighttime lighting minimization.

Fairy Shrimp. A&M visually observed an unidentified species of fairy shrimp in the agricultural pond within the ephemeral drainage and in a small puddle in the drainage on the downstream side of the pond berm. No direct impacts to fairy shrimp are anticipated because the project has been designed to incorporate required setbacks from the onsite ephemeral drainage and pond. Therefore, A&M did not recommend further surveys of fairy shrimp (Dart, 2021). Indirect impacts could result from trespass outside of the project footprint during project construction and ongoing maintenance. Implementation of mitigation measures BR-11 and BR-12 would reduce direct and indirect impacts to less than significant by requiring protection of state waters and site maintenance.

Crotch and Western Bumble Bees. Indirect impacts to special status bumble bees may occur due to habitat loss (e.g., loss of foraging habitat). Impacts to Crotch bumble bee and western bumble bee would be less than significant with incorporation of mitigation measure BR-10, which requires pre-construction surveys and avoidance measures in consultation with CDFW.

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- (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?*

As discussed in the Setting above, an eastward-flowing ephemeral riverine feature bisects the property. A bermed agricultural pond was also observed within the eastern end of the drainage. The drainage and pond were dry during the January 2019 field survey conducted by A&M, but both features contained water during the March 2019 field survey. No sensitive vegetation communities were mapped by A&M (2020) within the footprint of the project.

The project footprint has been designed with a 50-foot setback to avoid the ephemeral drainage. However, direct and indirect impacts could result from trespass outside of the project footprint during project construction and ongoing maintenance. Potential direct and indirect impacts to riparian habitat would be less than significant with implementation of mitigation measures BR-11 and BR-12, which would require protection of state waters and site maintenance.

- (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?*

As discussed in the Setting above, the USFWS NWI indicated that a freshwater emergent wetland feature exists in the central portion of the study area. A&M determined that the drainage does not demonstrate wetland conditions. Therefore, wetland habitat is not present on the property. The project footprint would be located more than 50 feet from the drainage feature. The project would not result in any disturbance, including fill or removal of material, in the location of the drainage feature on the parcel. The project site is flat and project construction would not result in substantial grading that could result in erosion or sedimentation to downstream waters. The project has been designed to avoid direct impacts to potential jurisdictional drainages (minimum 50-foot buffer). These buffers were designed to comply with County Land Use Ordinance Section 22.40.050.D.3. Nevertheless, indirect impacts could occur due to incidental trespass outside of the project footprint and site disturbance. Potential direct and indirect impacts to the jurisdictional drainage feature would be less than significant with implementation of mitigation measures BR-11 and BR-12, which would require protection of state waters and site maintenance.

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

Suitable foraging and nesting habitat is present for migratory birds on the project site. Potential direct impacts to nesting birds (e.g., destruction of a nest) could occur if tree or ground nesting birds are present within the disturbance area of the project site during construction activities. Potential indirect impacts to nesting activities of birds could occur near construction related activities that create noise and other disturbances that deter nesting or cause a nest to fail. Impacts to nesting birds would be temporary. Potential direct and indirect impacts to migratory and nesting birds would be less than significant with implementation of mitigation measures BR-7 and BR-8, which require nesting bird surveys and avoidance, if individuals are identified on or adjacent to the site.

The addition of security fencing surrounding the outdoor grow area of the project site would not represent a significant additional movement impediment for large ungulates in the region, including Tule elk and pronghorn, because the fenced area is a small percentage of the overall site acreage. The outdoor grow area is approximately 3 acres within the larger 41-acre parcel, or approximately 7

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percent of the parcel. The large ungulates would still be able to move around the fenced cannabis operation and through the site. The project site is located near the central, western portion of the Topaz Solar facility, and recent information from CDFW and Terra Verde Environmental Consulting indicates that the pronghorn herd in the Northern Carrizo may be avoiding traveling through the center areas of the Topaz site and appears to utilize the east side of the Topaz facility for migration through the area. The fencing for the project would be set back at least 300 feet from the all property lines. These setbacks from the property boundary would create open corridors for movement in a north-south direction on the eastern and western portions of the project site, and east-west on the northern and southern portions of the project site. The large ungulates would still be able to move around the fenced cannabis operation and through the site. As such, the project is not expected to impact habitat connectivity for large ungulates in the region.

Due to the relatively small size of the project in relation to the size of the project parcel and preserved areas around the site for wildlife movement, the project is not expected to result in a substantial contribution to cumulative impacts to wildlife movement in the area. Measures are required below to mitigate for impacts on small animal movement due to the solid fencing required to surround the outdoor growing facilities. Adjacent and nearby proposed cannabis facilities will be required to implement similar measures to allow for small animal movement under solid fencing and will have setbacks from property lines that will also create corridors for movement that are free from the fenced barriers.

Implementation of mitigation measure BR-6, which requires a gap at the bottom of solid fencing, would reduce impacts to movement of native resident or migratory wildlife species or with established native resident or migratory wildlife corridors to less than significant. In addition, in the event that project operations cease, implementation of mitigation measure BR-16 would require the applicant or operator to restore the site to its previous natural condition.

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

The project would not result in the removal or trimming of any oak trees and therefore would not conflict with the County's Oak Woodland Ordinance. In addition, the proposed project was reviewed for consistency with other local policy and regulatory documents relating to biological resources (e.g., County LUO, General Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used). Therefore, the project would not conflict with local policies or ordinances protecting biological resources and impacts would be less than significant.

- (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?*

Many of the listed species identified above with the potential occur on the project, including SJKF and arid grassland and shrubland plants, are subject to the 1998 Recovery Plan for Upland Species of the San Joaquin Valley (USFWS, 1998) which sets forth a comprehensive set of strategies for the recovery and persistence of these listed species. Recovery Plans do not, of themselves, commit manpower or funds, but are used in setting regional and national funding priorities and providing direction and providing direction to local, regional, and State planning efforts. No Habitat Conservation Plan has been developed under the guidance of the 1998 Recovery Plan for Upland Species of the San Joaquin Valley, There are no other adopted Habitat Conservation Plans, Natural

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

Conclusion

Potential impacts to biological resources would be reduced to a less than significant level with incorporation of mitigation measures BR-1 through BR-17 as described below and in Exhibit B. These measures require: Worker Environmental Awareness Program; noxious weed species prevention; pre-construction surveys and protection measures for American badger; offset of potential impacts to suitable habitat for San Joaquin kit fox; preconstruction and weekly construction site surveys for San Joaquin kit fox; San Joaquin kit fox avoidance; pre-construction surveys for nesting raptors and birds; pre-construction surveys and avoidance measures for special status reptiles and amphibians; pre-construction surveys and avoidance and protection measures for Crotch and Western bumble bees; protection of state waters; site maintenance and general operations measures; weekly/monthly/annual biological monitoring; site restoration following end of operations; and nighttime lighting minimization.

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

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

Mitigation

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

BR-2 Noxious Weed Species Prevention Measures. To prevent the potential spread of invasive botanical species identified within the project site, all vehicles and equipment used at the site shall be cleaned of all dirt, mud, and plant debris prior to entering or exiting the site (e.g., driven over rumble strips) to prevent tracking of potential seed stock to or from the

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property. Rumble strips will also be regularly cleaned and maintained to prevent the accumulation of non-native seed stock.

BR-3

American Badger (*Taxidea taxus*) Protection Measures

1. **Pre-construction Survey for American Badger.** A qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.
 - a. If a potential den is discovered, it shall be inspected to determine whether they are occupied. The survey shall cover the entire property and shall examine both old and new dens. The den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction.
 - b. If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season, nursing young may be present), measured outward from the burrow entrance. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February and July. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.
 - c. If more than 30 days pass between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the badger survey shall be repeated.

BR-4

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

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

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 15.2 (3.8 acres * 4) acres of suitable habitat in the kit fox corridor area (e.g., within the San Luis Obispo County kit fox habitat area), either onsite or offsite, and provide for a nonwasting endowment to provide for management and monitoring of the

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

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

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

Mitigation alternative (b.) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to "The Nature Conservancy," would total \$38,000 (3.8 acres impacted * 4 * \$2,500 per acre).

- c. Purchase 15.2 credits (3.8 acres * 4) in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c.) can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total \$38,000 (3.8 acres impacted * 4 * \$2,500 per acre). This fee is calculated based on the current cost-per-credit of \$2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

The mitigation options identified above are based on a preliminary evaluation by CDFW on the project's anticipated acres of impact to SJKF habitat. The project has a required mitigation ratio of 4 acres conserved for each acre impacted (4:1). Total required compensatory mitigation may change based on the final number of impacted acres shown on the construction and/or grading plans submitted to the County for review.

BR-5

San Joaquin Kit Fox Protection Measures.

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1. **SJKF Protection Measures on Plans.** All SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.
 - a. Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate the following as a note on the project plans: "Speed signs of 15 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.
2. **Pre-construction Survey for SJKF.** Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:
 - a. A qualified biologist shall complete a pre-construction survey for SJKF no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure SJKF is not present within all proposed work areas and at least a 200-foot buffer around work areas per USFWS Standard Recommendations (2011). The biologist will survey for signs of SJKF and known or potential SJKF dens. The result of the survey shall be submitted to the County within 5 days of the survey and prior to start of initial project activities. The submittal shall include the date the survey was conducted, survey method, and survey results, including a map of the location of any SJKF signs, and/or known or potential SJKF dens, if present. If no SJKF signs, potential or known SJKF dens are identified, then the SJKF Standard Protection Avoidance and Protection Measure shall be applied.
 - i. If the qualified biologist identifies potential SJKF den(s), the den(s) will be monitored for 3 consecutive nights with an infra-red camera, prior to any project activities, to determine if the den is being used by SJKF. If no SJKF activity is observed during the 3 consecutive nights of camera placement then project work can begin with the Standard SJKF Avoidance and Protection Measures and the SJKF Protection Measures if SJKF are observed.
 - ii. If a known den is identified within 200-feet of any proposed project work areas, no work may start in that area.
 - iii. If 30 days lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), where no or minimal work activity occurs, the SJKF survey shall be updated.

BR-6

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

1. If a SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other agencies as needed.
2. A maximum of 15 mph speed limit shall be required at the project site during project activities. Speed limit signs shall be installed on the project site prior to start of all work.
3. All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.

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4. To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes or trenches greater than two feet deep shall be completely covered at the end of each workday by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If a SJKF is entrapped, CDFW, USFWS, and the County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.
5. All pipes, culverts, or similar structures with a diameter of 4 inches or greater, stored overnight at the project site shall be thoroughly inspected for sheltering SJKF before burying, capping, or moving. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day. No pipes, culverts, similar structures, or materials stored on site shall be moved if there is a SJKF present within or under the material. A 50-foot exclusion buffer will be established around the location of the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.
6. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in animal-proof closed containers only and regularly removed from the site.
7. No deliberate feeding of wildlife shall be allowed.
8. Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.
9. Trash will be disposed of into containers rather than stockpiling on site prior to removal.
10. Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence shall be surveyed (consistent with pre-construction survey requirements) by a qualified biologist before they are moved.
11. The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which SJKF depend.
12. Permanent fences shall allow for SJKF passage through or underneath by providing frequent openings (8-inch x 12-inch) or an approximately 4-inch or greater passage gap between the ground and the bottom of the fence. Any fencing constructed after issuance of a final permit shall follow the above guidelines.
13. During project activities and/or the operation phase, any contractor or employee that inadvertently kills or injures a SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead SJKF, the applicant shall immediately notify the USFWS, CDFW, and the County by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident.

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

BR-7

Nesting Birds Protection Measures

1. **Pre-construction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. This includes nests of all common bird species (under the MBTA), as well as special status birds and raptor nests. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.
 - a. A 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 at least one week prior to initial project activities and within one week of completing surveys for ongoing activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).
 - d. If two weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

BR-8

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

1. **Pre-construction Survey for Burrowing Owl.** If work is planned to occur within 150 meters (approximately 492 feet) of Western burrowing owl habitat, a qualified biologist shall conduct a pre-construction survey for the species within 14 days prior to initial project activities. This applies year-round [i.e., within the breeding (February 1 to August 31) or non-breeding (September 1 to January 31) seasons]. A second survey shall be

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completed immediately prior to initial project activities (i.e., within the preceding 24 hours). The surveys shall be implemented in a manner consistent with the methods outlined in the California Burrowing Owl Consortium's Survey Protocol and Mitigation Guidelines (CBOC, 1993) and Staff Report on Burrowing Owl Mitigation (CDFG, 2012). These surveys may be completed concurrently with SJKE, American badger, or other special-status species surveys. A report of survey findings shall be submitted to the County Department of Planning and Building prior to initial project activities. If occupied Western burrowing owl burrows are identified, the following exclusion zones shall be observed during project activities, unless otherwise authorized by CDFW:

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

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

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

BR-9

Special Status Reptile Avoidance and Minimization. Within 30 days prior to issuance of grading and/or construction permits and immediately prior to initiation of site disturbance and/or construction, a qualified biologist shall conduct focused pre-construction surveys within 50 feet of suitable habitat for special status reptiles and amphibians. The surveys will be focused for Northern California legless lizard, Coast horned lizard, California glossy snake, San Joaquin coachwhip, Western pond turtle, and Western spadefoot toad by utilizing a raking survey methodology. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing the survey. Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special status reptiles and/or amphibian individuals are found in the area of disturbance, the biologist shall move the animal(s) to an appropriate location outside the area of disturbance. Any sightings of special status species shall be documented and reported to the County, CDFW Staff, and the CNDDB. The candidate site(s) for relocation shall be identified before construction and shall be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the species' range. A monitoring report summarizing results shall be submitted to the County Department of Planning and Building within one week of completing monitoring work for these species.

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

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

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

BR-11

Protection of State Waters. Prior to project initiation, all applicable agency permits with jurisdiction over the project area (e.g., California Department of Fish and Wildlife [CDFW], Regional Water Quality Control Board) shall be obtained, as necessary. Any additional measures required by these agencies shall be implemented as necessary throughout the project. During construction, project activity occurring within 50 feet of aquatic habitat (e.g., swales, drainages, ponds, vernal pool, etc., identified in biological report) shall occur during the dry season (between June 1 and September 31). For short-term, temporary stabilization, an erosion and sedimentation control plan shall be developed outlining controls, which shall be implemented to prevent erosion and sedimentation into drainages and wetlands. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) fiber rolls, jute or coir netting, and/or other industry standard materials. These controls shall be installed and maintained for the duration of the project.

BR-12

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

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

BR-13

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

BR-14**Monthly Biological Monitoring.**

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

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BR-15**Annual Biological Resource Surveys.****Annual Pre-activity Survey for SJKF, Special-status Small Mammals, and Burrow**

Mapping. Throughout the life of the project, the applicant or project proponent must hire a qualified biologist to complete an annual pre-activity survey for SJKF and special status small mammal species (e.g., giant kangaroo rat, Tulare grasshopper mouse) no more than 14 days prior to the start of initial ground disturbance associated with the outdoor grow sites to ensure SJKF and special status small mammal species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active SJKF and special status mammal burrows within the grow site areas plus a 50-foot buffer for small mammals and 200-foot buffer for SJKF. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of state or federally-listed species burrows is not feasible, no work shall begin within 200 feet (for SJKF dens) or within 50 feet (state or federally-listed small mammal) and consultation with the applicable resource agency (CDFW, USFWS, or both) shall be initiated, depending on the designated FESA/CESA listing status of the animal. Work shall not begin until authorization to continue is provided by the applicable resource agency, or until applicable measures from a permit issued by the resource agency (CDFW, USFWS, or both) for the project are successfully implemented.

BR-16

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

BR-17

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

1. Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;
2. All facilities using artificial lighting shall include shielding and/or blackout tarps that are in place between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping;
3. Exterior path lighting shall conform to LUO Section 22.10.060, be designed to be motion activated, and be directed downward and to the interior of the site (and away from open

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spaces, drainages, and natural and semi-natural habitat areas) to avoid the light source from being visible off site. Exterior path lighting shall be “warm-white” or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions; and

4. Exterior lighting used for security purposes shall be motion activated, be designed to be motion activated, and be directed downward and to the interior of the site (and away from open spaces, drainages, and natural and semi-natural habitat areas) to avoid the light source from being visible off site and shall be of the lowest lumen necessary to address security issues.

Sources

See Exhibit A.

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V. CULTURAL RESOURCES

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

Setting

Cultural Resource Management Services (CRMS) conducted and prepared an Archaeological Inventory Survey in August 2019, which included a records and literature search, as well as a field inspection of the site (CRMS 2019). The literature and records search conducted at the Central Coast Information Center (CCIC), University of California, Santa Barbara revealed one archaeological site and several isolated artifacts were found during a previous cultural survey for the Topaz Solar Farm within a 0.5-mile radius of the project site. Additionally, the Northern Carrizo Plain Cultural Landscape Historic District was identified during studies for the Topaz Solar Farm. The nine historic sites comprising the District consist of pre-1955 farmstead/ranches associated with dry-wheat farming and/or cattle ranching (1890-1960) and historic isolates of farmstead/ranch operating equipment and watering sites. The District was fully documented but ultimately found not to be eligible for the National Register of Historic Places. The field inspection in July 2019 did not indicate the presence of any evidence of cultural resources. There are no historic structures present on site.

A preliminary site survey for potential archaeological resources is required because the proposed cultivation would be located on slopes less than 10 percent and within 300 feet of a “blue line stream” - as indicated on a USGS 7.5-minute topographic quadrangle map (SLO County Online Land Use Viewer). Proximity to this unnamed intermittent stream might be indicative of prehistoric human occupation. However, no significant prehistoric cultural resources were found on the project site.

Pursuant to County LUO Section 22.10.040, if during any future grading and excavation, buried or isolated cultural materials are unearthed, the Planning and Building Department shall be notified and work in the area shall halt until the materials can be examined by a qualified archaeologist and appropriate recommendations made. In the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department so proper disposition may be accomplished. In addition, State law sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8304 (d) requires the project to immediately halt cultivation activities and implement section 7050.5 of the Health and Safety Code if human remains are

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discovered.

Discussion

- (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?*

(a-b) As discussed in the Setting, the literature and records search revealed one archaeological site and several isolated artifacts and the Northern Carrizo Plain Cultural Landscape Historic District within a 0.5-mile radius of the project site. CRMS reported that ground surface visibility was approximately 60% in most areas and the abundant spoil piles from burrowing animals were examined to provide an assessment of potential subsurface cultural resources. The field inspection in July 2019 did not identify prehistoric resources, historic resources, or historic structures within the proposed area of disturbance. No further archaeological work was recommended within the proposed area of disturbance. However, in the unlikely event resources are uncovered during project construction activities, implementation of LUO Section 22.10.040 (Archaeological Resources Discovery) would be required. This section requires that, in the event archaeological resources are encountered during project construction, construction activities cease, and the County Planning Department be notified of the discovery. Therefore, the project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5 and potential impacts would be less than significant.

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

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

Conclusion

The record search and field inspection did not identify any prehistoric or historic-period structures or materials within the proposed disturbance area. The project will be required to comply with the existing Land Use Ordinance and Health and Safety regulations and significant impacts are not anticipated. No mitigation measures are necessary.

Sources

See Exhibit A.

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VI. ENERGY

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

Setting

Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within the County of San Luis Obispo. Pursuant to the California Energy Commission's methodology, PG&E's power mix is 100 percent GHG-free. PG&E's 2019 power mix was comprised of 44 percent nuclear generation, 27 percent large hydroelectric facilities, and 29 percent renewable resources, such as wind, geothermal, biomass, solar, and small hydroelectric facilities (PG&E, 2021).

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

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

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

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

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referred to as the *2019 Building Energy Efficiency Standards*. These standards focus on four key areas: smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from the interior to the exterior and vice versa), residential and nonresidential ventilation requirements, and non-residential lighting requirements.

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

Energy Use in Cannabis Operations

The total energy demand of a cannabis operation depends heavily on the type of cultivation, manufacturing, location of the project, as well as the types of equipment required. Outdoor cultivation involves minimal equipment and has relatively low energy demands, while indoor cultivation involves more equipment that tends to have much higher energy demands (e.g., high-intensity light fixtures, and climate control systems) (County of Santa Barbara, 2017).

Specific energy uses in indoor grow operations include high-intensity lighting, dehumidification to remove water vapor and avoid mold formation, odor management, space heating or cooling during non-illuminated periods and drying processes, preheating of irrigation water, generation of CO₂ from fossil fuel combustion, and ventilation and air conditioning to remove waste heat. Reliance on equipment can vary widely as a result of factors such as plant spacing, layout, and the surrounding climate of a given facility ([CDFA, 2017](#)).

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

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

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Discussion

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

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

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

Project development would result in approximately 4.02 acres of site disturbance for 3 acres for outdoor cannabis cultivation, access roads, a water line, and a 10,000-sf processing building. The project incorporates the following features to minimize wasteful, inefficient or unnecessary consumption of energy resources:

- The outdoor cultivation would not include any lighting for growing purposes.
- Only minimal outdoor lighting would be used for security and lighting would be solar-powered, LED and motion-activated.
- The project would be constructed with fixtures, equipment, and a building that meets Title 24 building codes for energy conservation and efficiency.
- The project would be conditioned to meter electricity used for cannabis activities and to provide the Department of Planning and Building with quarterly energy usage monitoring reports based on those meter readings. Ongoing monitoring would ensure that project energy consumption remains consistent with the energy use estimate provided in the application.

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

Operational Impacts

Operation of the proposed project would require electricity for security lighting, indoor processing, the irrigation pump, and fossil fuels (gasoline) for employee vehicle travel. Security lighting would be solar-powered and, therefore, would not require electricity or fuel. The applicant provided an evaluation of proposed energy demand that utilizes published data from Santa Barbara County of

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Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form for these types of facilities. Based on this evaluation, the project is estimated to demand 2,717,017 kWh of energy per year, or 7,444 kWh per day (2,717,017 kWh/365 days). As discussed in the Setting above, the proposed processing structure would be subject to the CBC 2019 Building Energy Efficiency Standards, and therefore the energy demand of these uses would not be wasteful, inefficient, or unnecessary. Operational impacts would be less than significant for energy demand associated with the proposed processing building.

Fuel Use

During the operational phase, energy (i.e., gasoline and/or diesel fuel) would also be consumed through daily worker trips to the facility, and truck trips associated with delivery of supplies and distribution. As discussed in Section III.b, the project is anticipated to generate approximately 12 trips per day. However, 12 trips would not be expected to result in the use of large amounts of fuel or in a wasteful manner; the impact associated with vehicle fuel use would be less than significant.

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

Conclusion

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

Sources

See Exhibit A.

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VII. GEOLOGY AND SOILS

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

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

Setting

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

Topography: Nearly level

Within County's Geologic Study Area?: No

Landslide Risk Potential: Low

Liquefaction Potential: Moderate

Nearby potentially active faults?: Yes, San Andreas² Distance? Approximately 5 miles east³

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

Shrink/Swell potential of soil: Not known

Other notable geologic features? None

Geology and Soils: The project site is not located within the Geologic Study Area designation and is not within a high liquefaction area. The Setting in Section II, *Agriculture and Forestry Resources*, describes the soil types and characteristics on the project site. The site's potential for liquefaction hazards is moderate. The project site is in an area with low landslide risk. The project site is not located in an Alquist Priolo Fault Zone, and no active fault lines cross the project site. The project site lies on Quarternary alluvium (Qa), which has low paleontological sensitivity at the surface and high sensitivity at depths below 5 feet (County of San Luis Obispo Online Land Use Viewer 2021). Due to the farming history of the area, the upper surface of the alluvial soils in the area have been heavily disturbed by plowing and other farming activities.

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

² https://www.conservation.ca.gov/cgs/Pages/Earthquakes/near_source_zones.aspx

³ U.S. Geologic Survey (USGS). U.S. Quaternary Faults. Available at:

<https://usgs.maps.arcgis.com/apps/webappviewer/index.html?id=5a6038b3a1684561a9b0aadf88412fcf>

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Discussion

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

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

The project site is not located in an Alquist-Priolo Fault Zone, and no active fault lines cross the project site (USGS, 2021). Therefore, the project site would not be susceptible to rupture of a known earthquake fault and the project would not exacerbate any existing hazards. Impacts would be less than significant.

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

The project site is not located in an Alquist Priolo Fault Zone, and no active fault lines cross the project site (USGS, 2021). However, a fault zone exists approximately 5 miles to the northeast. Therefore, the project site may be subject to seismic ground shaking. The design and construction of the new processing building are subject to compliance with relevant provisions of the California Building Code and may be informed by a soils engineering analysis as determined by the Building Division. The project site does not present any dangers associated with seismic activity that cannot be addressed through the application of appropriate building codes. The project would not exacerbate any existing hazards. Impacts would be less than significant.

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

The project site is not located within the Geologic Study Area designation and is not within a high liquefaction area. The Setting in Section II, Agriculture and Forestry Resources, describes the soil types and characteristics on the project site. The site's potential for liquefaction hazards is moderate. Prior to issuance of building permits and in compliance with LUO section 22.14.070 (c), the applicant would be required to submit a geotechnical report. Additional measures beyond compliance with code requirements are not needed. Implementation of plan and ordinance requirements would reduce potential impacts associated with liquefaction. The project would not exacerbate any existing hazards; impacts would be less than significant.

(a-iv) *Landslides?*

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

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

The proposed project would result in approximately 4.02 acres of ground disturbance for the access road, water line, 3 acres of outdoor cultivation, and a 10,000-sf processing building. During ground disturbing activities, there is a potential for erosion and down-gradient sedimentation to occur. The required SWPPP and sedimentation and erosion control plan for construction would ensure that potential impacts associated with erosion and the loss of topsoil would be less than significant.

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

The project site is relatively flat. The average slope of the parcel is under two (2) percent. The Setting in Section II, *Agriculture and Forestry Resources*, describes the soil types and characteristics on the project site. While the site has a moderate liquefaction potential and moderately low wind erosion potential, the new processing building and cultivation operations would not exacerbate existing hazardous conditions and would meet all current geologic and building permit requirements for construction. Impacts 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 soils associated with the project site are described in Section II, *Agriculture and Forestry Resources*. None of the soils are considered expansive as defined by Table 18-1-B of the Uniform Building Code. No impact would occur.

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

Phase 1 (cultivation) of the proposed project would include the installation of portable restrooms; however, Phase 2 (processing building) would include two (2) restrooms that would be connected to a new septic and leach system. The soils on site are rated as “very limited” for septic tank absorption fields by the US Department of Agriculture Natural Resources Conservation Service⁴. The rating indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected. As a condition of project approval, the project applicant would be required to submit plans that demonstrate feasibility of a septic system when building permits are sought. Percolation testing and soil borings provided by a qualified engineer would be required prior to issuance of construction permits for Phase 2 improvements, pursuant to the 2019 CBC and County LUO Section 19 requirements. Percolation rates and depth to groundwater must be approved by the Central Coast Regional Water Quality Board. Project compliance with existing regulations would reduce impacts to less than significant.

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

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

Conclusion

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

⁴ USDA NRCS Web Soil Survey, v.15, May 29, 2020.

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Sources

See Exhibit A.

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VIII. GREENHOUSE GAS EMISSIONS

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

Setting

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

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

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

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

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

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

In March 2012, the SLOAPCD approved thresholds for GHG emission impacts, and these thresholds were incorporated into their CEQA Air Quality Handbook. For GHG emissions, the Air Quality Handbook recommended applying a 1,150 MTCO₂e per year Bright Line Threshold for commercial and residential projects and included a list of general land uses and estimated sizes or capacities of uses expected to exceed this threshold. According to the SLOAPCD, this threshold was based on a 'gap analysis' and was used for CEQA compliance evaluations to demonstrate consistency with the state's GHG emission reduction goals associated with the AB32 and the 2008 Climate Change Scoping Plan. However, in 2015, the California Supreme Court issued an opinion in the *Center for Biological Diversity vs California Department of Fish and Wildlife* ("Newhall Ranch")⁵ 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 for 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"* consistent with the Court's direction provided by the Newhall Ranch case which demonstrated that no-net GHG increase was feasible and defensible. Although a desirable goal, the application of this threshold may not be appropriate for a small project where it can be clearly shown that it will not generate significant GHG emissions (ie, 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:
 - *Meeting Local GHG Emission Targets with Best Management Practices*

⁵ Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan: Final Additional Environmental Analysis. California Department of Fish and Wildlife SCH No. 2000011025, 12 June 2017: https://ceqaportal.org/ceqacase.cfm?cq_id=1612;
<https://wildlife.ca.gov/Regions/5/Newhall>

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On April 23, 2020, the Sacramento Metropolitan Air Quality Management District (SMAQMD) adopted Greenhouse Gas Thresholds for Sacramento County. This substantial evidenced based document sets SB 32-based local GHG emission targets for 2030 by evaluating the GHG inventory for local emission sectors relative to statewide sector inventories and the state's GHG reduction target of 40% below 1990 levels. Relative to business-as-usual, the document considered the commercial and residential sector emission reductions needed from new development to help achieve the SB 32 goal. To help secure these reductions, best management practices were established for new development.

- *GHG Bright-line and Efficiency Thresholds*

SB 32 based local bright-line and operational efficiency thresholds can be established by evaluating local emission sectors in a jurisdiction's GHG inventory relative to statewide sector inventories and the state's GHG reduction target of 40% below 1990 levels. This approach is found in earlier drafts of SMAQMD's SB 32 threshold work and the AEP Climate Change Committee may provide guidance on a similar approach.

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 MMTCO₂e, which was 7 million MTCO₂e below the 2020 GHG target of 431 MMTCO₂e 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 baseline⁶. Therefore, application of the 1,150 MTCO₂e Bright Line Threshold in San Luis Obispo County, together with other local and State-wide efforts to reduce GHG emissions, proved to be an effective approach for achieving the reduction targets set forth by AB32 for the year 2020. It should be noted that the 1,150 MTCO₂e per year Bright Line Threshold was based on the assumption that a project with the potential to emit less than 1,150 MTCO₂e 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 MMTCO₂e Bright Line threshold ($1,150 \times 0.6 = 690$ MMTCO₂e) 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 MMTCO₂e 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.

⁶ 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.

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Discussion

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

The California Energy Emissions Model (CalEEMod) was used to determine the approximate GHG emissions per square foot associated with construction and operation of an outdoor cultivation operation based on an energy use factors for construction and operation. These emission factors were then multiplied by the total area proposed for outdoor cultivation to estimate the project's construction-related and annual operational carbon dioxide equivalent emissions in metric tons (MTCO₂e; Table 4).

Table 4 - Projected Project GHG Emissions Without Mitigation

Project Component	Quantity	Emissions Rate (Annual MTCO ₂ e/sf)		Estimated Projected Annual CO ₂ Emissions (MT/year)
		Construction ¹	Operation	
Existing single-family residence	1 dwelling	n/a	4.2 ¹	4.2
Existing accessory buildings	1,900 s.f.	n/a	0.0069	13.11
Crop Production	25 acres (approx. 1.09 million s.f.)	n/a	0.000020 ²	21.79
Existing/Baseline GHG Emissions				39.10
Outdoor cultivation	3 acres	n/a	0.000020 ²	2.61
Processing	10,000 square feet	0.022	0.036 ³	363
Net Change (Increase)				365.61

Notes:

1. Based on 18,000 kWh/household/year.
2. GHG generation associated with crop production based on 6.2 million MTCO₂e per year GHG from crop production in California (Source: California Greenhouse Gas Emissions for 2000 to 2018) and 7.3 million acres of harvested crop acreage in California in 2019 (Source: California Department of Food and Agriculture Agricultural Statistics Review 2018-2019).
3. CalEEMod 2016.

Sources: County of San Luis Obispo Department of Planning and Building, 2021, CalEEMod version 2016.3.2

As shown in Table 4, project-related GHG emissions will be well below the threshold of 690 MTCO₂e. Therefore, potential impacts associated with GHG emissions and applicable plans and policies adopted for the purpose of reducing GHG emissions would be less than significant.

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

As discussed in the setting above, the 2017 Climate Change Scoping Plan provides strategies for meeting the mid-term 2030 greenhouse gas reduction target set by Senate Bill (SB) 32. The 2017

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

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

Conclusion

The project would not result in potentially significant GHG emissions during long-term operations and would not conflict with plans adopted to reduce GHG emissions.

Sources

See Exhibit A.

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IX. HAZARDS AND HAZARDOUS MATERIALS

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

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Setting

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

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

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

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

According to CalFire’s San Luis Obispo County Fire Hazard Severity Zone map, the project site is within a “high” severity risk area for fire. The closest fire station to the project site is San Luis Obispo County Fire Station 42, which is approximately 7 miles (driving distance) from the site. According to San Luis Obispo General Plan Safety Element Emergency Response Map, average emergency response time to the project site is between 5 and 10 minutes (County of San Luis Obispo 1999).

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

Discussion

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

(a-b) Construction-related impacts: General project site topography directs runoff to the northeast (away from Carissa Highway) into the unnamed, ephemeral channel to the north of the project site. The proposed areas of disturbance would be sited on level areas on the central portion of the parcel, approximately 50 feet southwest of the channel. Construction activities would involve the use of small amounts of hazardous materials, such as oil, fuel, and solvents. Therefore, a spill or leak of these materials under accident conditions during construction activities could create a potentially significant hazard to the surrounding environment. Mitigation measures HAZ-1 and HAZ-2 are required to reduce potential impacts associated with upset or accident conditions during project construction.

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

Operational impacts: In compliance with LUO Section 22.40.050.C.3., all applications for cannabis cultivation must include a list of all pesticides, fertilizers and any other hazardous materials expected to be used, along with a storage and hazardous response plan. In addition, all approved cannabis cultivation operations employing the use of pesticides must obtain the appropriate pesticide use permitting from the Department of Agriculture/Weights and Measures. Accordingly, pesticide and fertilizer usage will be conducted according to the County of San Luis Obispo Department of Agriculture by obtaining an Operator Identification Number and complying with all application, reporting, and use requirements. Fertilizers and pesticides will be stored in separate, locked storage containers within the securely fenced area. Products used onsite will be stored in small containers within spill containment bins. In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8307 requires all State licensees to comply with all pesticide laws and regulations enforced by the California Department of Pesticide Regulation.

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

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

No schools are located within a quarter mile of the project site. No impact would occur.

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

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

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

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

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

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

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

According to CalFire's San Luis Obispo County Fire Hazard Severity Zone map, the project site is within a state responsibility area and a "high" severity risk area for fire. The closest fire station to the project site is San Luis Obispo County Fire Station 42, which is approximately 7 miles (driving distance) from the site. Emergency response times are estimated to be between five and ten minutes. The project would be required to comply with the California Fire Code and County LUO (Title 16 Fire Prevention), including but not limited to, providing emergency vehicle access and maintaining a dedicated fire-fighting water supply on-site at the project site. The project is required to comply with and will be conditioned to meet all standards. Further, the project would not exacerbate existing hazards related to wildland fires, as it would not construct habitable structures that would expose additional people to risk of harm. Impacts would be less than significant.

Conclusion

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

Mitigation

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

Sources

See Exhibit A.

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X. HYDROLOGY AND WATER QUALITY

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

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Setting

WATER SUPPLY – The project would use an existing on-site well and install a new 5,000-gallon, galvanized steel water tank and three 2,500-gallon, plastic water tanks as its water sources.

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

Within the 100-year Flood Hazard designation? Yes

Closest creek? Unnamed Distance? Approximately 50 feet north of cultivation area on site

Soil drainage characteristics: Well drained

The topography of the project site is nearly level with an average slope of less than 2 (two) percent. General project site topography directs runoff to the northeast (away from Carissa Highway) into the unnamed, ephemeral drainage to the north of the project site in the central portion of the project parcel. The proposed areas of disturbance would be sited on level areas on the central and southern portions of the project site, approximately 50 feet southwest of the unnamed, ephemeral drainage.

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

The Regional Water Quality Control Board's Water Quality Control Plan for the Central Coast Basin (RWQCB, 2019) 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 RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose discharges can affect water quality. Project applicants must meet these requirements by either obtaining a State Waste Discharge permit for discharges to land or a National Pollutant Discharge Elimination System (NPDES) permit for discharge to surface water.

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

For planning purposes, the flood event most often used to delineate areas subject to flooding is the 100-year flood. The County Safety Element establishes policies to reduce flood hazards and reduce flood damage, including but not limited to prohibition of development in areas of potential high flood hazard and dam inundation, discouragement of single road access into remote areas that could be closed during floods, and review of plans for construction in low-lying areas. All development located in a 100-year flood zone is subject to Federal Emergency Management Act (FEMA) regulations. The County Land Use Ordinance

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designates a Flood Hazard (FH) combining designation for areas of the County that could be subject to inundation by a 100-year flood or within coastal high hazard areas. Development projects within this combining designation are subject to FH permit and processing requirements, including, but not limited to, the preparation of a drainage plan, implementation of additional construction standards, and additional materials storage and processing requirements for substances that could be injurious to human, animal or plant life in the event of flooding. A small northeastern portion of the proposed project outdoor cultivation area is located within a Flood Hazard designation.

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

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

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

The project site is not located within a LOS III groundwater basin. The site is within the Carrizo Plain Groundwater Basin, as designated by the California Department of Water Resources (DWR). The Carrizo Plain groundwater basin is not in a state of overdraft and DWR identifies it as a low priority basin that is not subject to the requirements of the California Sustainable Groundwater Management Act of 2014. The site is also within the Carrizo Plain Water Planning Area (WPA 6), as designated in the San Luis Obispo County Integrated Regional Water Management Plan. The San Luis Obispo County Regional Water Management Group has developed and implemented the Integrated Regional Water Management Plan to focus on strategies to improve the sustainability of current and future needs of San Luis Obispo County.

Discussion

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

Construction of the project would result in approximately 4.02 acres of ground disturbance on nearly level ground and soils that have moderate erosion potential. Soils loosened during grading, grubbing and clearing could degrade water quality, if mobilized and transported off-site via water flow. However, the project will be conditioned to provide a final erosion and sedimentation control plan for review and approval prior to construction permit issuance as required by LUO Sections 22.52.100, 110, and 120. According to the Public Works Department (Memorandum from Glenn Marshall, Department of Public Works, May 8, 2018), the project is located within a drainage review area and a drainage plan will be required prior to construction permit issuance (LUO Sec. 22.52.120). In addition, the project will disturb more than 1.0 acres and will therefore be required to enroll in coverage under California's Construction General permit and prepare a SWPPP (LUO Sec.

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22.52.1230). The SWPPP will identify BMPs that will be implemented to prevent soil erosion and discharge of other construction-related pollutants, such as sandbag barriers, proper management of construction materials, dust controls, and construction worker training. Also, all cannabis projects are required to provide proof of enrollment in or exemption from the applicable State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board program for water quality protection (Cal. Code of Regs. tit.3 §8102(o)). Therefore, the project will be required to comply with existing regulations and impacts on water quality would be less than significant.

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

The proposed project would use approximately 2.24 acre-feet of water per year (AFY) for cannabis cultivation and the proposed processing building (Wallace Group, 2020). A breakdown by project components is summarized in Table 5 below.

Table 5 - Water Demand Estimates by Project Component

Use	Rate	Gross Demand (gallons/year)	Gross Demand (AFY)
Outdoor cultivation: 130,680 sf	0.03 gal/sf/day x 180 days	705,672	2.17
Domestic water demand: 5 full-time employees & 6 part-time employees	10 gal/full-time employee/day x 270 days + 10 gal/part-time employee/day x 180 days	24,300	0.07
TOTAL			2.24 AFY

Source: Wallace Group, 2020.

A new 5,000-gallon, galvanized steel water tank and three 2,500-gallon, plastic water tanks would be installed for irrigation use, domestic use, and fire suppression. Water supply for the project would be provided by an existing on-site domestic groundwater well. The existing well produces 92.3 gallons per minute (Filipponi, 2020). The well pump test and water quality analysis from 2020 conclude that the well produces sufficient water to meet the project's proposed water demand.

The project site is located in the Carrizo Plain Groundwater Basin which is not in a state of overdraft and has not been assigned a Level of Severity by the County's Resource Management System (RMS). Water demand associated with cannabis cultivation within groundwater basins without an assigned Level of Severity for water supply are not in a state of overdraft and the County's Resource Management System has concluded that they are expected to meet the estimated demand from urban, rural and agricultural demand for at least 15 years. As shown in Table 6, the marginal demand associated with this cultivation project is minor in relation to the available storage capacities of the basin. Therefore, the quantity of groundwater to be used for the project and within the cumulative impact area compared to the quantity of available groundwater indicates that combined project contributions are not anticipated to rise to a cumulatively considerable level.

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Table 6 - Total Estimated Project Water Demand Compared With the Safe Yield of the Carrizo Plain Groundwater Basin

Bulletin 118 Groundwater Basin ¹	Total Estimated Water Demand AF/Year ²	Total Storage/Safe Yield ³	Status of Groundwater Basin ³
Carrizo Plain Groundwater Basin	2.24	Total storage estimated to be 400,000 AF / Safe Yield 8,000-10,000 AFY	No Level of Severity

Notes:

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

2. Wallace Group 2020

3. 2014 Integrated Regional Water Management Plan

Water use is required to be metered and these data will be provided to the County every three months (quarterly). Should the metered water demand exceed the permitted quantity (2.24 AFY), the permittee will be required to undertake corrective measures to bring water demand back to within the permitted amount. In addition, in compliance with LUO Section 22.40.050.E.3, the project will be conditioned to apply Best Management Practices for water conservation to maintain water use at or below the water analysis projections as described in the applicant's Water Management Plan. Such BMPs include, but are not limited to, the following:

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

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

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

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

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

The project would involve clearing and grubbing 4.02 acres of land currently used as agriculture for outdoor cannabis cultivation, access roads, and a building pad. The site is nearly level and the soils are not highly erodible. However, construction activities would result in loose soil that could be mobilized. The project would be conditioned to provide an erosion and sedimentation control plan for review and approval prior to construction permit issuance as required by LUO Sections 22.52.100, 110, and 120. In addition, the project would disturb more than 1.0 acre and will therefore be required to enroll in coverage under California's Construction General permit and prepare a SWPPP (LUO Sec. 22.52.1230). The SWPPP would identify BMPs that would be implemented to prevent soil erosion and discharge of other construction-related pollutants, such as sandbag barriers, proper

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management of construction materials, and construction worker training. Therefore, the project would result in less than significant impacts related to soil and erosion and changes to drainage patterns.

- (c-ii) *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*
- (c-iii) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

(c-ii. — c-iii.) The project would involve clearing and grubbing 4.02 acres of nearly level land currently used as agriculture, access roads, and a building pad. The project would result in 0.23 acre of new impervious surfaces (i.e., the processing building pad). The property is located in a drainage review area; therefore, it would be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use. Regarding the potential for polluted runoff, the project includes more than 2,000 square feet of outdoor cultivation area; therefore, the applicant would be required to enroll in and comply with the Cannabis General Order to reduce impacts of waste discharges and surface water diversions associated with cannabis cultivation. Compliance with these requirements would ensure that impacts related to surface runoff remain less than significant.

In addition, the property would primarily remain in an open, natural condition that would accommodate storm flows and would not exacerbate runoff that could affect any nearby stormwater drainage systems or cause polluted runoff. Impacts would be less than significant.

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

A small northeastern portion of the proposed cultivation area would be located within a 100-year flood zone. However, the proposed processing buildings would not be located in a 100-year flood zone. The proposed outdoor cultivation would be located approximately 50 feet away from the unnamed ephemeral drainage onsite, which meets the required 50-foot setback required in LUO Section 22.40.040.D.3.d.

Pursuant to the recommended project conditions of approval provided in a Public Works referral memo dated May 18, 2018 from Glenn Marshall, the applicant will be required to submit complete drainage plans and a drainage report for review and approval in accordance with Section 22.52.110 (Drainage) of the County Land Use Ordinance (LUO). Pursuant to LUO Section 22.52.150.B.2., the standards for drainage plans require that projects include design provisions to retain natural drainage patterns. Pursuant to LUO Section 22.52.150.B.18, other structures (e.g. hoop houses) and fences shall be placed on the site so that water or mud flow will not be a hazard to on- or off-site structures or adjacent property when the proposed area is subject to flooding. In addition, federal flood plain management regulations (as defined in the National Flood Insurance Program authorized by United States Code Title 42, Section 4001-4128 and contained in Title 44 of the Code of Regulations, Part 59 et seq., are incorporated by reference in LUO Section 22.52.150.B.18.

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Project compliance with the LUO and conditions of approval would ensure that the project would not impede or redirect flood flows associated with the unnamed stream. Therefore, impacts would be less than significant.

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

The project site is not located in tsunami or seiche zones. A portion of the cultivation area is located within a 100-year flood zone. However, the proposed processing building would not be located in a 100-year flood zone. Therefore, no structures would be at risk of inundation. Pesticide and fertilizer would be stored on site outside of the 100-year flood zone and pesticide and fertilizer wastes would not be disposed of on the ground or into/near water/drainages. Therefore, impacts would be less than significant.

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

The proposed project includes 3 acres of outdoor cultivation and a 10,000-sf processing building. While the project would use groundwater, it would not affect any impacted groundwater basins. The project will be conditioned to comply with relevant provisions of the Central Coast Regional Water Quality Control Board Basin Plan. Therefore, potential impacts related to obstructing implementation of a water quality control plan or sustainable groundwater management plan would be less than significant.

Conclusion

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

Sources

See Exhibit A.

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XI. LAND USE AND PLANNING

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

Setting

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

- 1) LUO Chapter 22.92 – Carrizo Planning Area

Under the County's Cannabis Activities Ordinance (Ordinance 3358), Cannabis Cultivation is allowed within the Agricultural land use category with a minimum parcel size of 10 acres. The purpose of the Agricultural land use category is to recognize and retain commercial agriculture as a desirable land use and as a major segment of the county's economic base. The Agriculture land use allows for the production of agricultural related crops.

Discussion

- (a) *Physically divide an established community?*

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

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

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

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

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As discussed in discussion (f) of Biological Resources Section IV., the project is not within or adjacent to a Habitat Conservation Plan area. Since the project proposes cultivation, it is consistent and compatible with the surrounding agriculture and rural residential.

Conclusion

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

Sources

See Exhibit A.

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XII. MINERAL RESOURCES

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

Setting

The San Luis Obispo County Mineral Designation Maps indicate the site is not located in a Mining Disclosure Zone or Energy/Extractive Area (County of San Luis Obispo 2010). There are no active or inactive mines on or adjacent to the project site.

Discussion

- (a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*
- (b) *Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

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

Conclusion

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

Sources

See Exhibit A.

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XIII. NOISE

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

Setting

The project is not within close proximity of loud noise sources other than road noise from Highway 58, as the project site and surrounding area consist of agricultural uses and scattered rural residential homes on agricultural land. The nearest offsite sensitive receptor to the project site is a single-family residence approximately 800 feet west-southwest of the proposed outdoor cultivation area and approximately 700 feet west-southwest of the proposed ancillary processing building.

The Noise Element of the County's General Plan includes projections for future noise levels from known stationary and vehicle-generated noise sources.

The project is subject to the County's standards for exterior noise provided in LUO Section 22.10.120 (Table 10). Section 22.10.120 B. sets forth standards that apply to sensitive land uses that include (but are not limited to) residences, as shown in Table 7 .

Table 7 Maximum Allowed Exterior Noise Level Standards

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

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

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Discussion

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

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

Operational Impacts: The project involves 3 acres of outdoor cultivation and a 10,000 square-foot building for processing. As described in the Setting above, the nearest off-site sensitive receptor to the proposed processing building operation is a single family residence located approximately 700 feet west-southwest of the proposed ancillary processing building. The processing building will have ventilation measures (i.e. fans and carbon scrubbers) that may generate noise. Noise resulting from the use of wall- or roof-mounted HVAC and odor mitigation equipment would be expected to generate stationary noise levels of approximately 53 dBA at 25 feet from the source. Noise attenuates at a rate of 6dB per doubling of distance. The processing building would be set back a minimum of 120 feet from the closest western property line. Therefore, project-related noise sources will be perceived to produce slightly less than 40 dBA at the closest western property boundary and 24 dBA at the nearest off-site receptor. The resulting noise is anticipated to be below the maximum allowable nighttime level (65dB) and the hourly average equivalent noise level (45 dB) at the western property line. The project is located within an agricultural area and based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area. Noise generated by vehicular traffic on Carissa Highway (Highway 58) would be comparable to background noise levels generated by surrounding agricultural operations and existing vehicular traffic. Operation of the project would not expose people to significant increased levels in the long term. Impacts would be less than significant.

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

Earthwork for project development would require minor grading associated with access road and construction of the processing building, and a total of 304 cubic yards (CY) of cut and fill (60 CY net cut) for the processing building and access road. Construction activities can sometimes involve the use of heavy equipment for the delivery and movement of materials on the project site. The use of construction machinery would be a source of noise and vibration. Construction-related noise and vibration impacts would be temporary and localized and would not expose persons to or generate excessive levels of groundborne vibration or noise. County regulations (County Code Section 22.10.120.A) limit the hours of construction to daytime hours between 7:00 AM and 9:00 PM weekdays, and from 8:00 AM to 5:00 PM on weekends. The project would be required to adhere to County regulations and therefore groundborne noise and vibrational construction impacts would be less than significant.

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

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

Conclusion

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

Sources

See Exhibit A.

Initial Study – Environmental Checklist

XIV. POPULATION AND HOUSING

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

Setting

In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the County. The County's Inclusionary Housing Ordinance requires provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions. As of 2019, per the Department of Finance's Population and Housing estimates, the County of San Luis Obispo contains approximately 277,259 persons, and approximately 123,633 total housing units (California Department of Finance 2020).

Discussion

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

The proposed project does not involve the construction of new housing. The project proposes cannabis activities that would employ up to five (5) people full-time and six (6) people part-time. The increase in employment opportunities is not anticipated to result in an indirect increase in population, as it is anticipated that the employees would be existing residents of San Luis Obispo County. Therefore, the project is not anticipated to induce substantial population growth. No new infrastructure is proposed. Therefore, the project would not induce substantial population growth. Impacts would be less than significant.

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

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

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Conclusion

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

Sources

See Exhibit A.

Initial Study – Environmental Checklist

XV. PUBLIC SERVICES

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

Setting

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

Police: County Sheriff

Location: Templeton (Approx. 30 miles to the west)

Fire: Cal Fire (formerly CDF)

Hazard Severity: High

Response Time: 5-10 minutes

Location: Approximately 6.5 miles (driving) to the east

School District: Atascadero Unified School District

Discussion

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

Fire protection?

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The project was reviewed by County Fire/CalFire, and a referral response letter was received August 09, 2021, from Dell Wells Deputy Marshal, which describes requirements for the applicant to implement to comply with County Fire/CalFire standards.

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

Police protection?

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

Schools? Parks? Other public facilities?

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

Conclusion

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

Sources

See Exhibit A.

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XVI. RECREATION

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

Setting

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

Discussion

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

As discussed in Section XIV, Population and Housing, the proposed project is not a residential project or large-scale employer and would not result in a significant population increase. Therefore, the project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. There would be no impact.

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

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

Conclusion

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

Sources

See Exhibit A.

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XVII. TRANSPORTATION

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

Setting

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

The project site currently has one residence and generates a very low volume of traffic. The project is located along State Highway 58, which is maintained by Caltrans. Data for Highway 58, obtained from Caltrans' 2017 Traffic Volumes on California State Highways, shows an Annual Average Daily Traffic (AADT) below 1,000 vehicles, both east and west of the project site (Caltrans 2018). The project site is not located within the County's road improvement fee area.

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

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adopted VMT criteria for determining significance of transportation impacts must be implemented statewide.

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

Discussion

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

A traffic study was provided by the applicant and reviewed by the Department of Public Works and Caltrans. As discussed in Section III, Air Quality, the project is expected to generate 12 average daily trips (Pinnacle Traffic Engineering, 2018). The project will be required to comply with the Recommended Project Conditions of Approval provided by the Department of Public Works. Caltrans staff evaluated the project based on the information provided and had no conditions or comments on the project (Schudson, 2021). The project would not involve construction or operational activities that would adversely affect the circulation system, including transit, bikeway, pedestrian, or roadway facilities, or conflict with a program, plan, ordinance, or policy addressing these facilities. Impacts would be less than significant.

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

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

The project is estimated to generate 12 average daily trips (Pinnacle Traffic Engineering 2019). Based on the screening criteria of 110 trips per day, the project would not result in a substantial increase in VMT that would conflict or be inconsistent with State CEQA Guidelines Section 15074.3(b) and impacts would be less than significant.

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

The project does not propose any features that would delay, disrupt, or result in unsafe conditions. No improvements are proposed within the Highway 58 Right Of Way. Based on the project application submittals, Caltrans will not be requiring improvements at the driveway connection with Highway 58 (Schudson, 2021). The project would not substantially increase hazards due to a geometric design feature or incompatible use (Pinnacle Traffic Engineering 2019). Impacts would be less than significant.

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

As discussed in the Project Description, new and existing access roads (16-foot minimum width) and a circular turnaround would be constructed adhering to County of San Luis Obispo/CalFire design specifications, which would ensure that access to the project is maintained for emergency response vehicles. Impacts related to emergency access would be less than significant.

Conclusion

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

Sources

See Exhibit A.

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XVIII. TRIBAL CULTURAL RESOURCES

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

Setting

Pursuant to U.S. Geographical Survey maps and LUO Section 22.94.040, the cultivation area is within 300 feet of a National Hydrography Dataset (NHD) stream or other features and would be located on slopes less than 10 percent; which can be indicative of a higher potential for prehistoric human occupation. Therefore, an Archaeological Inventory Survey was prepared by Cultural Resources Management Services (CRMS) in August of 2019.

Three Native American ethnolinguistic groups have asserted traditional ties to the Carrizo Plain: the Southern Valley Yokuts of the San Joaquin Valley, the Interior Chumash, associated with the Cuyama River and Sisquoc River watersheds, and the Salinan, known from the coast and coastal mountain valleys between Soledad and the headwaters of the Salinas River. The exact boundaries of these groups has not been well established (Cultural Resource Management Services [CRMS], 2019).

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Consistent with AB 52 consultation requirements, outreach to Native American tribal groups including Salinan, Xolon Salinan, *Yak Tityu Tityu* - Northern Chumash, and the Northern Chumash Tribal Council was conducted by County Staff. CRMS also sent early participation notice letters to a list (provided by the Native American Heritage Commission/NAHC) of Native American tribes, organizations and individuals. In addition, a Sacred Lands Search was conducted at the NAHC.

Discussion

- (a) *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*
- (a-i) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?*
 - (a-ii) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

(a-i.—a-ii.) As discussed in the Setting above and in Section V. Cultural Resources, efforts to identify tribal cultural resources that could be affected by the project consisted of a records search at the Central Coast Information Center, University of California, Santa Barbara, a literature review, a Sacred Lands Search through the Native American Heritage Commission, and a field inspection of the site (CRMS 2019).

The records search indicated that an extensive cultural resource study had been conducted within a one-half mile radius of the project area.

California Native American tribes (Chumash and Salinan) were notified according to Public Resources Code section 21080.3.1. CRMS received two responses from representatives and no comments or concerns were expressed regarding the proposed project.

The field survey did not reveal any prehistoric or historic cultural materials within the proposed site disturbance area (CRMS, 2019). No significant resources within the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1 relating to the significance of the resource to a California Native American tribe were identified and the County has satisfied the requirements of AB 52 for the project. Impacts would be less than significant.

Conclusion

Pursuant to County LUO Section 22.10.040, if during any future grading and excavation, tribal and cultural resources are unearthed, the Department of Planning and Building shall be notified, work in the area shall halt until these materials can be examined by a qualified archaeologist and consulting tribes, and appropriate recommendations shall be made to mitigate impacts. No significant impacts to cultural resources are expected to occur, and no additional mitigation measures are necessary.

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Sources

See Exhibit A.

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XIX. UTILITIES AND SERVICE SYSTEMS

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

Setting

As discussed in the Setting in Section X., *Hydrology and Water Quality*; there is sufficient water supply for the project in the Carrizo Plain Groundwater Basin, the project will rely on an existing on-site well, and the project will install a new 5,000-gallon galvanized steel water tank for fire suppression purposes and three 2,500-gallon plastic water tanks for irrigation purposes.

Project development in unincorporated areas in the County typically includes onsite wastewater treatment systems. Regulations and guidelines on proper wastewater system design and criteria are found within the County's Plumbing Code (hereafter CPC; see Chapter 7 of the Building and Construction Ordinance [Title 19]), the "Water Quality Control Plan, Central Coast Basin" (Regional Water Quality Control Board [RWQCB] hereafter referred to as the "Basin Plan"), and the California Plumbing Code. These regulations include specific requirements for both on-site and community wastewater systems. These regulations are applied to

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all new wastewater systems. For onsite septic systems, there are several key factors to consider for a system to operate successfully, including the following:

- Sufficient land area (refer to County's Land Use Ordinance or Plumbing Code) – depending on water source, parcel size minimums will range from one acre to 2.5 acres;
- The soil's ability to percolate or "filter" effluent before reaching groundwater supplies (30 to 120 minutes per inch is ideal);
- The soil's depth (there needs to be adequate separation from bottom of leach line to bedrock [at least 10 feet] or high groundwater [5 feet to 50 feet depending on percolation rates]);
- The soil's slope on which the system is placed (surface areas too steep creates potential for daylighting of effluent);
- Potential for surface flooding (e.g., within 100-year flood hazard area);
- Distance from existing or proposed wells (between 100 and 250 feet depending on circumstances); and
- Distance from creeks and water bodies (100-foot minimum).

To assure a system can meet existing regulation criteria, proper conditions are critical. Above-ground conditions are typically straight-forward and most easily addressed. Below ground criteria may require additional analysis or engineering when one or more factors exist;

- The ability of the soil to "filter" effluent is either too fast (percolation rate is faster or less than 30 minutes per inch and has "poor filtering" characteristics) or is too slow (slower or more than 120 minutes per inch);
- The topography on which a system is placed is steep enough to potentially allow "daylighting" of effluent downslope; or
- The separation between the bottom of the leach line to bedrock or high groundwater is inadequate.

The County Public Works Department will review any pre- and post-project stormwater runoff controls. There are no changes proposed to the site's storm water drainage patterns and the project will be required to comply with all stormwater regulations and permits, as discussed in Section X. Hydrology and Water Quality.

The nearest landfill to the site is the Chicago Grade Landfill, located approximately 40 miles to the west in the community of Templeton. This landfill has a remaining permitted capacity of 6,022,396 cubic yards and can accept 500 tons per day (CalRecycle, 2021).

The site is currently served by Pacific Gas and Electric.

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?*

Wastewater. Portable toilets are proposed for Phase 1 of the project and a new onsite wastewater treatment system is proposed to serve the associated uses of the processing building in Phase 2. As discussed in item (e) of Section VII. *Geology and Soils*, the USDA NRCS soil survey indicates that the soil is rated as "very limited" for septic tank absorption fields. This limitation generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Based on the proposed uses and location, the new septic system would meet Tier 1 minimum

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horizontal setbacks including distance from parcel property lines, structures, existing well, and natural drainage/surface water features and flood zone hazard overlay areas. The proposed septic system location (including soil depth, level of groundwater, and percolation rates) will be designed and evaluated by qualified engineers in compliance with LUO Section 19. Compliance will be a condition of project approval and required through the building permit process. Construction of the septic system would be within an area that has historically been used for dryland crop production and grazing. No significant environmental impacts are anticipated with the construction of the new wastewater treatment system.

Water. The project involves the installation of a new water service line that would connect the proposed water supply tanks and processing building to an existing water line near the eastern property line. The environmental impacts of the proposed water line have been evaluated throughout this Initial Study as part of the project description, and no significant effects beyond those as evaluated would occur. Impacts would be less than significant.

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

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

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

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

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

As discussed in Section X, *Hydrology and Water Quality*, the proposed project would use approximately 2.24 AFY of water for cannabis cultivation. The project would obtain water from an existing onsite well. The well pump test and water quality analysis from 2020 conclude that the well produces sufficient water to meet the project's water demand. In addition, the project site is not located over an impacted groundwater basin. The project will be conditioned such that water usage will be metered and reports will be provided to the Planning and Building Department demonstrating that the project does not exceed the projected water demand of 2.24 AFY. Based on the application information and the standard conditions, impacts would be less than significant.

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

The project will not be served by a wastewater treatment provider. No impact would occur.

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

The site will continue to be used as a farm or crop production and includes a new compost area and waste storage/trash area that will be served by a local waste management company and hauled to the Chicago Grade Landfill to the west in the community of Templeton. This landfill has a remaining permitted capacity of 6,022,396 cubic yards and can accept 500 tons per day (CalRecycle, 2021). Solid

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waste generated during construction and operation of the project would not be a substantial amount and would represent a small fraction of the daily permitted tonnage of this facility. The applicant will work with the local solid waste disposal company to handle general non-cannabis refuse as needed. Therefore, the project would not generate solid waste in excess of local standards or the capacity of the local infrastructure and impacts would be less than significant.

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

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

Conclusion

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

Sources

See Exhibit A.

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XX. WILDFIRE

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

Setting

According to CalFire's San Luis Obispo County Fire Hazard Severity Zone map, the project site is within a "high" severity risk area for fire. The closest fire station to the project site is San Luis Obispo County Fire Station 42, which is approximately 6.5 miles (driving distance) from the site. According to San Luis Obispo General Plan Safety Element Emergency Response Map, average emergency response time to the project site is between 10 and 15 minutes (County of San Luis Obispo 1999).

Discussion

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

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

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

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

The project would implement an outdoor cultivation operation within an area designated as having a high wildfire risk. The project would be required to be built in compliance with applicable fire standards, including provision of adequate emergency access and fire water supply, which would reduce the potential hazard of wildfires (CalFire referral letter dated August 09, 2021). These features would reduce the exposure of project occupants to risks associated with wildfire. Therefore, the project would have a less than significant impact regarding exposing project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

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

Access improvements would include installation of an access gate to the proposed cultivation area, and a new 16-foot wide driveway to connect the proposed cultivation area to the existing driveway. The site access road would include a circular turnaround for fire department/emergency services access. The development footprint is less than five percent slope throughout; therefore, only all-weather roads are proposed. The project would also include one 5,000-gallon and two 2,500-gallon water storage tanks for fire suppression. Installation and maintenance of these project components would not exacerbate fire risk or result in temporary or ongoing impacts to the environment. Impacts would be less than significant.

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

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

Conclusion

All requirements would be in accordance with County Ordinances and CalFire/San Luis Obispo Fire Department Standards. This would reduce fire related impacts to less than significant levels and no mitigation measures are necessary.

Sources

See Exhibit A.

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XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

Discussion

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

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

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

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

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

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

Existing and Reasonably Foreseeable Projects

Table 8 provides a summary of the total number of cannabis activities for which the County has either approved or has received an application as of the date of this initial study. As shown on Table 8, the County has received applications for a total of 114 cultivation sites (including indoor and outdoor) with a total canopy of 367 acres. Under the County’s cannabis regulations (LUO Sections 22.40. et seq. and CZLUO Section 22.80 et seq.), the number of cultivation sites allowed within the unincorporated county is limited to 141, and each site may have a maximum of 3 acres of outdoor canopy and 22,000 sf (0.5 acres) of indoor canopy. Therefore, if 141 cultivation sites are ultimately approved, the maximum total cannabis canopy allowable in the unincorporated county will be 493.5 acres (141 sites x 3.5 acres of canopy per site = 493.5 acres).

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Table 8 - Summary of Cannabis Activities for Unincorporated San Luis Obispo County¹

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

1. As of January 2021.

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

Of the 114 total applications for cannabis cultivation, a total of 15 are located in the vicinity of the project site in the California Valley/Carrizo Plain area of the county (Figure 8). Of these 15 projects, 13 are clustered near the intersection of Carissa Highway (State Route 58) and Bitterwater Road (Figure 9) and two are located on contiguous parcels south of Carissa Highway and just west of the California Valley Solar Ranch project (Figure 10).

Figure 10).

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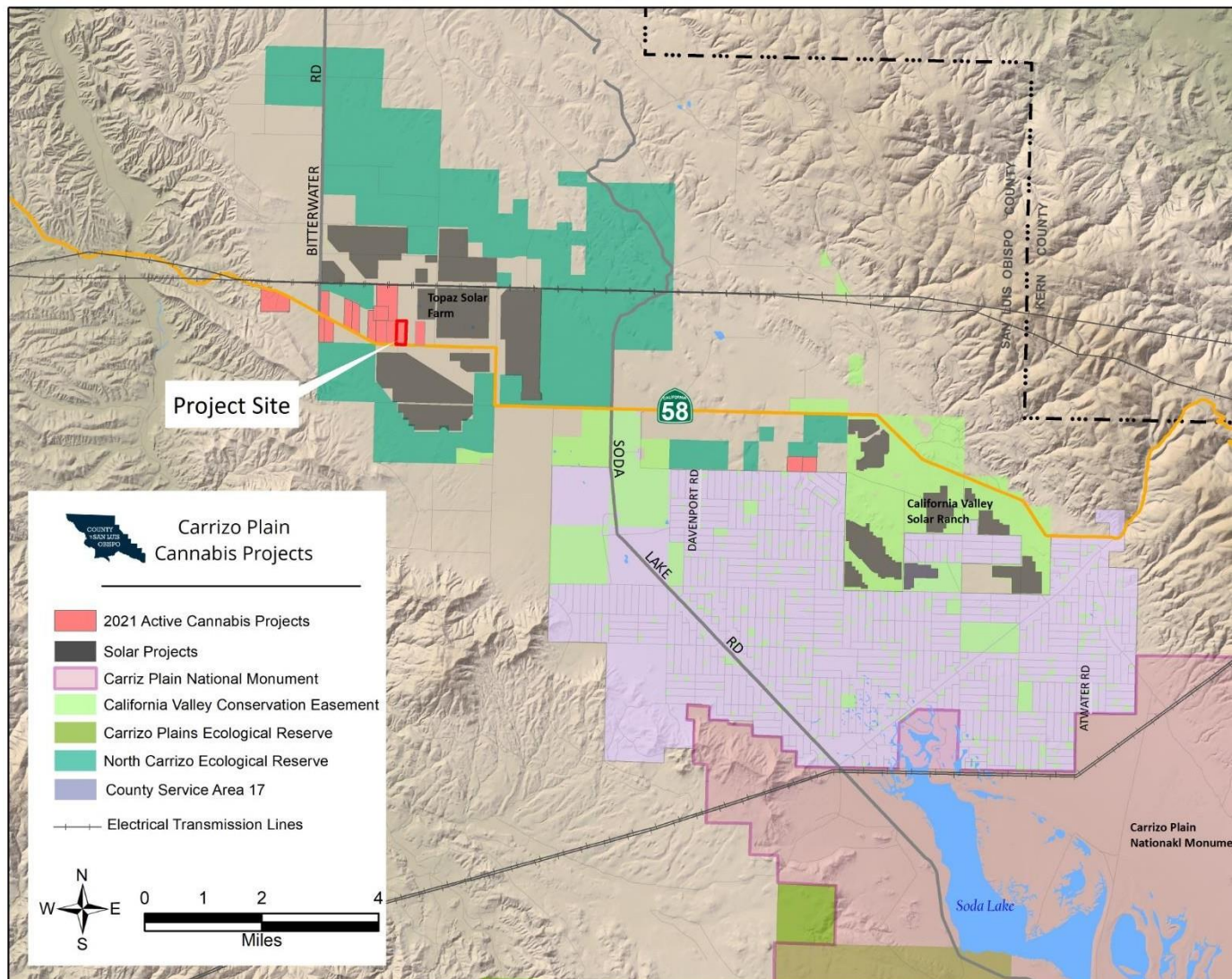


Figure 8 **Project Site with Reasonably Foreseeable Cannabis Projects in the Vicinity**

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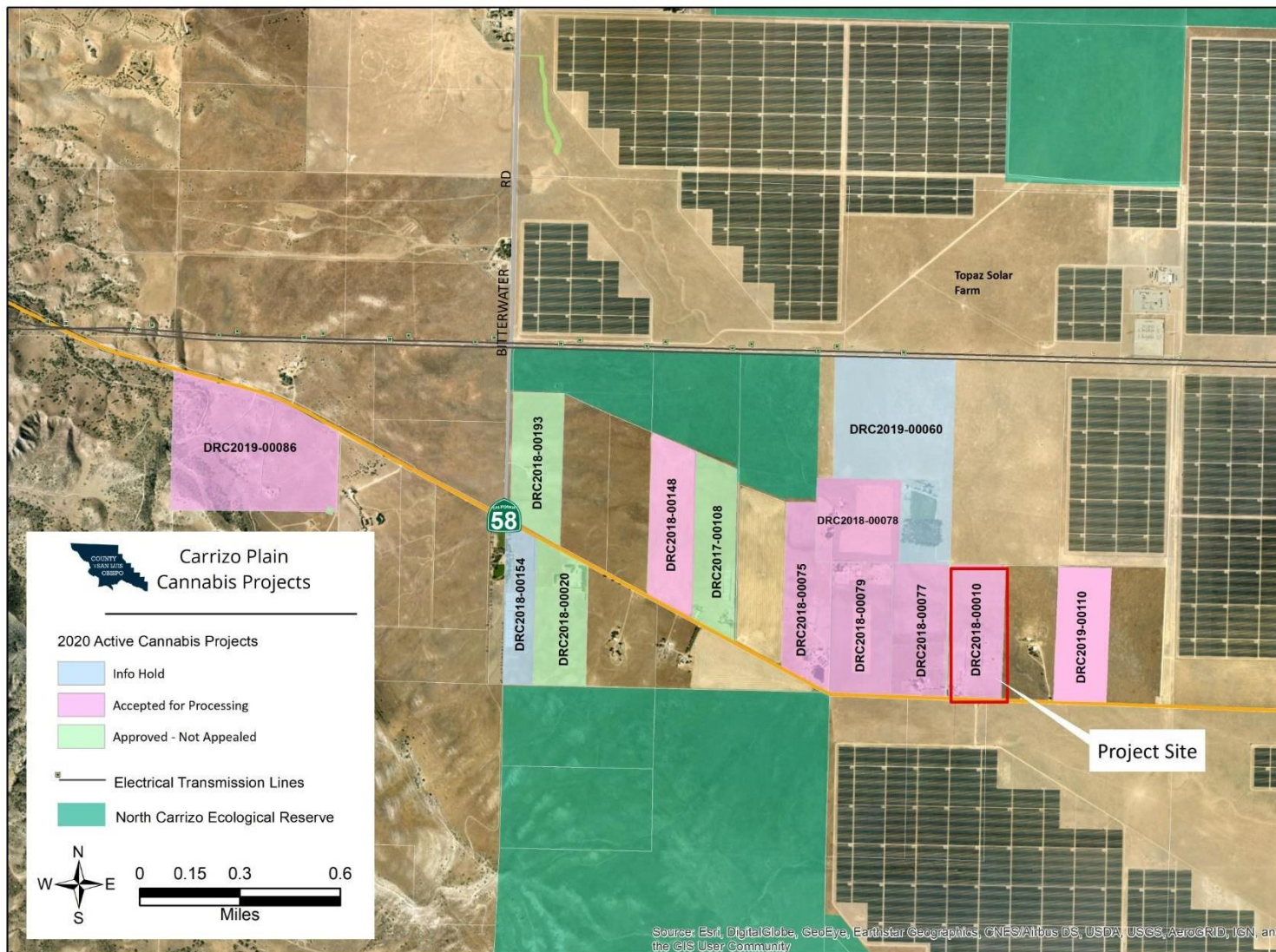


Figure 9 Active Cannabis Cultivation Projects Near SR 58 and Bitterwater Road

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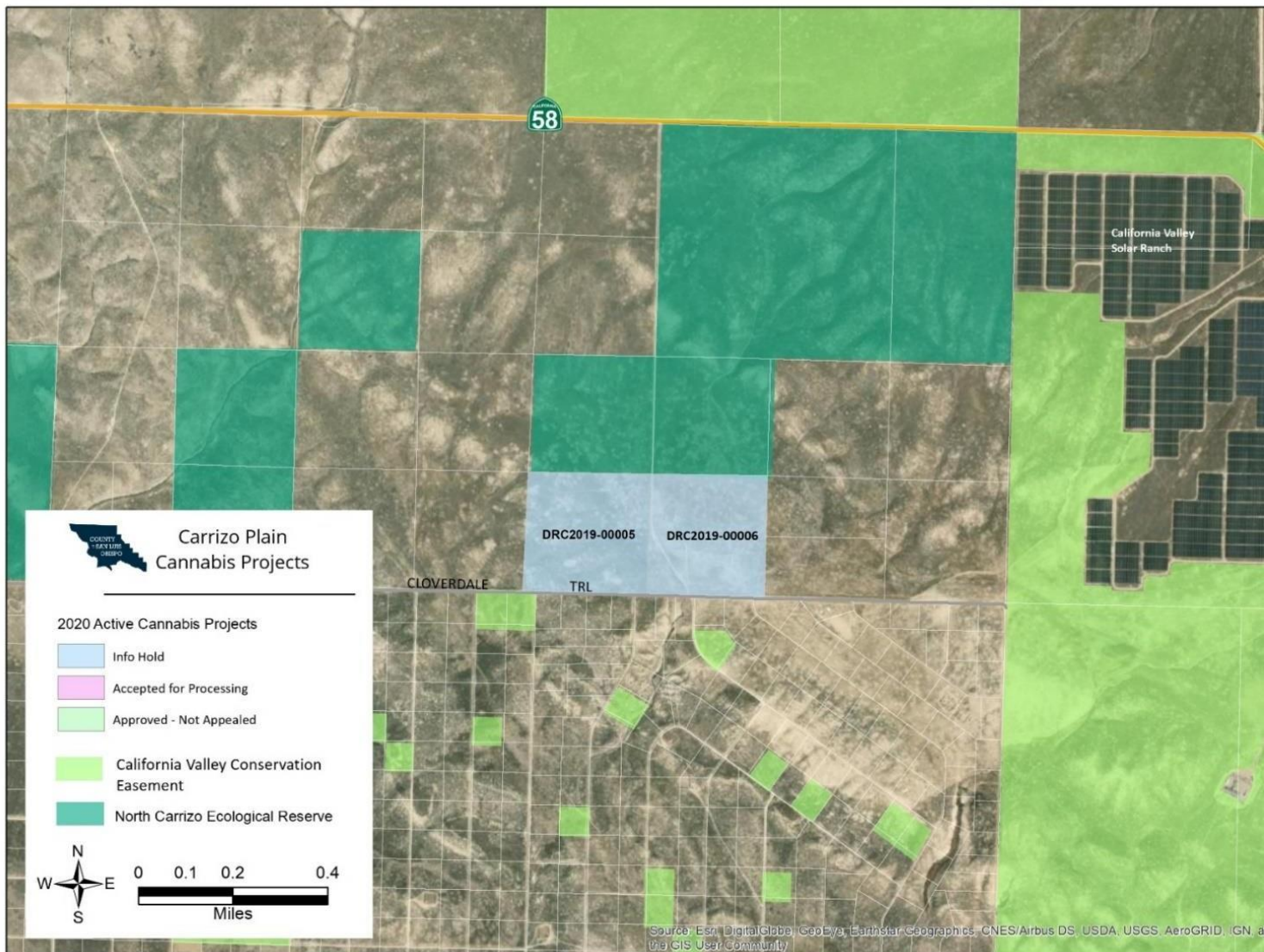


Figure 10 Active Cannabis Applications South of SR 58 in the Vicinity of the California Valley Solar Ranch

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Table 9 provides a summary of these applications and the status of each permit. As shown in Table 9, if all 15 projects are approved and constructed it would result in about 81 acres of disturbance. Therefore, for the purpose of assessing cumulative impacts, the following assumptions are made:

- All 15 cultivation sites will be approved; and
- Each site will be developed with the components described in

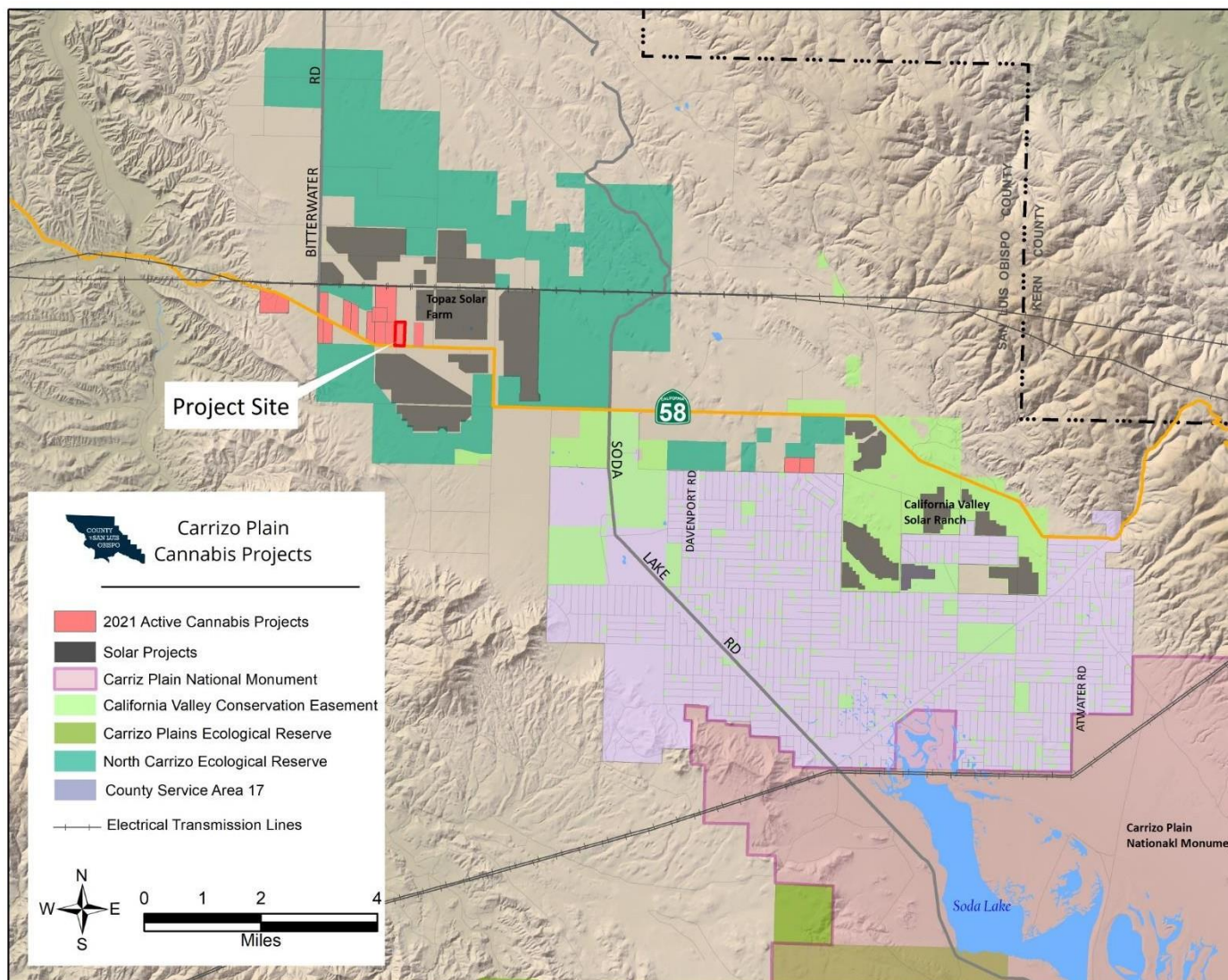


Figure 8 Project Site with Reasonably Foreseeable Cannabis Projects in the Vicinity

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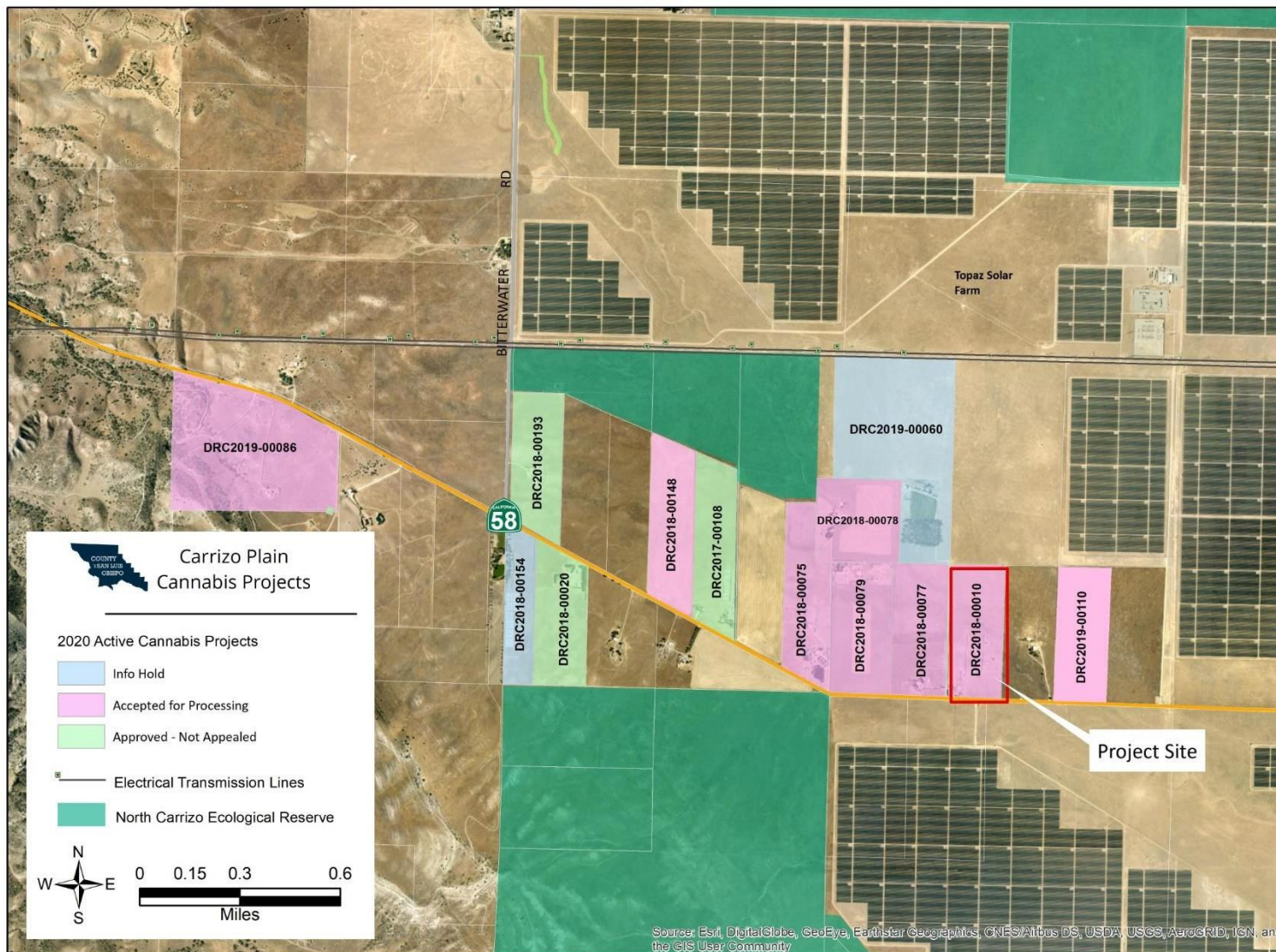


Figure 9 Active Cannabis Cultivation Projects Near SR 58 and Bitterwater Road

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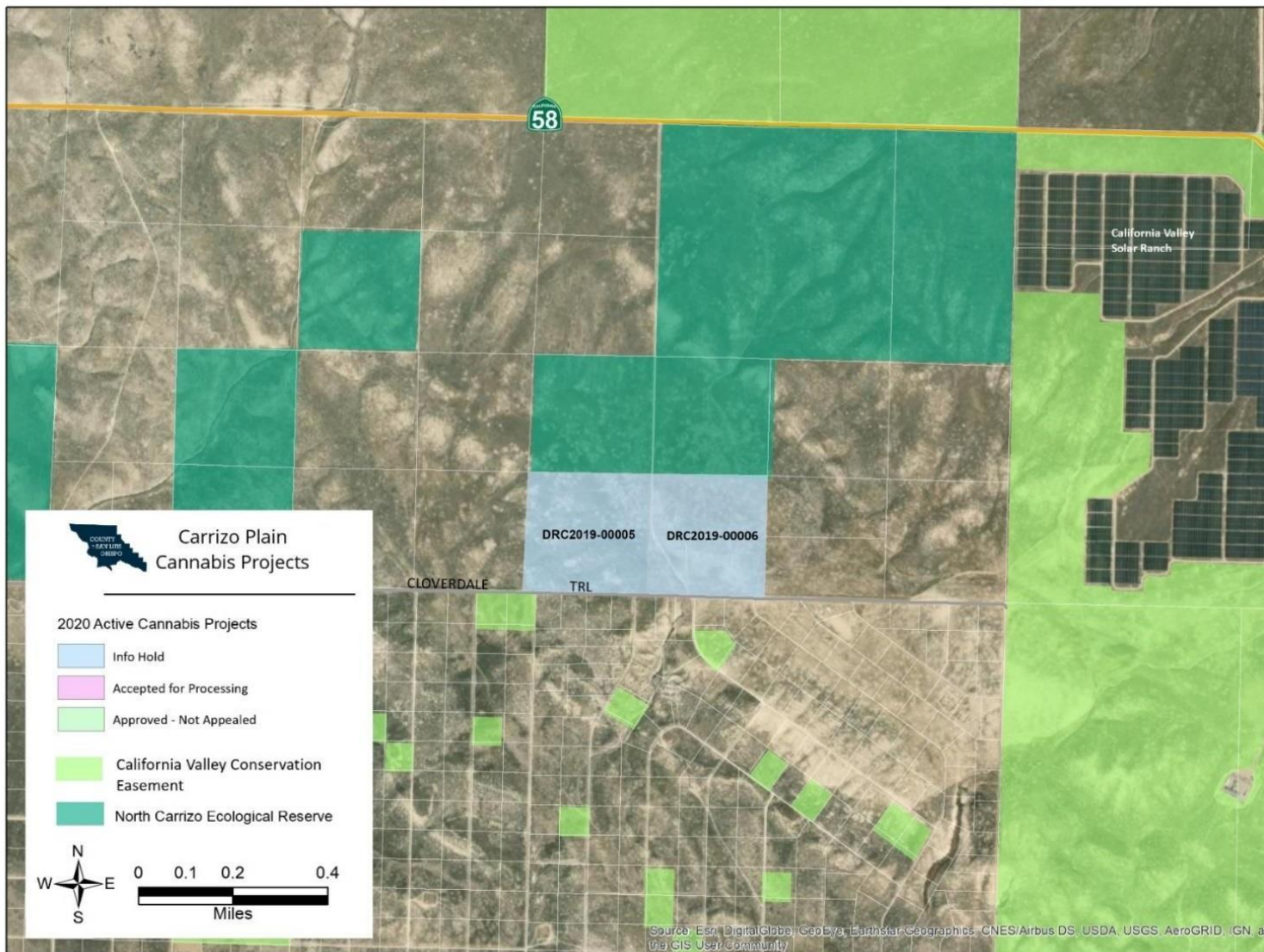


Figure 10 Active Cannabis Applications South of SR 58 in the Vicinity of the California Valley Solar Ranch

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Table 9.

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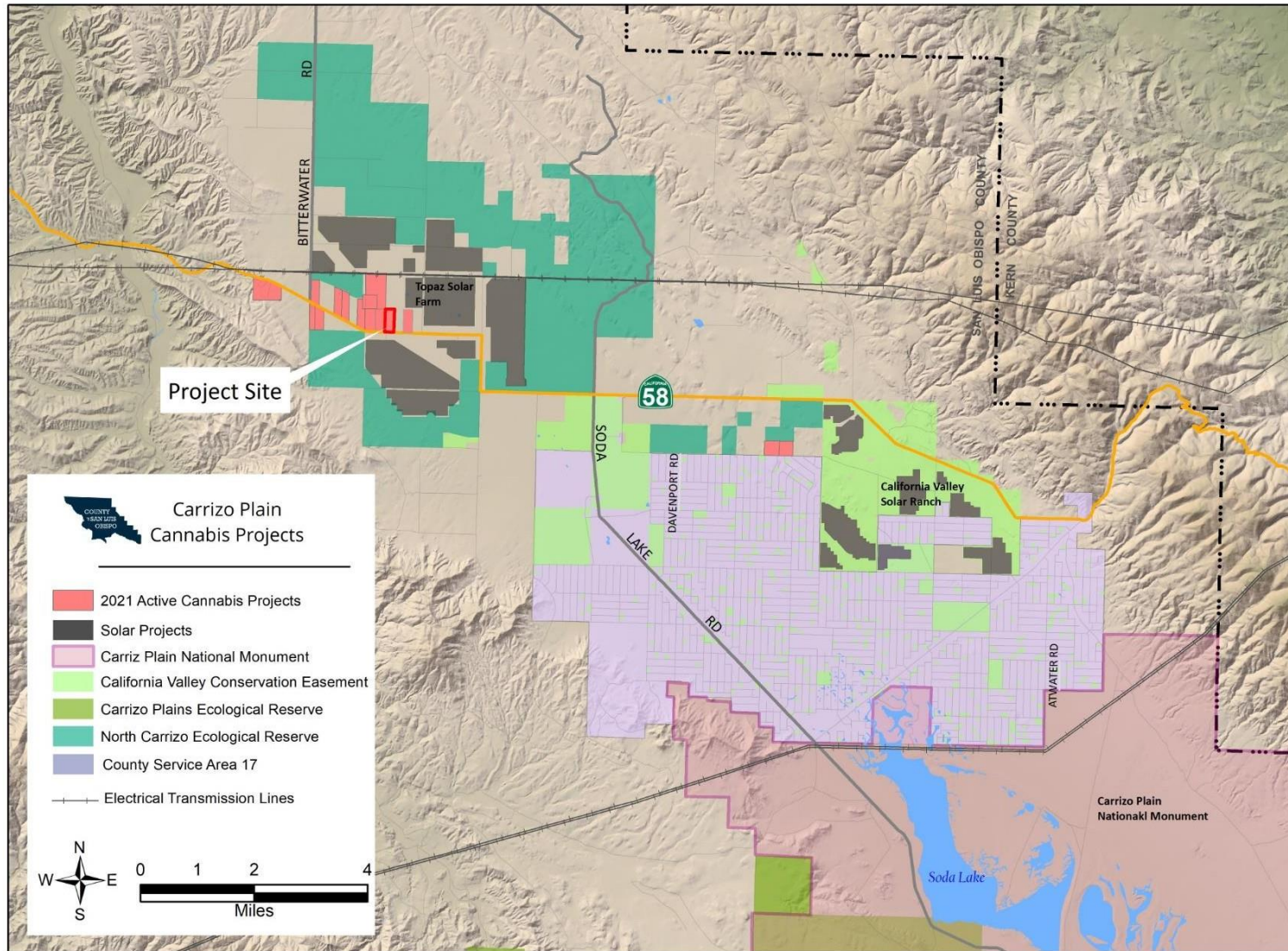


Figure 8 Project Site with Reasonably Foreseeable Cannabis Projects in the Vicinity

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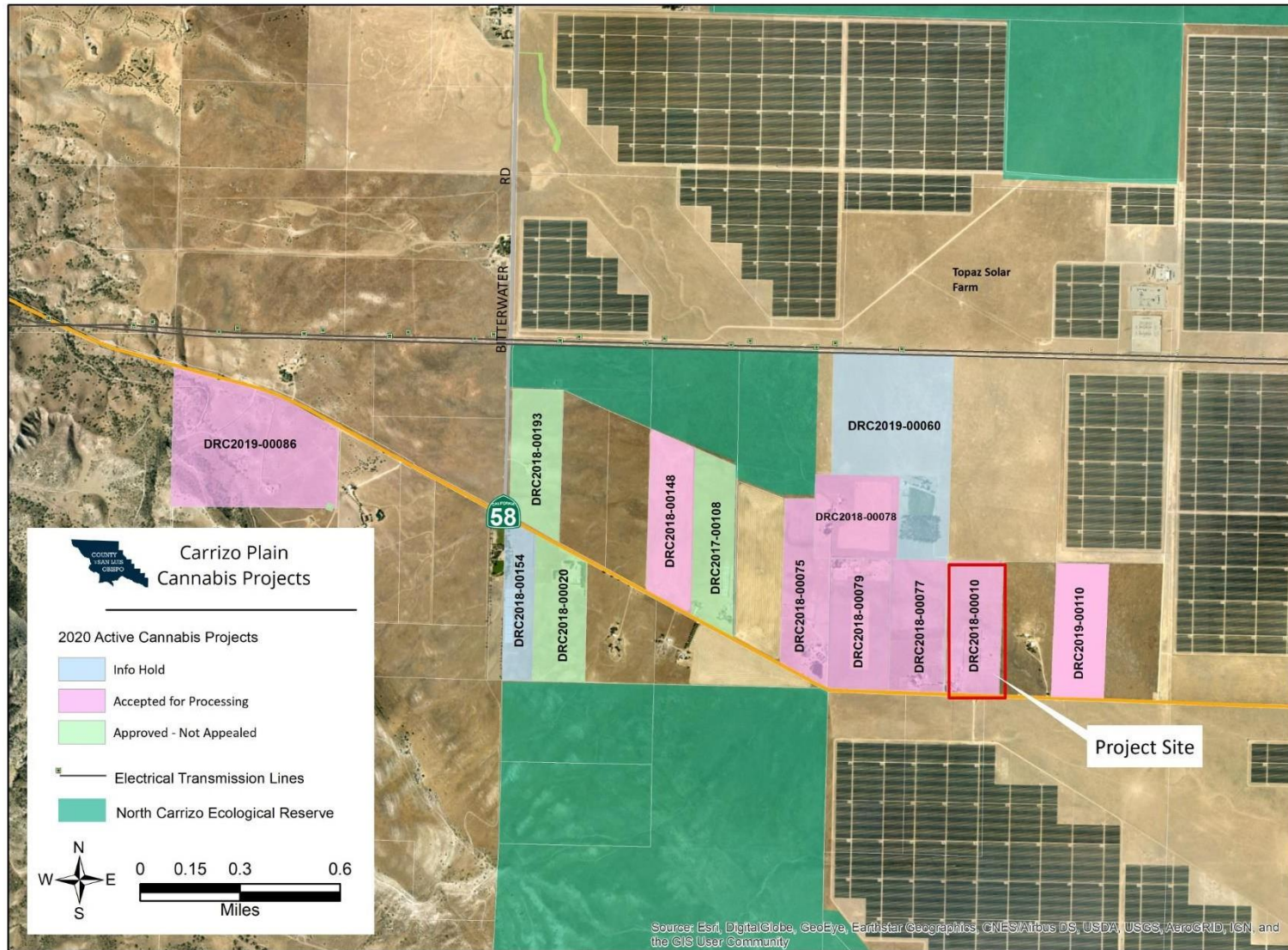
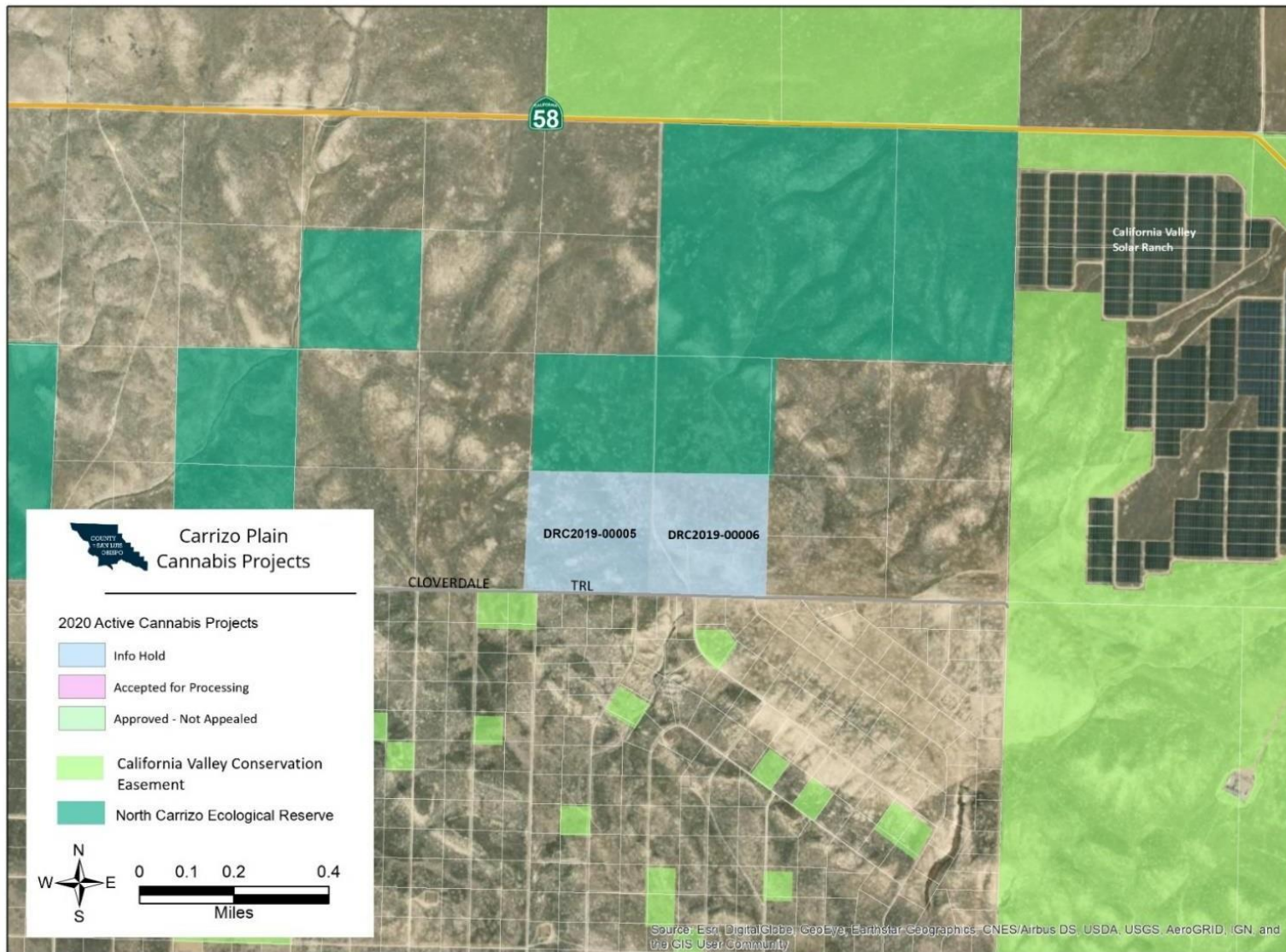


Figure 9 Active Cannabis Cultivation Projects Near SR 58 and Bitterwater Road

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**Figure 10 Active Cannabis Applications South of SR 58 in the Vicinity of the California Valley Solar Ranch**

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Table 9 - Reasonably Foreseeable Cannabis Projects in the California Valley/Carrizo Plain Area

Project Number	Project Name	Permit Type	Outdoor Cultivation	Indoor Cultivation	Outdoor Nursery	Indoor Nursery	Total Building Floor Area	Area of Disturbance (Acres)	Water Demand (AFY)	Employees	Kit Fox Mitigation Required (Acres)	Status
DRC2017-00108	Delgado	CUP	3	22,000	77,537	28,749	57,600	10	6.07	15	40	Approved
DRC2019-00110	Synergy Farms LLC	MUP	3	0	0	0	0	3.98	2.17	5	15.92	Accepted for Processing
DRC2018-00010	Good Deeds	MUP	3	0	0	0	10,000	4.02	2.24	5	15.2	Accepted for Processing
DRC2018-00020	Burgett	CUP	0	2,500	0	196	3,767	2.2	0.28	1	8.8	Approved
DRC2018-00075	Xiong/Kwid	MUP	3	0	0	0	0	4.34	2.17	5	21	Approved
DRC2018-00077	Powers	MUP	3	0	0	0	0	4	1.81	5	16	Approved
DRC2018-00078	Shannon Whipkey	MUP	3	0	0	0	0	5.29	2.17	4	16.17	Approved
DRC2018-00079	Risden	MUP	3	0	0	0	0	6.32	2.17	4	18.96	Approved
DRC2018-00148	Delgado Bell	MUP	3	22,000	0	0	32,256	5.09	4.66	4	20.36	Info Hold
DRC2018-00193	Lovejoy	MUP	2.97	22,000	0	3,920	25,000	6	3.7	4	17.88	Approved
DRC2019-00005	Chang	MUP	3	0	0	0	0	4.06	2.17	4	16.24	Info Hold
DRC2019-00006	Chia Lee	MUP	3	0	0	0	0	3.06	2.2	4	12.24	Info Hold
DRC2018-00154	Arvus Axiom	CUP	3	22,000	40,075	12,000	51,000	10.2	5.09	5	40.8	Info Hold
DRC2019-00060	Kephart	MUP	3	22,000	0	0	22,000	4	3.56	5	16	Info Hold
DRC2019-00086	Sidifoax, Inc.	CUP	1	22,000	0	0	30,240	8.4	2.96	6	32	Approved
Totals:	--	--	39.97	134,500	117,612	44,865	231,863	80.96	43.42	76	307.57	--

Source: Department of Planning and Building May 2021, and project applications.

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Discussion

Aesthetics

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

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

As discussed above, the project site is located in an area with 15 potential cannabis facilities within 5 miles (as of May 2021) including 12 other projects near the intersection of SR 58 and Bitterwater Road. These projects will be located along a well-traveled State highway which affords travelers expansive views across the California Valley and Carrizo Plain.

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

The analysis provided in Section I, *Aesthetics*, provides an overview of the visual setting and concludes that potential project-specific impacts would be less than significant. By requiring reasonably-foreseeable projects in the area to incorporate measures to mitigate impacts to visual resources, project-specific impacts to aesthetic and visual resources of this project, when considered with the potential impacts of other reasonably foreseeable development in the area, would be less than cumulatively considerable.

Agricultural Resources

The analysis provided in Section II, *Agriculture and Forestry Resources*, indicates that the project would result in the permanent and semi-permanent conversion of 4.02 acres of Prime Farmland (based on the California Department of Conservation Farmland Mapping & Monitoring Program/FMMP), to allow for up to three acres of outdoor cannabis cultivation and access roads. The project would include a 10,000-sf (0.23-acre) ancillary processing building, resulting in the permanent conversion of approximately 0.23 acre of Prime Farmland. The semi-permanent outdoor cannabis cultivation would be planted directly in the soil. This portion could be readily converted back to an agricultural use at the end of the life of the project, or at such time as cannabis activities cease. Project approval will be conditioned to require implementation of mitigation measure BR-16 Site Restoration Following End of Operations.

Table 10 provides a summary of the acreage of important farmland associated with all 15 cannabis projects within a five-mile radius of the project site based on the 2016 FMMP.

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Table 10 Important Farmland Associated With Reasonably Foreseeable Projects in the Project Vicinity

FMMP Classification	Acres	Acres Impacted
Farmland of Local Potential	436.90	43.40
Farmland of Local Importance	137.99	14.36
Grazing Land	144.53	0.00
Prime Farmland	19.67	19.67
Other Land	10.53	2.96
Total:	749.62	80.41

Source: Farmland Mapping and Monitoring Program, 2016.

As shown in Table 10, a total of 19.67 acres of Prime Farmland are associated with these 15 sites. Table 11 provides a summary of the changes in the acreage of important farmland in San Luis Obispo County from 2006 to 2016 (the most recent year for which data are available) as determined in the FMMP. As shown in Table 11, over the ten-year period between 2006 and 2016 the County experienced a net increase in the acreage of important farmland of about 126,781 acres, including a net increase of 1,466 acres of prime farmland.

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Table 11 - Acreage of Important Farmland in San Luis Obispo County, 2006 – 2016

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

Source: FMMP, 2016

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If all 19.67 acres of Prime Farmland are permanently converted to a non-agricultural use, it would constitute a small fraction of the total Prime Farmland in the County. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the area, the contribution of the project's potential impacts to agriculture and forestry resources is considered less than cumulatively considerable.

Air Quality

The analysis provided in Section III, *Air Quality*, concludes that the project's potential construction-related emissions would not exceed APCD thresholds of significance for both project-related and cumulative impacts. The analysis also concludes that operational emissions would fall below APCD thresholds.

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

Biological Resources

Overview

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

1. Carrizo Plain National Monument (CPNM) (Figure 8). The CPNM covers 204,000 acres in southeast San Luis Obispo County and Kern County. The Monument Proclamation that established the CPNM in 2001 "*...recognized its exceptional biological resources as objects to be protected and the importance of the area as a large remnant of habitat for many wildlife species endemic to the nearby San Joaquin Valley, and as a refuge for the dwindling flora and fauna of the valley.*" A Resource Management Plan was adopted for the CPNM in 2010 which sets forth management strategies aimed at preserving and enhancing these sensitive biological resources. These strategies have focused on maintaining and enhancing native plant communities to serve as high quality wildlife habitat.
2. California Department of Fish and Wildlife (CDFW). CDFW owns and manages over 65,850 acres of sensitive habitat in the Carrizo Plain (Figure 8), including 33,000 acres within the Carrizo Plain Ecological Reserve, 18,700 acres of mitigation lands set aside as a condition of development of utility-scale solar generating projects (the Northern Carrizo Ecological Reserve) and 14,148 acres within the California Valley Conservation Easement.

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

Collectively, these efforts have set aside over 279,000 acres of habitat, and potential habitat, for sensitive biological resources in the area. In addition to these regional efforts, CDFW has established a mitigation process for potential impacts to SJKF based on the amount of habitat impacted. New development with the potential to remove habitat for SJKF, such as the 15 proposed cannabis projects) may participate in this program to offset habitat loss. As shown in Table 9, the 15 proposed cannabis projects in the Carrizo Plain will set aside a total of 306.25 acres of SJKF habitat.

Cumulative Impacts to Biological Resources Associated with Cannabis Activities

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

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

As discussed above, the project site is located in an area with 15 potential cannabis facilities within 5 miles (as of May 2021). Development of all 15 projects could result in the permanent, or semi-permanent, conversion of up to 81 acres of habitat (or potential habitat) for sensitive biological resources. However, potential cumulative impacts to biological resources are considered less than cumulatively considerable because:

- County regulations require that all cannabis operations be subjected to discretionary approval and project-specific environmental review, including an assessment of potential impacts to biological resources. In each case, mitigation measures may be recommended to require avoidance and minimization requirements and that new development incorporate features to protect, and to offset the loss of, sensitive biological resources.
- Although development of all 15 projects as proposed could result in the permanent or semi-permanent loss of up to 81 acres of habitat, they would also be required to compensate for the loss of SJKF habitat at a ratio of up to 4:1 (4 acres preserved for each acre impacted). This will result in a net increase in the acreage of high-quality habitat preserved for this species.
- The permanent or semi-permanent loss of 81 acres of habitat represents 0.02% of the acreage of sensitive habitat permanently preserved in the Carrizo Plain by CDFW, BLM and others.
- By requiring reasonably foreseeable projects in the area to incorporate comparable measures to mitigate the potential impacts to biological resources, impacts to these resources associated with the proposed project, when considered with the potential impacts

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of other reasonably foreseeable development in the area, would be less than cumulatively considerable.

Energy Use

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

Table 12 provides a summary of total electricity demand associated with development of all 15 previously approved and currently active cannabis cultivation projects in the vicinity. The summary was derived using the CalEEMod computer model used by the California Air Resources Board and assumes all 15 sites are developed as summarized in Table 9 above.

Table 12 - Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects

Proposed Land Use	Total Electricity Demand from 15 Reasonably Foreseeable Cannabis Cultivation Projects ¹ (Kilowatt-Hours/Year)	Total Electricity Demand (Gigawatt Hours/Year)	Electricity Consumption in San Luis Obispo County in 2018 ² (Gigawatt Hours)	Total Demand in San Luis Obispo County with 15 Proposed Cannabis Cultivation Projects (Gigawatt Hours/Year)	Percent Increase Over 2018 Electricity Demand
Indoor Cultivation ³	19.6 million	19.6			
Outdoor Cultivation ³	34.9 million	34.9			
Total	54.5 million	54.5	1,765.9	1,820.7	3.5%

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

²Source: California Energy Commission 2019.

³Includes ancillary nursery and mixed-light indoor cultivation.

Table 12 indicates that electricity demand in San Luis Obispo County could increase by as much as 3.5% if all 15 cultivation projects are developed as proposed. PG&E is required by state law (the Renewable Portfolio Standard) to derive at least 60% of their electricity from renewable sources by 2030. These sources are “bundled” and offered for sale to other Load Serving Entities (utility providers). Table 13 shows the percent increase in the projected 2030 demand for these bundled sources of electricity throughout PG&E’s service area for, assuming all 15 cultivation projects are developed as summarized in Table 9.

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Table 13 - Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects In the Vicinity Compared With Projected PG&E 2030 Available Service Load

	Projected Demand
Increased Electricity Consumption in San Luis Obispo County with 15 Cannabis Cultivation Projects ¹ (Gigawatt Hours/Year)	62.8
Projected PG&E 2030 Bundled Service Load ² (Gigawatt Hours)	33,784
Percent Increase in 2030 Demand With Cannabis Cultivation	0.18%

¹Source: CalEEMOD 2016 v.3.2. Assumes all 15 cultivation projects in the vicinity are approved and implemented.

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

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

Greenhouse Gas (GHG) Emissions

As discussed in Section VIII, *Greenhouse Gas Emissions*, the project is estimated to generate approximately 366 metric tons of CO₂ emissions. Accordingly, the project will not exceed the working GHG threshold of 690 metric tons of CO₂ emissions per year and is assumed to have a less than cumulatively considerable impact relating to GHG emissions. Project emissions will be consistent with the GHG reduction measures set forth by SB 32 and the County's EnergyWise Plan.

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

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

Hazards and Hazardous Materials

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

Probable future development of cannabis cultivation facilities within the vicinity of the project would be subject to discretionary review and therefore would be evaluated for potentially significant environmental impacts, including impacts associated with hazards and hazardous materials. Impacts associated with hazards and hazardous materials from other cannabis projects in the project vicinity would likely require mitigation similar to the project, which may include, but would not be limited to, implementation of hazardous material spill response plans, staging and refueling

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location limitations, and vegetation management. Based on the project-specific mitigation measures identified above, and the discretionary environmental review of probable future cannabis projects within the vicinity, project impacts associated with hazards and hazardous materials would be less than cumulatively considerable.

Hydrology/Water Demand

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

- All 15 cannabis cultivation projects in the Carrizo Plain Groundwater Basin are approved and implemented;
- All 15 projects in the Carrizo Plain Groundwater Basin derive their water demand from groundwater resources;
- Water demand associated with outdoor cannabis cultivation is assumed to be 0.03 gallons per day per square foot of outdoor canopy, and 0.1 gallons per day per square foot of canopy for indoor cultivation;
- The growing period for outdoor cultivation and ancillary nursery is assumed to be 270 days; the growing season for indoor cultivation is assumed to be 365 days; and
- This analysis assumes no recycling of water.

As shown in Table 14**Error! Reference source not found.**, the total estimated water demand from the 15 reasonably foreseeable projects in the Carrizo Plain Groundwater Basin is approximately 43-acre feet per year. Water demand associated with cannabis cultivation within groundwater basins without an assigned Level of Severity for water supply are not in a state of overdraft and the County's Resource Management System has concluded that they are expected to meet the estimated demand from urban, rural, and agricultural demand for at least 15 years. As shown in Table 14**Error! Reference source not found.**, the marginal demand associated with cannabis cultivation is minor in relation to the available storage capacity of the basin. Therefore, the quantity of groundwater to be used for the project and within the cumulative impact area compared to the quantity of available groundwater indicates that combined project contributions are not anticipated to rise to a cumulatively considerable level.

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Table 14 - Total Estimated Water Demand from Reasonably Foreseeable Projects in the Carrizo Plain Groundwater Basin

Bulletin 118 Groundwater Basin ¹	Number of Cultivation Projects	Cannabis Canopy (Acres)	Total Estimated Water Demand AF/Year ²	Total Storage/Safe Yield ³	Status of Groundwater Basin ³
Carrizo Plain Groundwater Basin	15	46.7	43.42	Total storage estimated to be 400,000 AF / Safe Yield 8,000-10,000 AFY	No Level of Severity

Notes:

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

Noise

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

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

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

Population and Housing

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

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

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assuming all 15 reasonably foreseeable cultivation projects are approved and constructed, total employment associated with cannabis cultivation could result in as many as 75 additional jobs. It is most likely that these workers will be sourced from the existing workforce in San Luis Obispo County. However, if all 75 workers are new residents to the County, it would represent a 0.38% increase in the projected growth in population between 2015 and 2050. The small increase in projected population is not expected to result in an increased demand for housing throughout the county and therefore is not anticipated to rise to a cumulatively considerable level.

Public Services

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

Transportation

The Department of Public Works has derived trip generation rates for cannabis cultivation from traffic reports and through the trip generation rates published by the Institute of Traffic Engineers. Table 15 provides an estimate of total Average Daily Trips (ADT) and vehicle miles traveled associated with buildout of the 15 approved and active cannabis cultivation projects in the project vicinity.

Table 15 - Cumulative Average Daily Trips From Reasonably Foreseeable Cannabis Cultivation Projects In the Vicinity

Use	Unit	ADT per Unit	Total Proposed Cannabis Cultivation Area ¹	Total ADT	PM Peak Hour Trips	Total VMT ⁴
Cultivation, Indoor (includes greenhouses, plant processing, drying, curing, etc.)	1,000 sf	0.27 ²	179,365 sf	48	4.8	711.48
Cultivation, Outdoor (includes hoop house)	Acres	2.00 ²	42.67 acres	85.34	8.5	1,254
Seasonal Employees ³	Employee	2.00 ²	50 employees	100	10	1,470
Total				233	23.3	3,435

Sources:

1. See Table 9.
2. Department of Public Works
3. Seasonal Trips are adjusted based on the annual frequency.
4. Assumes 14.7 miles per average daily trip.

The additional 23 peak hour trips are not expected to reduce the level of service of roads and intersections serving the area. The County has not yet identified an appropriate model or method to estimate VMT for proposed land use development projects. State CEQA Guidelines Section 15064.3(b) states that if existing models or methods are not available to estimate the VMT for the particular project being considered, a lead agency may analyze the project's VMT qualitatively.

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

Other Impact Issue Areas

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

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

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

Environmental impacts that may have an adverse effect on human beings, either directly or indirectly, are analyzed in each environmental resource section above. In addition, implementation of mitigation measures HAZ-1, and HAZ-2, and identified in the resource sections above would reduce potential adverse effects on human beings to less than significant; therefore, impacts would be less than significant with mitigation.

Conclusion

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

Mitigation

See Exhibit B for the full list of mitigation measures.

Sources

See Exhibit A.

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Exhibit A - Initial Study References and Agency Contacts

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

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

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

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

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

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☒ Carrizo Planning Area

☐ Other

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

- Abalone Coast Analytical, Inc. 2020. Water Quality Analysis. February 13, 2020.
- Althouse and Meade, Inc. (A&M). 2020. Revised Biological Resource Assessment for Cano – 8770 Carrisa Highway, San Luis Obispo County, DRC2018-00010. June 10, 2020.
- Dart. 2021. Response to County Comments for Cano- 8770 Carrisa Highway , San Luis Obispo County, DRC2018-00010. May 10, 2021.
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- Auchinachie, email referral from Agriculture Department for Good Deeds Minor Use Permit DRC2018-00010(2054), June 14, 2018.
- California Department of Fish and Wildlife (CDFW). 2021. Preliminary San Joaquin Kit Fox Mitigation Evaluation 8770 Carris Highway (CA-58), Santa Margarita, CA 93453 (DRC2018-00010). May 6, 2021.
- Cultural Resource Management Services (CRMS). 2019. Archaeological Inventory Survey at 8770 Carrisa Highway, San Luis Obispo County, California. August 2019.
- Filipponi & Thompson Drilling Inc. 2020. Well Test Report. February 13, 2020.
- Marshall, Glen. 2018. Public Works Comments on DRC2018-00010 Good Deeds MUP, SR 58. May 8, 2018.
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Other County References

- Aspen Environmental Group. March 2011. *Topaz Solar Farm Final EIR*.
- Brady, R. 2010. Paleontological Identification Report for the Proposed Topaz Solar Farm, San Luis Obispo, California. Brady and Associates Geological Services, Fresno, California. Prepared for Applied EarthWorks, Inc., San Luis Obispo, California.
- California Air Resources Board. 2000. A General Location Guide for Ultramafic Rocks in California – Areas More Likely to Contain Naturally Occurring Asbestos. Available at: https://ww3.arb.ca.gov/toxics/asbestos/ofr_2000-019.pdf. Accessed January 2021.
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Accessed January 2021.

- California Department of Conservation. 2021. California Farmland Finder. <https://maps.conservation.ca.gov/DLRP/CIFF/>. Accessed May 2021.
- California Department of Finance. 2021. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2020 with 2010 Census Benchmark. May 2020. Available at: <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>. Accessed January 2021.
- California Department of Transportation (Caltrans). 2018. Traffic Census Program. Available at: <https://dot.ca.gov/programs/traffic-operations/census>. Accessed January 2021.
- California Department of Transportation (Caltrans). 2021. California State Scenic Highway System Map [interactive map]. Available at: <https://www.arcgis.com/apps/webappviewer/index.html?id=2e921695c43643b1aaf7000dfcc19983>. Accessed January 2021.
- California Department of Water Resources. 2020. CA Bulletin 118 Groundwater Basins [interactive map]. December 2020. Available at: https://gis.data.ca.gov/datasets/b5325164abf94d5cbeb48bb542fa616e_0?geometry=-121.000%2C35.128%2C-119.392%2C35.520. Accessed January 2021.
- CalRecycle. 2021. SWIS Facility/Site Summary – Chicago Grade Landfill (40-AA-0008). Available at: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1512?siteID=3174>. Accessed January 2021.
- County of San Luis Obispo. 1999. General Plan Safety Element. Available at: <https://www.slocounty.ca.gov/getattachment/893b6c58-7550-4113-911c-3ef46d22b7c8/Safety-Element.aspx>. Accessed January 2021.
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- County of San Luis Obispo. 2011. Cultural and Paleontological Resources Section. Topaz Solar Final EIR. March 2011.
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- County of San Luis Obispo. 2016. EnergyWise Plan 2016 Update. Available at: <https://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Energy-and-Climate-Reports.aspx>. Accessed January 2021.
- County of Santa Barbara. 2017. Final Environmental Impact Report (EIR) for the Cannabis Land Use Ordinance and Licensing Program. December 2017.
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- San Luis Obispo Council of Governments. 2017. 2050 Regional Growth Forecast (RGF) for San Luis Obispo County.
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- San Luis Obispo County Air Pollution Control District. 2002. 2001 Clean Air Plan. Adopted March 26, 2002. Accessible at: <https://www.slocleanair.org/rules-regulations/clean-air-plan.php>. Accessed January 2021.
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Exhibit B - Mitigation Summary

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

Biological Resources

- BR-1 Worker Environmental Awareness Program (WEAP) Training.** Prior to major construction activities (e.g., site mobilization, clearing, grubbing, preparation for installing new facilities, etc.), an environmental awareness training shall be presented to all project personnel by a qualified biologist prior to the start of any project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the project's discretionary permits, an overview of the federal Endangered Species Act, the California Endangered Species Act, and implications of noncompliance with these regulations, as well as an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the trainees will be kept and provided to the County. If new project personnel join the project after the initial training period, they will receive the environmental awareness training from a designated crew member on site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.
- BR-2 Noxious Weed Species Prevention Measures.** To prevent the potential spread of invasive botanical species identified within the project site, all vehicles and equipment used at the site shall be cleaned of all dirt, mud, and plant debris prior to entering or exiting the site (e.g., driven over rumble strips) to prevent tracking of potential seed stock to or from the property. Rumble strips will also be regularly cleaned and maintained to prevent the accumulation of non-native seed stock.
- BR-3 American Badger (*Taxidea taxus*) Protection Measures**
1. **Pre-construction Survey for American Badger.** A qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.
 - a. If a potential den is discovered, it shall be inspected to determine whether they are occupied. The survey shall cover the entire property and shall examine both old and new dens. The den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction.

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- b. If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season, nursing young may be present), measured outward from the burrow entrance. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February and July. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.
- c. If more than 30 days pass between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the badger survey shall be repeated.

BR-4

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

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

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 15.2 (3.8 acres * 4) acres of suitable habitat in the kit fox corridor area (e.g., within the San Luis Obispo County kit fox habitat area), either onsite or offsite, and provide for a nonwasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the CDFW and the County.

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

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

Mitigation alternative (b.) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written

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notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to “The Nature Conservancy,” would total \$38,000 (3.8 acres impacted * 4 * \$2,500 per acre).

- c. Purchase 15.2 credits (3.8 acres * 4) in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c.) can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total \$38,000 (3.8 acres impacted * 4 * \$2,500 per acre). This fee is calculated based on the current cost-per-credit of \$2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

The mitigation options identified above are based on a preliminary evaluation by CDFW on the project’s anticipated acres of impact to SJKF habitat. The project has a required mitigation ratio of 4 acres conserved for each acre impacted (4:1). Total required compensatory mitigation may change based on the final number of impacted acres shown on the construction and/or grading plans submitted to the County for review.

BR-5

San Joaquin Kit Fox Protection Measures.

1. **SJKF Protection Measures on Plans.** All SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.
 - a. Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate the following as a note on the project plans: “Speed signs of 15 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox”. Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.
2. **Pre-construction Survey for SJKF.** Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:
 - a. A qualified biologist shall complete a pre-construction survey for SJKF no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure SJKF is not present within all proposed work areas and at least a 200-foot buffer around work areas per USFWS Standard Recommendations (2011). The biologist will survey for signs of SJKF and known or potential SJKF dens. The result of the survey shall be submitted to the County within 5 days of the survey and prior to start of initial project activities. The submittal shall include the date the survey was

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

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

BR-6

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

1. If a SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other agencies as needed.
2. A maximum of 15 mph speed limit shall be required at the project site during project activities. Speed limit signs shall be installed on the project site prior to start of all work.
3. All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.
4. To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes or trenches greater than two feet deep shall be completely covered at the end of each workday by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If a SJKF is entrapped, CDFW, USFWS, and the County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.
5. All pipes, culverts, or similar structures with a diameter of 4 inches or greater, stored overnight at the project site shall be thoroughly inspected for sheltering SJKF before burying, capping, or moving. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day. No pipes, culverts, similar structures, or materials stored on site shall be moved if there is a SJKF present within or under the material. A 50-foot exclusion buffer will be established around the location of the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.
6. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in animal-proof closed containers only and regularly removed from the site.

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

BR-7

Nesting Birds Protection Measures

1. **Pre-construction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. This includes nests of all common bird species (under the MBTA), as well as special status birds and raptor nests. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.
 - a. A 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

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

BR-8

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

1. **Pre-construction Survey for Burrowing Owl.** If work is planned to occur within 150 meters (approximately 492 feet) of Western burrowing owl habitat, a qualified biologist shall conduct a pre-construction survey for the species within 14 days prior to initial project activities. This applies year-round [i.e., within the breeding (February 1 to August 31) or non-breeding (September 1 to January 31) seasons]. A second survey shall be completed immediately prior to initial project activities (i.e., within the preceding 24 hours). The surveys shall be implemented in a manner consistent with the methods outlined in the California Burrowing Owl Consortium's Survey Protocol and Mitigation Guidelines (CBOC, 1993) and Staff Report on Burrowing Owl Mitigation (CDFG, 2012). These surveys may be completed concurrently with SJKF, American badger, or other special-status species surveys. A report of survey findings shall be submitted to the County Department of Planning and Building prior to initial project activities. If occupied Western burrowing owl burrows are identified, the following exclusion zones shall be observed during project activities, unless otherwise authorized by CDFW:

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

Each exclusion zone shall encircle the burrow and have a radius as specified in the table above. All foot and vehicle traffic, as well as all project activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall

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be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the burrow is no longer in use.

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

BR-9

Special Status Reptile Avoidance and Minimization. Within 30 days prior to issuance of grading and/or construction permits and immediately prior to initiation of site disturbance and/or construction, a qualified biologist shall conduct focused pre-construction surveys within 50 feet of suitable habitat for special status reptiles and amphibians. The surveys will be focused for Northern California legless lizard, Coast horned lizard, California glossy snake, San Joaquin coachwhip, Western pond turtle, and Western spadefoot toad by utilizing a raking survey methodology. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing the survey. Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special status reptiles and/or amphibian individuals are found in the area of disturbance, the biologist shall move the animal(s) to an appropriate location outside the area of disturbance. Any sightings of special status species shall be documented and reported to the County, CDFW Staff, and the CNDDDB. The candidate site(s) for relocation shall be identified before construction and shall be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the species' range. A monitoring report summarizing results shall be submitted to the County Department of Planning and Building within one week of completing monitoring work for these species.

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

BR-10

Crotch Bumble Bee (*Bombus crotchii*) and Western Bumble Bee (*Bombus occidentalis*) Avoidance and Minimization

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

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- b. If ground-disturbing activities will occur during the overwintering period (October through February), the applicant, in coordination with the County Planning and Building Department, shall consult with CDFW to identify specific measures to be undertaken to avoid take as identified by CESA.
- c. In the event that Crotch bumble bee and/or western bumble bee are denied listing under CESA by state law, this mitigation measure shall no longer be required for the respective species.

BR-11 **Protection of State Waters.** Prior to project initiation, all applicable agency permits with jurisdiction over the project area (e.g., California Department of Fish and Wildlife [CDFW], Regional Water Quality Control Board) shall be obtained, as necessary. Any additional measures required by these agencies shall be implemented as necessary throughout the project. During construction, project activity occurring within 50 feet of aquatic habitat (e.g., swales, drainages, ponds, vernal pool, etc., identified in biological report) shall occur during the dry season (between June 1 and September 31). For short-term, temporary stabilization, an erosion and sedimentation control plan shall be developed outlining controls, which shall be implemented to prevent erosion and sedimentation into drainages and wetlands. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) fiber rolls, jute or coir netting, and/or other industry standard materials. These controls shall be installed and maintained for the duration of the project.

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

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

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- BR-13** **Weekly Site Visits.** During the site disturbance and/or construction phase, a qualified biologist shall conduct weekly site visits during site-disturbance activities (e.g., clearing, grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, to check the site for special-status species. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by a biologist unless a potential SJKF den or special status small mammal burrow was identified on-site, or the qualified biologist recommends monitoring for other sensitive species protection. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- BR-14** **Monthly Biological Monitoring.**
1. Before (prior to ground disturbance), during, and after (one month following the end of annual operations) cannabis activities, the Applicant or project proponent must hire a qualified biologist to conduct monthly biological monitoring inspections. The qualified biologist will inspect the site to ensure compliance with the above-measures and to determine if any new activities have occurred. The biologist will provide a refresher survey and/or environmental training, as needed, during the monthly inspection. The biologist will be required to submit a report to the County within a week of the inspection. If major issues are identified during the inspection (e.g., encroachment into buffer zones, new activity outside previously surveyed area, etc.), then the biologist will notify the County immediately (via phone and/or in writing). If the results of monthly inspections show repeated noncompliance, the frequency of the inspections may be increased by the County. If the results of the monthly inspections consistently show compliance, the frequency of the inspections may be reduced by the County.
 2. Alternatively, if the County implements a biological monitoring program, then the Applicant or project proponent will participate in that program and pay County-generated invoices in lieu of hiring the biologist directly.
- BR-15** **Annual Biological Resource Surveys.**
- Annual Pre-activity Survey for SJKF, Special-status Small Mammals, and Burrow Mapping.** Throughout the life of the project, the applicant or project proponent must hire a qualified biologist to complete an annual pre-activity survey for SJKF and special status small mammal species (e.g., giant kangaroo rat, Tulare grasshopper mouse) no more than 14 days prior to the start of initial ground disturbance associated with the outdoor grow sites to ensure SJKF and special status small mammal species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active SJKF and special status mammal burrows within the grow site areas plus a 50-foot buffer for small mammals and 250-foot buffer for SJKF. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of state or federally listed species burrows is not feasible, no work shall begin within 250 feet (for SJKF dens) or within 50 feet (state or federally-listed small mammal) and consultation with the applicable resource agency (CDFW, USFWS, or both) shall be initiated, depending on the designated FESA/CESA listing status of the animal. Work shall not begin until authorization to continue is provided by the applicable resource agency, or until applicable measures from a permit issued by the resource agency (CDFW, USFWS, or both) for the project are successfully implemented.
- BR-16** **Site Restoration Following End of Operations.** Upon revocation of a use permit or abandonment of a licensed cultivation or nursery site, the permittee and/or property owner

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

BR-17

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

1. Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;
2. All facilities using artificial lighting shall include shielding and/or blackout tarps that are in place between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping;
3. Exterior path lighting shall conform to LUO Section 22.10.060, be designed to be motion activated, and be directed downward and to the interior of the site (and away from open spaces, drainages, and natural and semi-natural habitat areas) to avoid the light source from being visible off site. Exterior path lighting shall be “warm-white” or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions; and
4. Exterior lighting used for security purposes shall be motion activated, be designed to be motion activated, and be directed downward and to the interior of the site (and away from open spaces, drainages, and natural and semi-natural habitat areas) to avoid the light source from being visible off site and shall be of the lowest lumen necessary to address security issues.

Hazards/Hazardous Materials

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

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

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Appendix A – Other Agency Approvals That May Be Required

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

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

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

Section 8102 – Annual State License Application Requirements

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

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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

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

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

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

California Department of Fish and Wildlife (CDFW)

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

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

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

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

Caltrans. Proposed improvements within or adjacent to California State Highway 58 Right of Way will be reviewed and approved by Caltrans.

DATE: August 18, 2021

**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM
FOR GREENVIEW, LLC
MINOR USE PERMIT
(DRC2018-00010)**

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.

BIOLOGICAL RESOURCES (BIO)

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

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

BR-2 Noxious Weed Species Prevention Measures. To prevent the potential spread of invasive botanical species identified within the project site, all vehicles and equipment used at the site shall be cleaned of all dirt, mud, and plant debris prior to entering or exiting the site (e.g., driven over rumble strips) to prevent tracking of potential seed stock

to or from the property. Rumble strips will also be regularly cleaned and maintained to prevent the accumulation of non-native seed stock.

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

BR-3 American Badger (*Taxidea taxus*) Protection Measures

1. **Pre-construction Survey for American Badger.** A qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.
 - a. If a potential den is discovered, it shall be inspected to determine whether they are occupied. The survey shall cover the entire property and shall examine both old and new dens. The den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction.
 - b. If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season, nursing young may be present), measured outward from the burrow entrance. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February and July. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.
 - c. If more than 30 days pass between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the badger survey shall be repeated.

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

BR-4 San Joaquin Kit Fox (*Vulpes macrotis multica*; SJKF) Habitat Mitigation Alternatives. Prior to issuance of grading and/or construction permits, the applicant

shall submit evidence to the County that states that one or a combination of the following three San Joaquin kit fox (SJKF) mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 15.2 acres (3.8 acres * 4) of suitable habitat in the kit fox corridor area (e.g., within the San Luis Obispo County kit fox habitat area), either on site or off site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the CDFW and the County.

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

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

Mitigation alternative (b.) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-unit of \$2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to "The Nature Conservancy", would total \$38,000 (3.8 acres impacted * 4 * \$2,500-per-acre).

- c. Purchase 15.2 (3.8 acres * 4) credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c.) can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total \$38,000 (3.8 acres * 4 * \$2,500). This fee is calculated based on the current cost-per-credit of \$2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

The mitigation options identified above are based on a preliminary evaluation by CDFW on the project's anticipated acres of impact to SJKF habitat. The project has a required mitigation ratio of 4 acres conserved for each acre impacted (4:1). Total required compensatory mitigation may change based on the final number of impacted acres shown on the construction and/or grading plans submitted to the County for review.

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

BR-5 San Joaquin Kit Fox Protection Measures.

1. **SJKF Protection Measures on Plans.** All SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.
 - a. Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate the following as a note on the project plans: "Speed signs of 15 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.
2. **Pre-construction Survey for SJKF.** Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:
 - a. A qualified biologist shall complete a pre-construction survey for SJKF no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure SJKF is not present within all proposed work areas and at least a 200-foot buffer around work areas per USFWS Standard Recommendations (2011). The biologist will survey for signs of SJKF and known or potential SJKF dens. The result of the survey shall be submitted to the County within 5 days of the survey and prior to start of initial project activities. The submittal shall include the date the survey was conducted, survey method, and survey results, including a map of the location of any SJKF signs, and/or known or potential SJKF dens, if present. If no SJKF signs, potential or known SJKF dens are identified, then the SJKF Standard Protection Avoidance and Protection Measure shall be applied.
 - i. If the qualified biologist identifies potential SJKF den(s), the den(s) will be monitored for 3 consecutive nights with an infra-red camera, prior to any project activities, to determine if the den is being used by SJKF. If no SJKF activity is observed during the 3 consecutive nights of camera placement then project work can begin with the Standard SJKF Avoidance and Protection Measures and the SJKF Protection Measures if SJKF are observed.
 - ii. If a known den is identified within 200-feet of any proposed project work areas, no work may start in that area.
 - iii. If 30 days lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), where no or minimal work activity occurs, the SJKF survey shall be updated.

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

BR-6 Standard SJKF Avoidance and Protection Measures. Throughout the life of the project,

1. If a SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other agencies as needed.
2. A maximum of 15 mph speed limit shall be required at the project site during project activities. Speed limit signs shall be installed on the project site prior to start of all work.
3. All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.
4. To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes or trenches greater than two feet deep shall be completely covered at the end of each workday by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If a SJKF is entrapped, CDFW, USFWS, and the County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.
5. All pipes, culverts, or similar structures with a diameter of 4 inches or greater, stored overnight at the project site shall be thoroughly inspected for sheltering SJKF before burying, capping, or moving. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day. No pipes, culverts, similar structures, or materials stored on site shall be moved if there is a SJKF present within or under the material. A 50-foot exclusion buffer will be established around the location of the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.
6. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in animal-proof closed containers only and regularly removed from the site.
7. No deliberate feeding of wildlife shall be allowed.
8. Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.
9. Trash will be disposed of into containers rather than stockpiling on site prior to removal.
10. Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence shall be surveyed (consistent with pre-construction survey requirements) by a qualified biologist before they are moved.
11. The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which SJKF depend.
12. Permanent fences shall allow for SJKF passage through or underneath by providing frequent openings (8-inch x 12-inch) or an approximately 4-inch or greater passage

gap between the ground and the bottom of the fence. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

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

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

BR-7

Nesting Birds Protection Measures

1. **Pre-construction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. This includes nests of all common bird species (under the MBTA), as well as special status birds and raptor nests. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.
 - 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 at least one week prior to initial project activities and within one week of completing surveys for ongoing activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A

map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

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

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

BR-8 Western Burrowing Owl (*Athene cunicularia*) Avoidance and Minimization

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

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

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

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

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

BR-9 Special Status Reptile Avoidance and Protection.

1. **Pre-construction Survey for Special-status Reptiles and Amphibians.** Within 30 days prior to issuance of grading and/or construction permits and immediately prior to initiation of site disturbance and/or construction, a qualified biologist shall conduct a focused pre-construction survey immediately before any initial ground disturbances (i.e. the morning of the commencement of disturbance) within 50 feet of suitable habitat. The survey will be focused for special status herpetofauna, including the California legless lizard (using a raking survey in sandy areas), Northern California glossy snake, and San Joaquin coachwhip. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing the survey. Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special status reptiles and/or amphibians are found in the area of disturbance, the biologist shall move the animal(s) to an appropriate location outside the area of disturbance. Any sightings of special status species shall be documented and reported to County and CDFW staff and the CNDDB. The candidate site(s) for relocation shall be identified before construction and shall be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the species' range. A monitoring report summarizing results shall be submitted to the County Department of Planning and Building within one week of completing monitoring work for these species.

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

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

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

1. **Pre-construction Survey for Crotch Bumble Bee and Western Bumble Bee.** The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for Crotch bumble bee and Western bumble bee within suitable habitat (i.e., small mammal burrows, thatched/bunch grasses, upland scrubs, brush piles, unmowed/overgrown areas, dead trees, hollow logs, etc.) on the project site. Survey(s) shall be conducted over an extended period of time to document and establish the presence of the bees within the areas of disturbance.

2. **Avoidance Measures.** If the survey(s) establish the presence of Crotch bumble bee (CBB) or Western bumble bee (WBB) within the areas of disturbance, the applicant shall retain a qualified biologist to prepare a Biological Resources Management Plan (Management Plan) subject to review and approval by the County Planning and Building Department in consultation with CDFW. The Management Plan shall include at least the following:
 - a. Avoidance measures to include a minimum 50-foot no-disturbance buffer to avoid take and potentially significant impacts.
 - b. If ground-disturbing activities will occur during the overwintering period (October through February), the applicant, in coordination with the County Planning and Building Department, shall consult with CDFW to identify specific measures to be undertaken to avoid take as defined by the California Endangered Species Act (CESA).
 - c. In the event that CBB and/or WBB is denied listing under CESA by state law, this mitigation measure shall no longer be required for the respective species.

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

- BR-11** **Protection of State Waters.** Prior to project initiation, all applicable agency permits with jurisdiction over the project area (e.g., California Department of Fish and Wildlife [CDFW], Regional Water Quality Control Board) shall be obtained, as necessary. Any additional measures required by these agencies shall be implemented as necessary throughout the project. During construction, project activity occurring within 50 feet of aquatic habitat (e.g., swales, drainages, ponds, vernal pool, etc., identified in biological report) shall occur during the dry season (between June 1 and September 31). For short-term, temporary stabilization, an erosion and sedimentation control plan shall be developed outlining controls, which shall be implemented to prevent erosion and sedimentation into drainages and wetlands. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) fiber rolls, jute or coir netting, and/or other industry standard materials. These controls shall be installed and maintained for the duration of the project.

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

- BR-12** **Site Maintenance and General Operations.** The following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:
1. The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area

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

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

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

BR-13

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

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

BR-14

Monthly Biological Monitoring.

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

inspections consistently show compliance, the frequency of the inspections may be reduced by the County.

2. Alternatively, if the County implements a biological monitoring program, then the Applicant or project proponent will participate in that program and pay County-generated invoices in lieu of hiring the biologist directly.

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

BR-15 Annual Biological Resource Surveys.

Annual Pre-activity Survey for SJKF, Special-status Small Mammals, and Burrow Mapping. Throughout the life of the project, the applicant or project proponent must hire a qualified biologist to complete an annual pre-activity survey for SJKF and special status small mammal species (e.g., giant kangaroo rat) no more than 14 days prior to the start of initial ground disturbance associated with the outdoor grow sites to ensure SJKF and special status small mammal species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active SJKF and special status mammal burrows within the grow site areas plus a 50-foot buffer for small mammals and 200-foot buffer for SJKF. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of state or federally listed species burrows is not feasible, no work shall begin within 200 feet (for SJKF dens) or within 50 feet (state or federally-listed small mammal) and consultation with the applicable resource agency (CDFW, USFWS, or both) shall be initiated, depending on the designated FESA/CESA listing status of the animal. Work shall not begin until authorization to continue is provided by the applicable resource agency, or until applicable measures from a permit issued by the resource agency (CDFW, USFWS, or both) for the project are successfully implemented.

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

BR-16 Site Restoration Following End of Operations.

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

inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the County.

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

BR-17 Nighttime Lighting Minimization.

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

1. Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;
2. All facilities using artificial lighting shall include shielding and/or blackout tarps that are in place between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping;
3. Exterior path lighting shall conform to LUO Section 22.10.060, be designed to be motion activated, and be directed downward and to the interior of the site (and away from open spaces, drainages, and natural and semi-natural habitat areas) to avoid the light source from being visible off site. Exterior path lighting shall be "warm-white" or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions; and
4. Exterior lighting used for security purposes shall be motion activated, be designed to be motion activated, and be directed downward and to the interior of the site (and away from open spaces, drainages, and natural and semi-natural habitat areas) to avoid the light source from being visible off site and shall be of the lowest lumen necessary to address security issues.

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

HAZARDS/HAZARDOUS MATERIALS (HAZ)

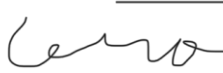
- HAZ-1 Equipment Maintenance and Refueling.** During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge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

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

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



Signature of Applicant



Name (Print)

Salvador Cano 8/19/21



Date