



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

PLN-2039
04/2019

Project Title & No. SLO Cal Farms, Inc. East MUP ED21-060 (DRC2019-00051)

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 checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Public Services
<input type="checkbox"/> Agriculture & Forestry Resources	<input checked="" type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Air Quality	<input type="checkbox"/> Hydrology & Water Quality	<input type="checkbox"/> Transportation
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Land Use & Planning	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Utilities & Service Systems
<input checked="" 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

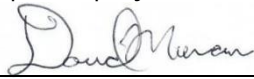
DETERMINATION: (To be completed by the Lead Agency)

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.

David Moran

Prepared by (Print)


Signature

December 1, 2021

Date

Eric Hughes

Reviewed by (Print)


Signature

Principal Environmental
Specialist

September 14,
2022

Date

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Project Environmental Analysis

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

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

A. Project

DESCRIPTION: Hearing to consider a request by **SLO CAL Farms, Inc.** for a Minor Use Permit (DRC2019-00051 / SLO Cal East) to establish 3.75 acres gross of outdoor cannabis cultivation area; 27,216 square feet (sf) gross of indoor cannabis cultivation area; 29,232 sf gross of ancillary indoor nursery; a 10,500 sf metal building for ancillary processing, cannabis storage, offices, and a restroom; ancillary transport; and about 2.8 acres of related site improvements (e.g., composting area, water tanks, parking, etc.). The project is proposed in four phases. Two ordinance modifications are requested: (1) a parking modification to allow 20 parking spaces where 123 are required; and (2) a setback modification for outdoor cultivation to allow an approximately 100 foot setback along the western property line where a 300 foot setback is required. The project will result in approximately 15,300 cubic yards (cy) of cut and 3,500 cy of fill and a disturbance area of about 8.13 acres. The project site is located about a mile east of 2155 South Thompson Avenue, on an approximately 312-acre parcel, and about 2.75 miles southeast of the community of Nipomo. Additional grading (1,500 cy of cut and 3,500 cy of fill) and site improvements are proposed on the adjacent parcel to the west (APN 090-261-015) to provide vehicular access and a retention basin to serve the SLO Cal East Project. The project is within the Agriculture land use category and within the South County Inland Sub-area of the South County Planning Area.

SLO Cal East project components are summarized in Table 1. SLO Cal Farms, Inc. is also proposing a separate cannabis project (SLO Cal West, DRC2019-00050) on the adjacent parcel to the west (APN 090-261-015) which is under the same ownership. Both projects propose the same cannabis activities and basically the same square footages for those activities. Figures 1 – 4 depict the location, existing conditions, and general components of both projects. Figures 5 – 7 show the improvements proposed for the SLO Cal East project. Figure 8 depicts improvements proposed on the SLO Cal West site (DRC2019-00050) for SLO Cal East.

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Table 1 – SLO CAL Farms East Project Summary

Proposed Cannabis Activity / Related Improvements	Project Components		Total Area		
			Canopy (sf)	Total sf Gross	Acres
Outdoor Cultivation	Plot 1 – 3 within Hoop Houses (each 1.25 acres gross; each 1 acre canopy)		130,680	163,350	3.75
Indoor Cultivation	New Greenhouses 3 @ 9,072 SF each = 27,216 sf		22,000	27,216	0.62
Indoor Ancillary Nursery	New Greenhouses 4 @ 7,308 sf each = 29,232 sf		N/A	29,232	0.67
Ancillary Processing ¹	New metal building	Processing (9,320 sf)	N/A	10,500	0.24
		Cannabis Storage / Vaults ² (480 sf)			
		2 Offices 600 sf total			
		ADA Restroom 100 sf			
Other Related Site Improvements	New accessory uses within outdoor cultivation fenced area. Includes interior access, portable toilets, 4 water tanks @ 10,000 gallons each, etc. (66,782 sf total)		N/A	123,742	2.84
	New Seatrains for pesticide & nutrient storage (3 @ 320 sf each = 960 sf total)				
	New Composting, Soil Storage, & Trash/Recycling Area (6,500 sf)				
	Parking, Loading, & Fire Truck Turnaround (20,300 sf). Parking = 19 standard + 1 ADA space				
	Access Improvements (25,500 sf) New 20' wide dg access to cannabis activities (1,275 LF x 20' wide)				
	New septic system / leach field (2,000 sf)				
	New Fire Storage Tanks (1,700 sf) 2 @ 5,000 gallons each				
	Solar array on roof of metal building 0 SF ³				
Total Area of Disturbance SLO Cal East (APN 090-261-014)				354,040	8.13
Improvements on SLO Cal West (APN 090-261-015) for SLO Cal East (APN 090-261-014)	New Retention Basin		N/A	49,000	1.12
	Access Improvements from SLO Cal West developed area to property line SLO Cal East. Interior access improved from 18' to 20' width.		N/A	28,000	0.64
Total Area of Disturbance on APN 090-261-015 for SLO Cal East				77,000	1.77
Total Area of Disturbance SLO Cal East				431,040	9.90

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Notes:

¹ The SLO County cannabis ordinance defines processing as: drying curing, trimming, rolling, storing, packaging, and labeling of nonmanufactured cannabis products.

² Raw and processed cannabis will be stored in this area.

³ This component is within an area defined elsewhere in this table.

Both projects take access from South Thompson Avenue. SLO Cal West would take access directly from South Thompson Avenue while SLO Cal East would take access through the SLO Cal West property (see Figure 4). Interior access through the SLO Cal West site would be by an 18-foot wide all-weather road that extends roughly 0.8 miles from South Thompson Avenue to the SLO Cal East property line. This access road will be improved to a 20-foot width, all-weather surface consistent with Cal Fire standards. SLO Cal West would be responsible for approximately 0.60 miles of improvements on the SLO Cal West site while SLO Cal East (DRC2019-00051) would be responsible for about 0.20 miles of improvements on the SLO Cal West property (see Figures 4 and 8). In addition, some additional access improvements would occur on each site in order to access proposed cannabis activities.

Outdoor Cultivation. SLO Cal East proposes a 3.75 acre gross area for outdoor cannabis cultivation with a maximum canopy of 3 acres. The outdoor cultivation area will be located near the center of the site within three plots (designated Plot 1, 2, and 3). Each plot would be 1.25 acres gross and support a canopy of 1 acre. Plants will be grown from seed or clone in potting soil within raised beds or mounds using organic methods. All or portions of the outdoor cultivation may be located within hoop houses. Plots 2 and 3 are located to satisfy the required 300 foot setback from the nearest property line. Plot 1 satisfies the required setback from the north, south and east property lines but is setback 100 feet from the west property line shared with the SLO Cal West site; thus a setback modification is requested along the western property line. As indicated in Table 2, up to three harvests per year are anticipated.

Indoor Cultivation (Mixed-Light). Indoor mixed-light cannabis cultivation is proposed within three new greenhouses with a total gross floor area of 27,216 sf and will support 22,000 sf of cannabis canopy. Plants will be grown from seed or clone in soil or soilless medium within pots on clearly defined canopy benches. A portion of the greenhouse floor space will be used for machinery, aisles, and similar uses. The greenhouses will all be equipped with an odor control system. Light deprivation curtains will be installed within the greenhouses to prevent interior light from being visible outside during nighttime operations. The indoor cultivation will yield four harvests per year, or one harvest every three months.

Ancillary Nursery. Ancillary nursery totaling 29,232 sf gross is proposed within four new greenhouses. Plants will be grown from seed or clone in soil or soilless medium within pots using organic methods. The greenhouses will be equipped with an odor control system. Light deprivation curtains will be installed on the inside or outside of these greenhouses to prevent interior light from being visible outside during nighttime operations.

Ancillary Processing. A new 10,500 sf metal structure is proposed for the processing of cannabis grown on-site. As proposed, the metal building would include two drying areas (8,600 sf), a packaging area (720 sf); three vaults (480 sf) that can be used for storing cannabis or related items; an ADA compliant restroom (100 sf); and two offices (totaling 600 sf). Following processing, the product will be taken off-site by a licensed distributor. The metal building will be equipped with an odor control system. Following processing, the product will be taken off-site by a licensed distributor.

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Ancillary Transport. The project includes ancillary transport which would allow the applicant to transport cannabis grown or processed on site to testing facilities and to other licensees consistent with State law. Ancillary transport does not apply to the ancillary nursery; immature plants and clones associated with ancillary nursery cannot be transported off site.

Other Related Site Improvements. As noted in Table 1, cannabis operations will include the following additional improvements on the project site:

- Portable restrooms for employees;
- New composting, soil storage, and trash/recycling areas;
- Three new seatrains (960 sf total) for pesticide and nutrient storage;
- A new septic system and leach field to serve the proposed restroom in the metal building (2,000 sf);
- Four new water tanks for irrigation (10,000 gallons each) and two new water tank for fire suppression (5,000 gallons each);
- Solar array on the roof of the metal building along with battery storage within the metal building; and
- Site improvements including 15,300 cubic yards of cut and 3,500 cubic yards of fill for interior access to proposed cannabis activities, a fire turnaround, and other site improvements.

In addition, the project would include the following improvements on the SLO Cal West project site which is adjacent to the west (APN 090-260-015).

- Construction of a 49,000 sf drainage retention basin that would require 2,000 cy of fill; and
- Widening of a 0.2 mile portion of the access road on the SLO Cal West property that extends east from the SLO Cal West existing development to the SLO Cal East property line (see Figures 4 and 8). The interior access road would be widened from an 18 foot width to a 20 foot width and would have an all-weather surface. Widening the interior access would require 1,500 cy of cut and 1,500 cy of fill. See Figure 8.

Phasing. The project will be constructed in four phases as summarized in Table 2. Phases III and IV may be switched, with Phase IV coming before Phase III.

Operations. The project will employ up to 8 full time employees and up to 11 seasonal employees during harvests. The hours of operation for outdoor cultivation, indoor cultivation, ancillary nursery, and ancillary processing would be from 6 am to 9 pm, seven days per week, year round. The project proposes a total of 20 parking spaces (i.e., 19 decomposed granite parking spaces and one paved American Disability Act (ADA) compliant space).

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Table 2 -- SLO CAL Farms East MUP Proposed Phasing, Employees, & Harvests

Phase	Proposed Cannabis Activity / Use	Harvest Month(s)*
I	<ul style="list-style-type: none"> ❖ 3.75 Acres Gross Outdoor Cultivation (3 acre canopy), ❖ Accessory uses (water tanks; storage for fertilizers, tools, etc.; building, compost area, waste storage; gates & fences; exterior road improvements; and interior access) 	March / April, June / July, Oct / Nov
II	<ul style="list-style-type: none"> ❖ 27,216 sf gross Indoor Cultivation Greenhouses (22,000 sf canopy) ❖ Accessory uses (gates & fences; extension of interior access; storage for equipment, fertilizer, or similar items) 	Feb / May / Aug / Oct
III	<ul style="list-style-type: none"> ❖ 29,232 sf gross Ancillary Nursery Greenhouses ❖ Accessory uses (gates & fences; extension of interior access; storage for equipment, fertilizer, or similar items) ❖ May occur as Phase IV. 	May / Aug / Oct / Feb
IV	<ul style="list-style-type: none"> ❖ 10,500 sf Metal Building for processing, cannabis storage, a restroom, and offices ❖ Accessory uses (gates & fences; extension of interior access; storage for equipment, fertilizer, or similar items) ❖ May occur as Phase III. 	N/A

Notes: *Harvest months are estimated; dependent on weather.

Security. A detailed Security Plan has been provided as part of the application materials that includes solar powered security lighting with motion detection, fencing, secure entry and access gates to all cultivation areas, full lighting of the secured cannabis storage area, cameras, and an alarm system. Existing fencing consists of a 4-strand barb wire fence enclosing and dividing the property. Security fencing will consist of a minimum 6 foot tall chain link fence with privacy slats installed around the perimeter of the outdoor cultivation plots as well as the indoor cultivation and nursery greenhouses and the processing building. In addition, the greenhouses and metal building would have a secure entry. Motion detecting security lights would be located on the perimeter of the metal building and greenhouses. Security cameras will be placed at all cultivation area access points. The site will operate in full compliance with State Licensing requirements for track and trace which will further ensure adherence to security protocols.

Odor Management. The applicant has prepared an Odor Management Plan to address odors associated with the indoor and outdoor cultivation activities. The Odor Management Plan includes best management practices and adaptive management strategies to steps to manage potential nuisance odors and address neighborhood compatibility.

Nuisance odors are primarily generated by flowering cannabis plants and processing. To prevent nuisance odors from offsite detection, the greenhouses and processing building would be fully enclosed and equipped with odor management control systems. Outdoor cultivation activities follow all ordinance setback requirements to ensure dissipation of odors offsite. All outdoor cultivation would be located a minimum of 300 feet from the site's perimeter property lines. The closest off-site residence is located about 0.6 miles northeast of project's proposed outdoor cultivation. The property located directly to the west (SLO Cal West, DRC2019-00050) is under common ownership. SLO Cal East is also pursuing a discretionary permit for cannabis activities.

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Staff would receive training on the Facility Odor Control Plan and how odor control best management practices apply to their work tasks. Specific odor control operational controls would be implemented, including keeping facility doors closed whenever possible, completing activities in designated areas, acquiring cannabis waste dumpsters, and more. All equipment and systems will be properly maintained to ensure ongoing effectiveness and odor response protocols will be implemented in the case of odor complaints with corrective actions.

Certain adaptive management strategies will additionally ensure ongoing odor control management at the project site. Operators shall install continuous weather monitoring equipment to identify variables and conditions that could cause increased odor emissions to the area. During the first week of operations, a 7-day continuous audit will be performed regarding odor control. All odor monitoring data will be kept for a minimum of 3 years. In the event that odor complaints are identified, the operator shall take corrective actions, revise its Standard Operating Procedures, or adjust odor control systems as needed to address the complaint. Ongoing odor complaints, even after identification of the initial source of the complaint, will need to be analytically assessed. Additional steps to control cannabis odors include planting low-odor strains, fence-mounted odor neutralization, canopy reduction, and implementation of new methods.

Waste Management. Outdoor Cannabis cultivation will not produce any wastewater as all water will be reused within the planting environment. Wastewater from nursery and greenhouse cultivation will be conveyed to two, 5,000 gallon storage tanks and will be recycled to be used for irrigation of on-site plants. All green waste will be composted on-site within a fenced and defined soil compost area. Any non-compostable waste produced on-site will be placed in the trash bins. Portable restrooms will be provided for staff near the outdoor cultivation area. An ADA compliant restroom is proposed within the metal building when that phase is completed. A new septic system and leach field are proposed to service this new restroom.

Hazardous Materials Storage and Hazard Response Plan. Pesticide and fertilizer usage will be conducted in accordance with the Department of Agriculture standards. Pesticides, fertilizers, and nutrients will be stored in three new septrains. The cultivation greenhouse would include an area for machinery and other supportive uses for the cultivation.

The following pesticide and fertilizer products will be used on-site: Activia, Regalia, Venerate, Mildew Cure, neem oil, rosemary oil, Dawn dish soap, Monterey County insect spray, SM99, Dipel, Green Clean, Nutrients Grow/Bloom, guanos, Silica Blast, kelp meal, fish meal, and organic amendments. All staff will be properly trained on the handling practices of chemicals used for the cultivation and what to do in the event of unintended exposure.

Water Management Plan. Currently the SLO Cal East project site does not have any water wells. The SLO Cal East property receives water from the SLO Cal West site. The SLO Cal West site has three existing water wells; two active and one abandoned well. All existing wells are located near Thompson Avenue between SLO Cal West's interior access and Highway 166. The existing wells on the SLO Cal West site have historically provided water for agricultural activities on both the SLO Cal West and SLO Cal East properties. Accordingly, water lines have been extended throughout both properties. Cannabis as well as typical agricultural activities on the SLO Cal West and East sites will be served by existing Well #1. The other operational well on the SLO Cal West site will continue to provide water for ongoing, typical agricultural operations on the SLO Cal East and West properties. Four 10,000-gallon water tanks are proposed to store irrigation water and two 5,000-gallon water tank will be used for fire suppression on the SLO Cal East property.

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Total water demand for the proposed cannabis activities the SLO Cal East site is estimated to be between 9.2 and 13.69 Acre-Feet per Year (AFY).

Ordinance Modifications

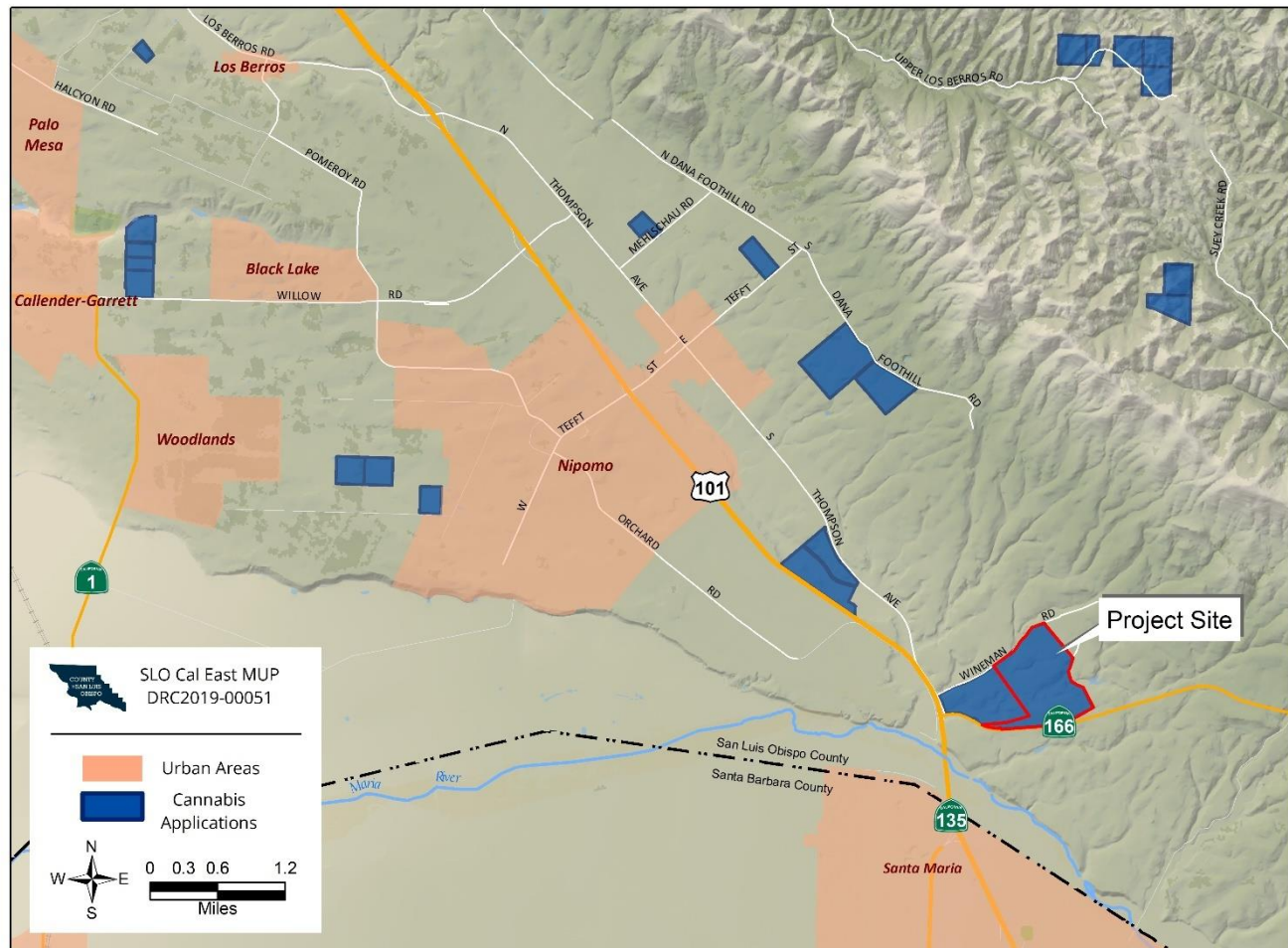
Parking. The project includes a request for a modification from the parking standards set forth in LUO Section 22.18.050. The type of use that is most similar to the proposed indoor cannabis cultivation and ancillary nursery is *"Nursery Specialties"* with a parking requirement of one parking space per 500 sf of floor area. Cannabis processing (drying) is assumed to generate a parking demand comparable to *"Ag Processing"* which requires one parking space per 1,000 square feet of use area. By applying these standards, the project requires a total of 123 parking spaces. The applicant is proposing a total of 20 parking spaces including one ADA accessible space.

300 Foot Setback. The project includes a request for a modification from the setback standards for outdoor cannabis cultivation set forth in LUO Section 22.40.050 D. 3. The proposed modification would allow an approximately 100 foot setback from the west property line where 300 feet is required. The property to the west, SLO Cal West, is under common ownership and is also proposing cannabis activities.

Baseline Conditions. There is one existing structure on-site, an agricultural barn for hay storage. Access to the SLO Cal East property is provided by an 18-foot wide, all-weather surfaced road that extends eastward from South Thompson Avenue to the western boundary of the SLO Cal East property. The SLO Cal East site is currently served with a network of dirt roads. Topography consists of gently rolling hills covered with native and non-native grasses. The center and southern portions of the site are traversed by an unnamed drainage and intermittent stream system that is tributary to the Santa Maria River. Vegetation consists mainly of grassland. Sporadic trees and shrubs are located in or along these drainages. The perimeter of the project site is fenced with 4-strand barbed wire fencing. For the past two decades, the site has been used for livestock grazing and has been dry farmed for grain crops. The project site, as well as the adjoining parcel to the west (SLO Cal Farms West), are currently under active Williamson Act contracts. Irrigation lines are located throughout the property. There are no water wells located on the SLO Cal East site.

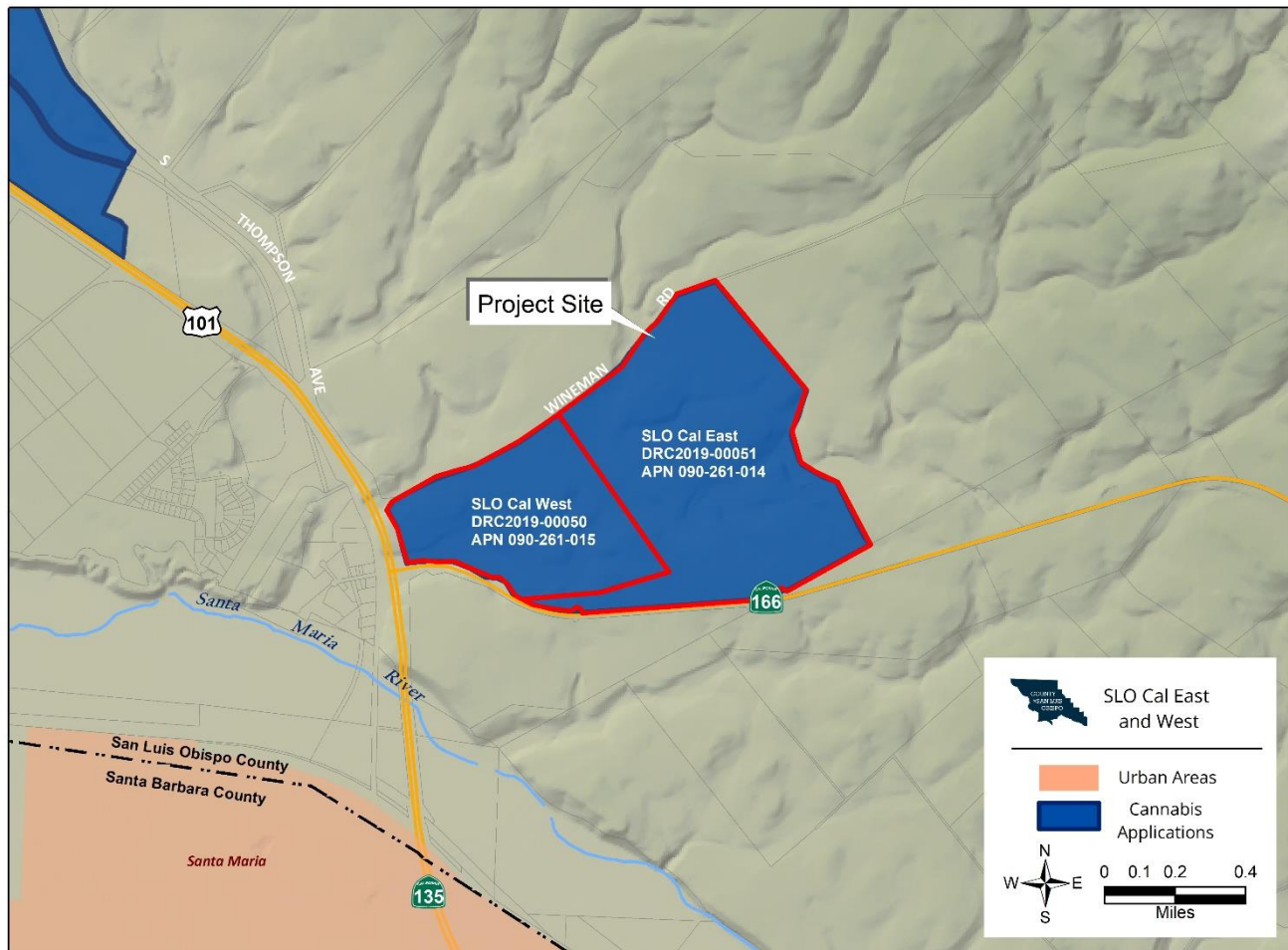
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Figure 1: Project Location



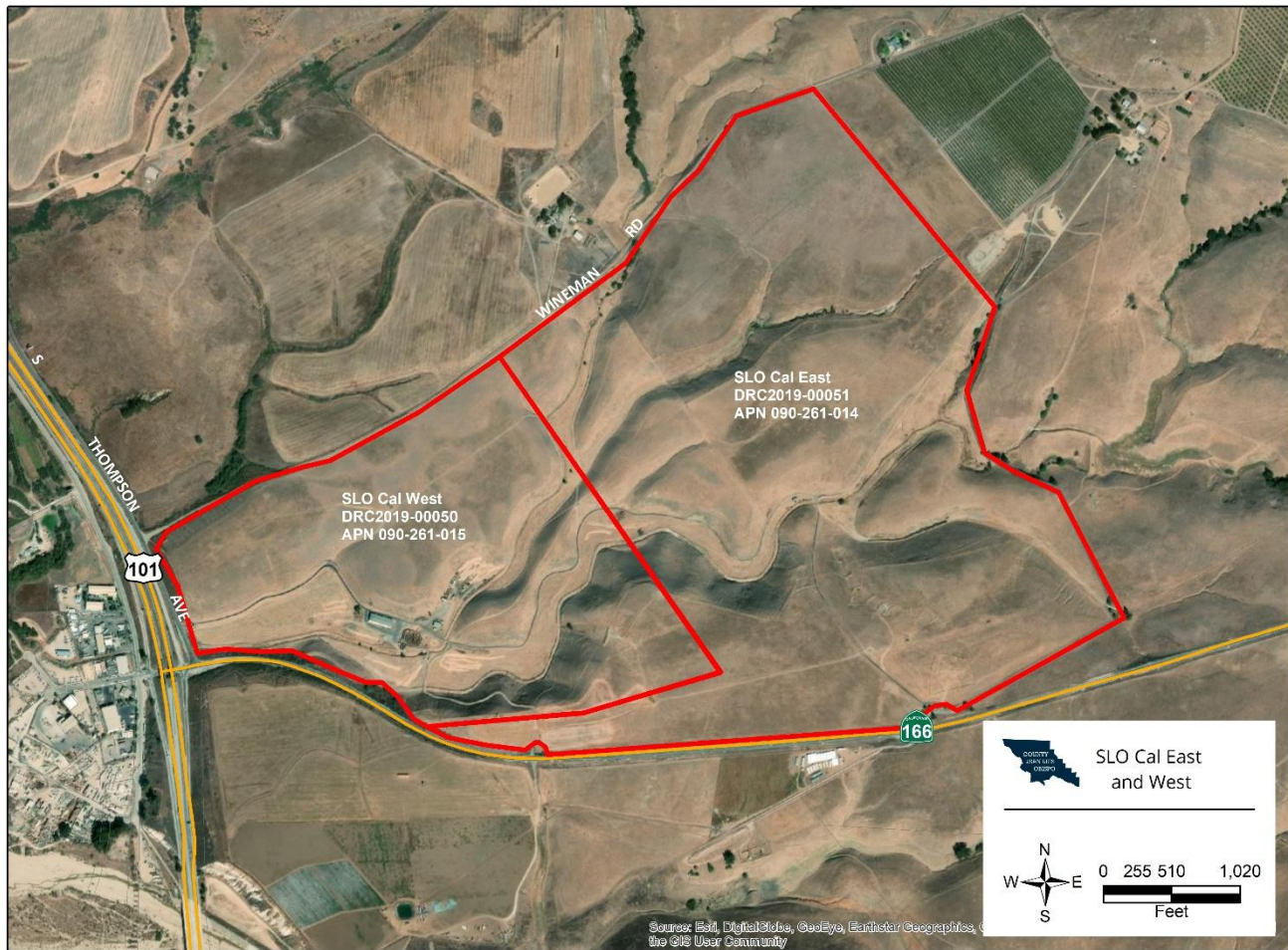
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Figure 2: Project Vicinity



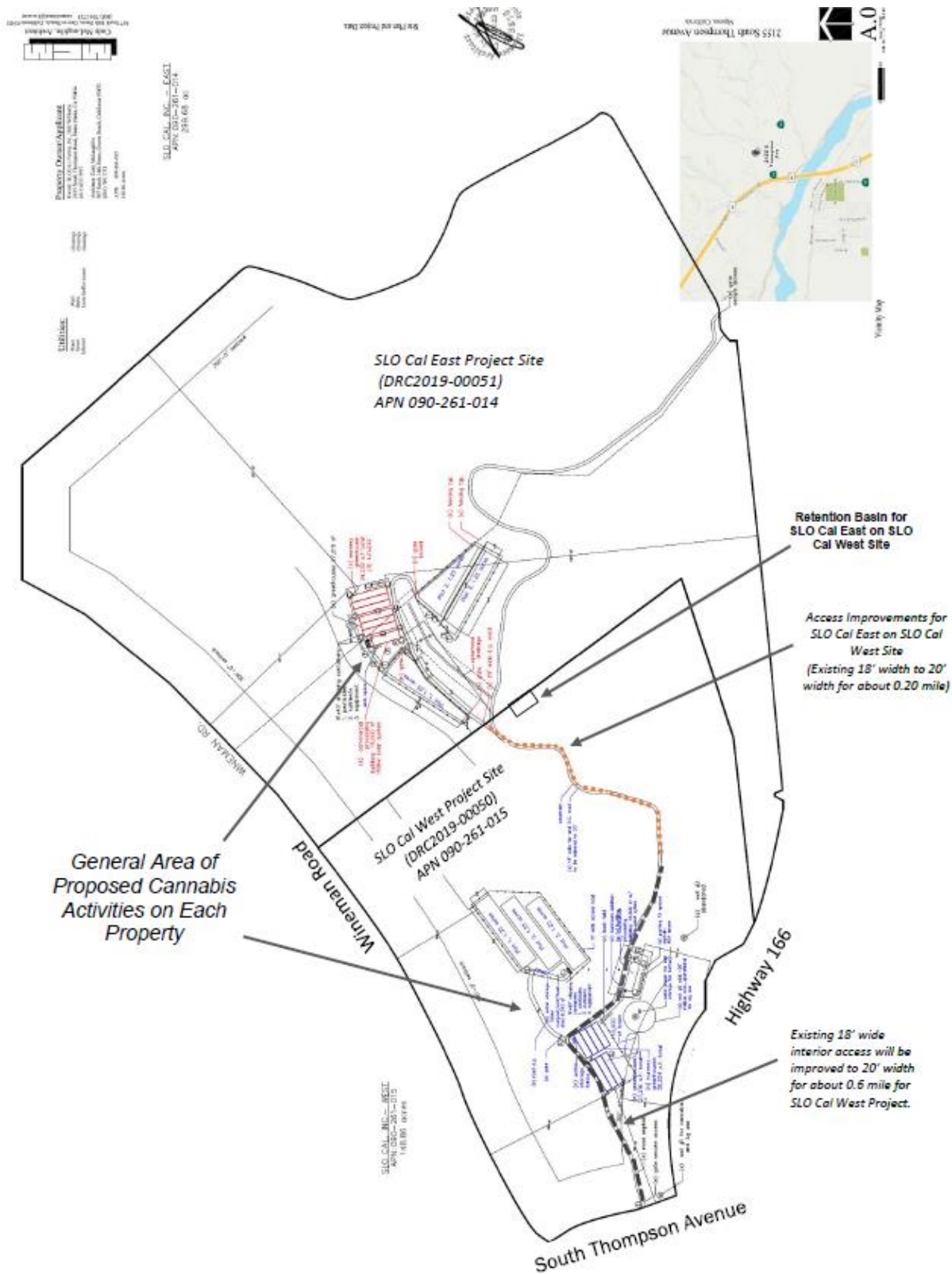
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Figure 3 – Existing Conditions



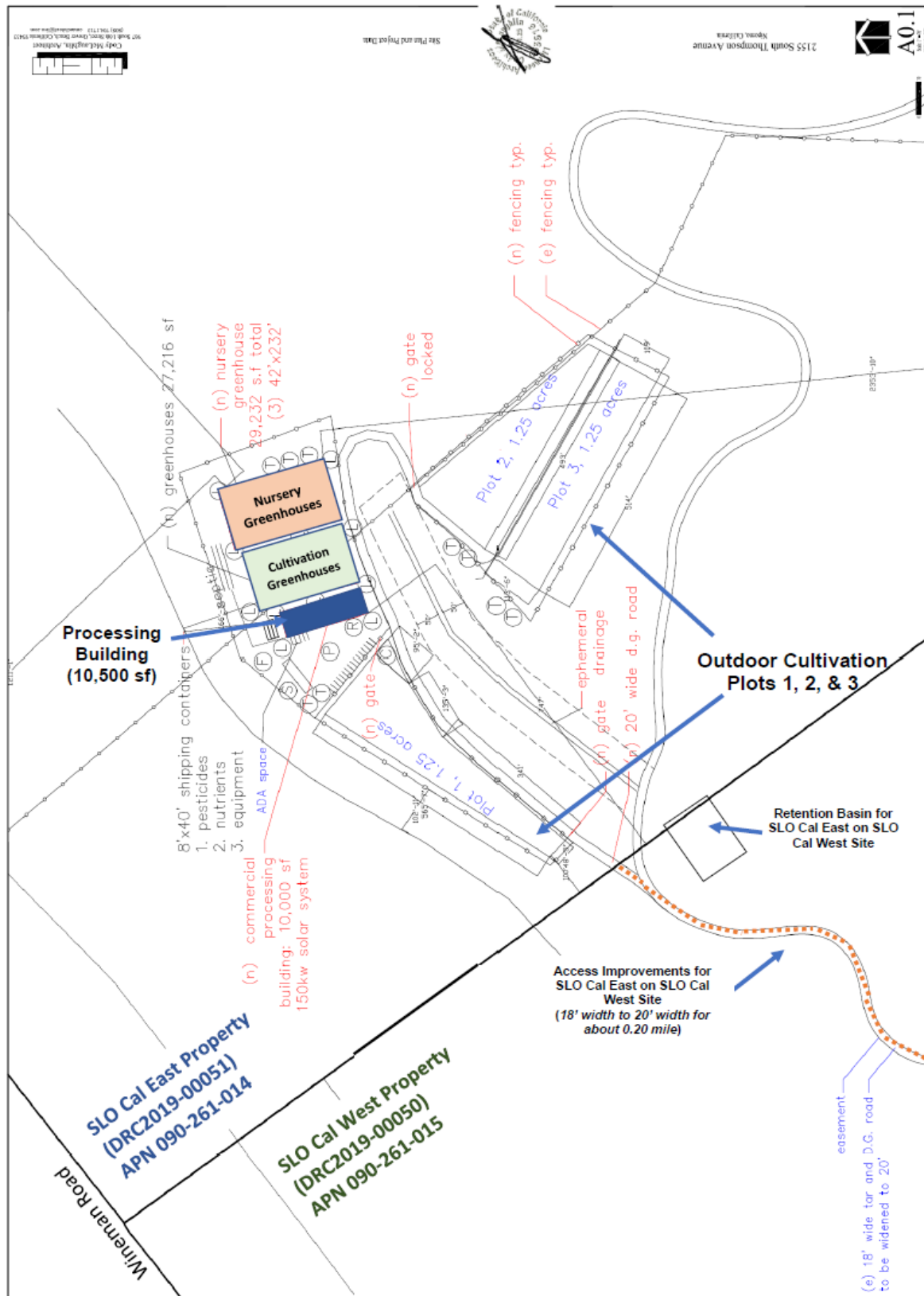
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Figure 4 – Site Plan SLO Cal East (DRC2019-00051) & SLO Cal West (DRC2019-00050)



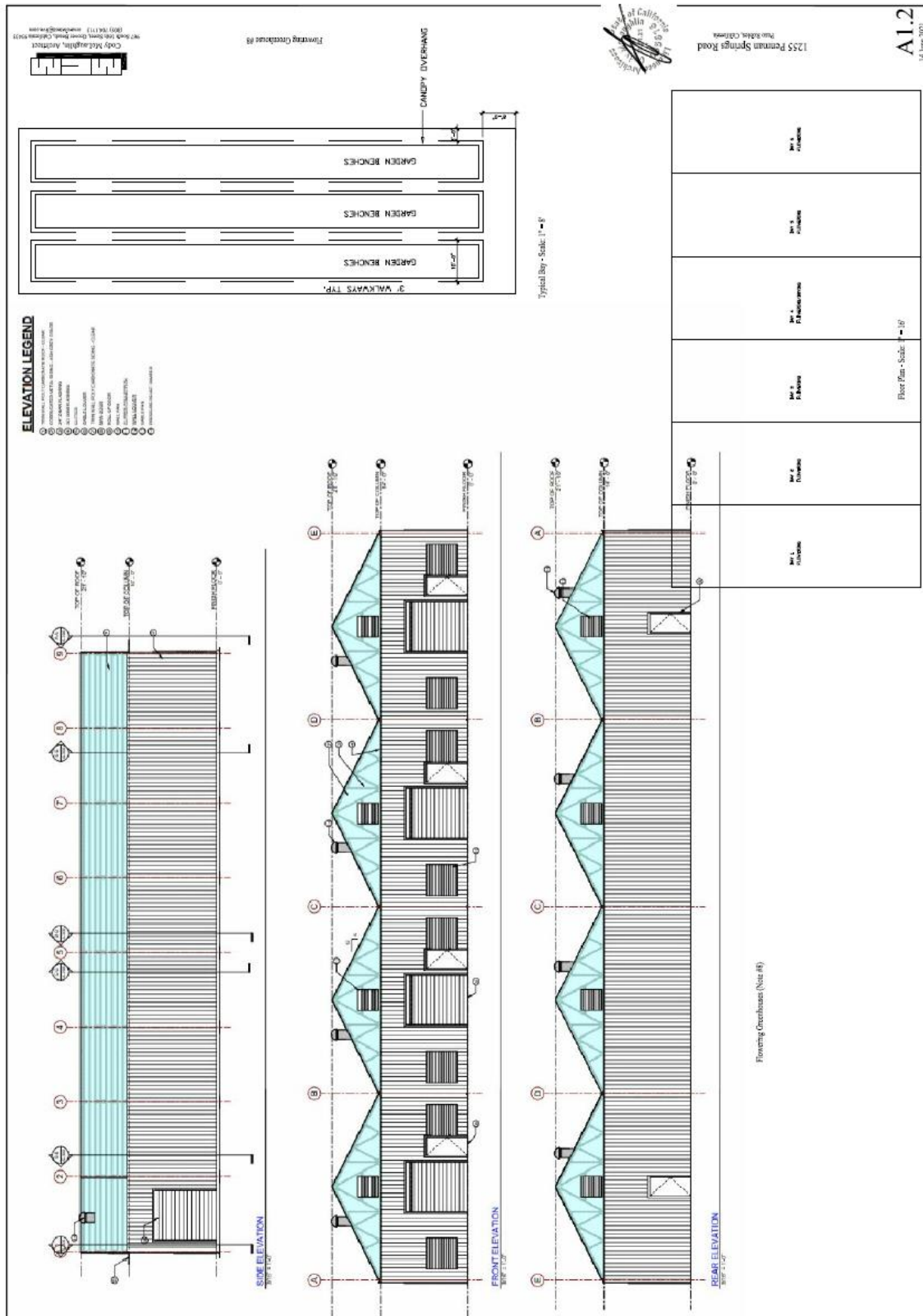
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Figure 5 – Closeup of SLO Cal East Site Plan



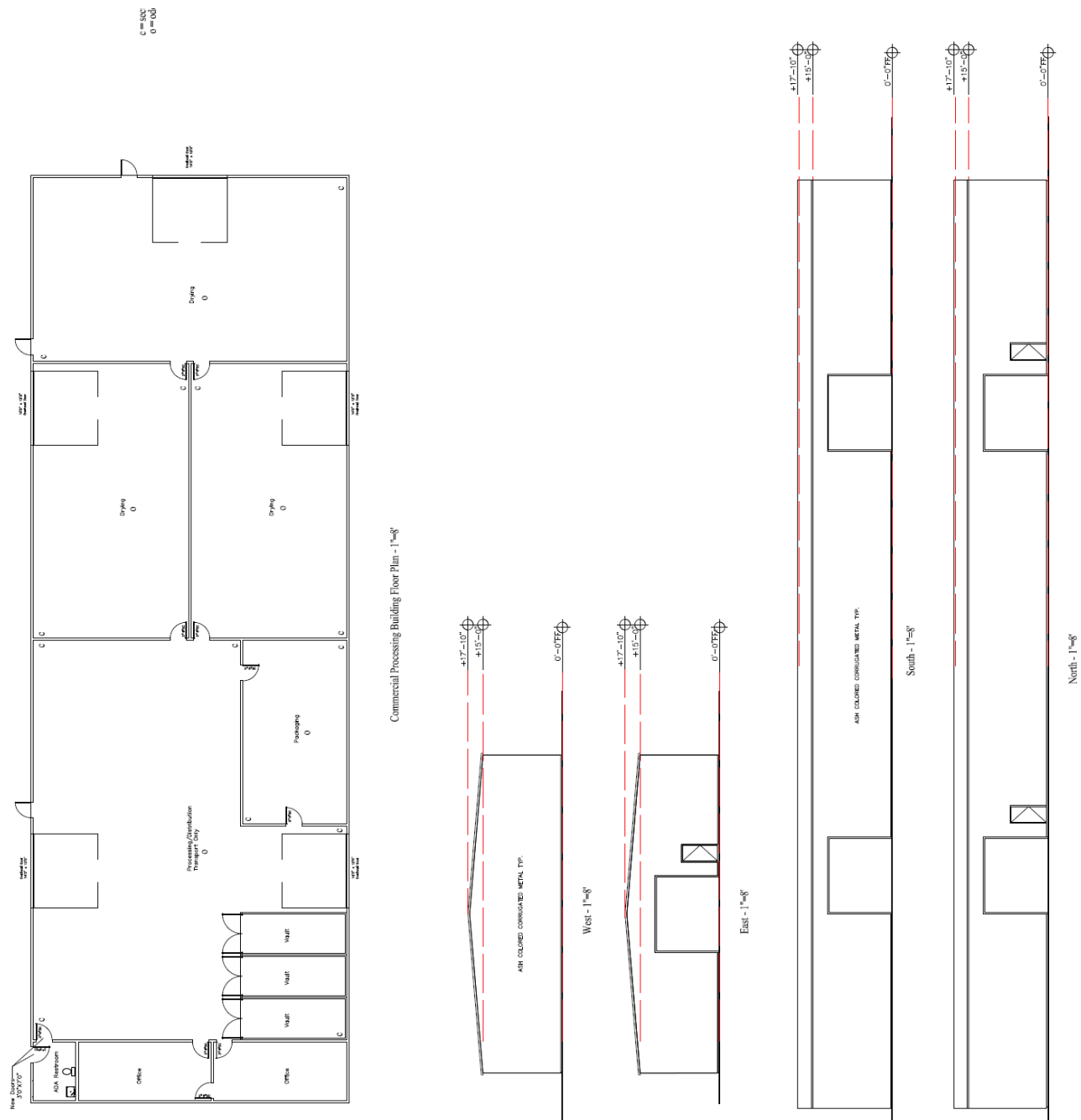
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Figure 6 - Greenhouse Building Elevations



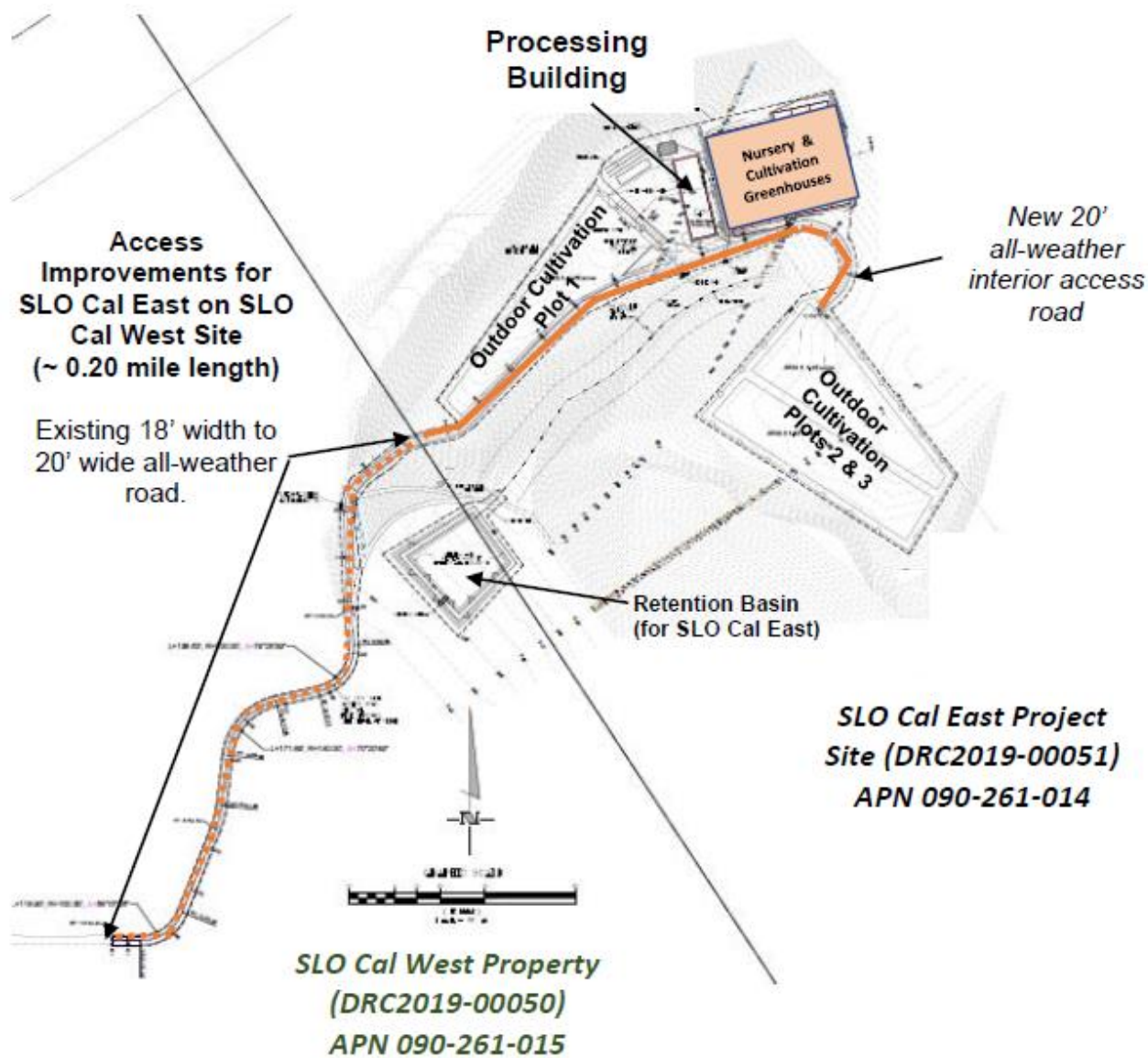
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Figure 7 – Processing Building Elevations and Floor Plan



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Figure 8 – Grading Plan SLO Cal East



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ASSESSOR PARCEL NUMBER(S): 090-261-014 and a portion of 090-261-015

Latitude: 35° 0' 6.16" N

Longitude: 120° 25'21.108" W

SUPERVISORIAL DISTRICT #

4

B. Existing Setting

Plan Area: South County

Sub: South County Inland

Comm: Rural

Land Use Category: Agriculture

Combining Designation: None

Parcel Size: 312.2acres

Topography: Nearly level to gently rolling

Vegetation: Grasses, Agriculture

Existing Uses: Agricultural uses, accessory structures

Surrounding Land Use Categories and Uses:

North: Agriculture; agricultural uses

East: Agriculture; agricultural uses

South: Agriculture; agricultural uses

West: Agriculture; agricultural uses

C. Environmental Analysis

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

Other Approvals That May Be Required to Implement the Project

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

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

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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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

The project site is located southeast of the community of Nipomo where the floor of the Nipomo Valley transitions to the foothills of the Temetatte Ridge. The dominant land use in the area is agriculture on parcels ranging in size from 130 acres to over 300 acres. The project site is located on flat to gently rolling grassland that has been used for livestock grazing and dry farmed for the last two decades. The combining patterns of gently rolling topography and agriculture against the backdrop of the Temetatte Ridge create a landscape with a moderate degree of visual interest and memorability.

An all-weather surfaced access road extends through the adjacent parcel to the west from South Thompson Avenue. South Thompson Avenue is classified as an arterial; traffic counts taken on South Thompson Avenue north of SR 166 in 2019 showed an afternoon peak hour volume of 665 vehicles. South Thompson Avenue is not an Officially Designated Scenic Highway or a "Suggested Scenic Corridor" on Table VR-2 of the Conservation and Open Space Element. Highway 101, located about 0.2 miles to the west, is listed as a Suggested Scenic Corridor. The project site is also bordered by Wineman Road to the north which provides access to neighboring ranchlands. The project site is located outside of the County's Highway Corridor Design Standards and new development along these roadways is not subject to the County's Scenic Protection Standards.

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The site is undeveloped except for an accessory agricultural building (hay barn). The existing accessory building is typical of the vernacular repeated throughout the county.

Three ephemeral drainages that are tributary to the Santa Maria River traverse the site in an east-west direction; these drainages support sparse riverine vegetation and riparian habitat that are outside the areas of disturbance.

The proposed cannabis activities will be located in the center of the site near the western property line shared with the SLO Cal West project site. Proposed outdoor cultivation and new structures would be constructed on a relatively level portion of the project site.

There are no sources of light on the project site and is very little artificial light pollution in the area.

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

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

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

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

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

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

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

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

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

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

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

The only Officially Designated State Scenic Highway in San Luis Obispo County is Highway 1.

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Discussion

The project will involve total site disturbance of about 10 acres and will include the construction of seven new attached greenhouses and the construction of one metal building; total floor area will be 66,948 sf. Other site development will include outdoor cultivation within hoop houses as well as the construction or placement of accessory items such as a 20 foot wide all-weather access drive, employee parking / loading area, a retention basin, three seatrains, new water tanks, and a solar array on the roof of the metal building.

The new greenhouse buildings will be placed on concrete slabs and will be of modular, steel-frame construction with corrugated metal sides and polycarbonate roof. Building elevations provided with the application (Figure 6) show the greenhouse buildings will be composed of individual bays with a pitched roof over each bay; the new buildings will be 21 feet 10 inches tall at the peak of the roof. The metal processing building is 17 feet 10 inches tall at the peak with an earth-tone metal exterior (Figure 7). A minimum 6 foot high chain link security fence with privacy slats will be installed around the outdoor cultivation plots.

Will the project:

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

For the purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. The proposed cannabis facilities will be visible from portions of HWY 101, S. Thompson Avenue, Wineman Road and SR166. While the project vicinity has moderate scenic value and an appealing rural and agricultural character, it is not considered a scenic vista as it does not offer expansive views of a highly valued landscape and is not officially or unofficially designated as a scenic vista. Therefore, the project would not result in a substantial adverse effect on a scenic vista, and *no impacts* would occur.

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

South Thompson Avenue, Wineman Road, and SR 166 are not designated state scenic highways or eligible state scenic highways (Caltrans 2019). However, Highway 101 is an eligible state scenic highway (Caltrans 2019). Figure 9 provides an illustration of areas in the vicinity of the project site (shown in green) with a line-of-site view of the area proposed for cannabis activities on both the SLO Cal West and SLO Cal East project sites. As shown by Figure 9 the area proposed for cannabis activities on SLO Cal East about 1 mile east of Highway 101 and would be visible from a 500 foot portion of the Highway. According to traffic counts taken by Caltrans in 2017, Highway 101 at the junction of SR 166 carries about 5,900 afternoon peak hour trips, which means that about 98 vehicles per minute will pass by the project site during the afternoon peak hour. Assuming traffic speeds of 65 miles per hour, passing motorists would get a brief glimpse of the proposed cannabis activities in the distance for a period of about 5 seconds. As shown in Figure 10, views of the project site from other public vantage points along Highway 101 would be screened by the intervening topography.

Therefore, although opportunities for the public to view the project site from HWY 101 are moderately high, the potential and frequency to view the site are low because of the relatively high speed of traffic, the screening provided by the intervening terrain, and the site's distance from the highway. Therefore, the project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway and impacts would be *less than significant*.

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Figure 9 -- Areas With A Line of Sight View of the Project Site (Shown in Green)

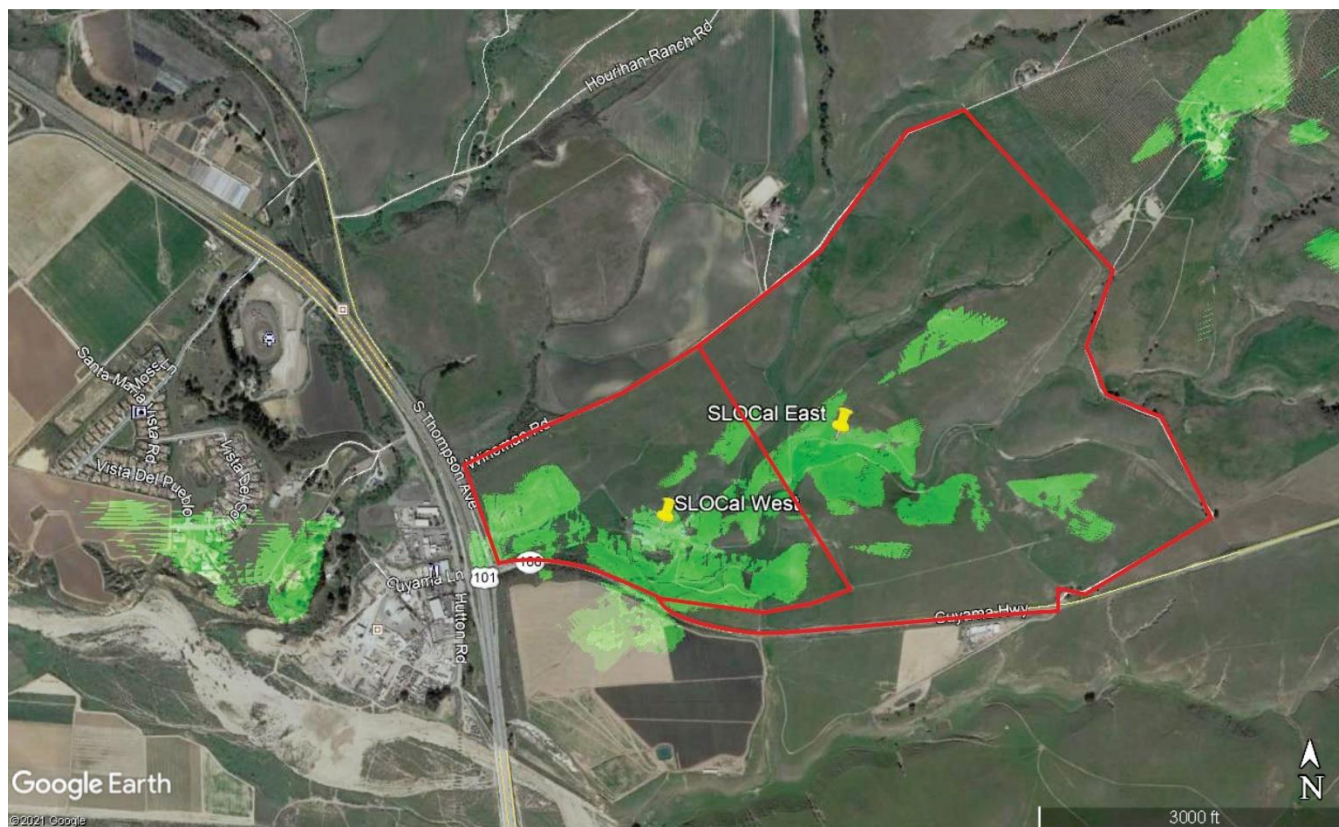


Figure 10 – Views Of the Project Site From Highway 101



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- (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 a 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?*

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

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

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

As discussed in the setting, public vantage points for views of the project site are afforded from the surrounding public roadways that include South Thompson Road, Wineman Road, Highway 101 and State Route 166. Table 3 provides a summary of traffic volumes on these roadways which in turn provides a measure of the visibility of the project site to the public and the duration of views.

Table 3 -- Peak Hour Traffic Volumes on Roadways In the Project Vicinity

Roadway	Afternoon Peak Hour Volume	Length of Roadway Frontage	Duration of Visibility to Passing Motorists
Highway 101	5,900 ¹	1,600 feet	17 seconds ³
SR 166	390 ¹	5,700 feet	70 seconds ⁴
South Thompson Avenue	665 ²	1,600 feet	24 seconds ⁵
Wineman Road	3 ⁶	5,000 feet	136 seconds ⁷

Notes and Sources:

1. Caltrans 2017. <https://dot.ca.gov/programs/traffic-operations/census/traffic-volumes/2017>
2. SLO County, 2019
3. Assuming traffic speed of 65 miles per hour.
4. Assuming traffic speed of 55 miles per hour.
5. Assuming traffic speed of 25 miles per hour.
6. Estimate. No recent traffic county data are available.

As shown in Table 3, South Thompson Avenue and Wineman Road in the project vicinity carry low traffic volumes and opportunities for the public to view the project site from these vantage points is correspondingly low. Traffic speeds in the vicinity of the project site vary but are generally 30 - 40 miles per hour which means that travelers on South Thompson Avenue would pass by the project site in a few seconds. As shown by Figures 9 and 10 above, the project site will be visible to motorists travelling on portions of Highway 101 for a brief period of time. However, these views are partially obscured by intervening topography and the distance of the site from these roadways. Figure 9 also shows that the proposed cannabis facilities for SLO Cal East will be briefly visible to travelers on SR 166 which is not a designated or eligible State Scenic Highway. However, as shown in Figure 11, these views are largely screened by the intervening topography.

Thus, although opportunities for the public to view the site are moderately high, the potential and frequency to view the site are low because of the relatively high speed of traffic and the site's distance from these roadways.

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Figure 11 – Views of the Project Site From SR166



The proposed project site is also visible from surrounding properties. This area of Nipomo consists mainly of agricultural operations with minimal residential development; the closest residence is more than a quarter of a mile from the project area. Outdoor cannabis cultivation would be enclosed within a minimum 6 foot high security fence. Indoor cultivation, ancillary nursery, and ancillary processing activities would take place inside fully enclosed buildings.

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

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

The project site is located about 2.75 miles south of the Nipomo urban reserve in an area where the visual character is dominated by low intensity agricultural operations consisting of livestock grazing with some irrigated row crops and orchards to the north and east. As discussed in the setting, the project site is developed with a hay barn which is typical of agricultural operations in the Nipomo Valley. Thus, the visual qualities of the project site are not unique within the southern Nipomo Valley area. The scale and character of the proposed new construction of 7 new greenhouses and an ancillary processing structure with a total floor area of 66,948 sf will not significantly detract from the integrity or uniqueness of the larger landscape.

- *The magnitude of the change.*

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

As discussed above, the project site is developed with a hay barn. The proposed 66,948 sf of structures (greenhouses and metal building) will be located in a relatively level area, in the center of the site near the western property line. The individual greenhouses will be 21 feet 10 inches tall, 40 feet wide and about 90 feet long; the buildings will be constructed with the long axis oriented north-south. The project also includes security fencing that will surround all proposed cannabis activities.

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Security fencing, at a minimum, will consist of a new 6 foot high chain link fence with opaque privacy slats. The proposed cannabis activities will be located about one quarter of a mile from Wineman Road, over one half mile from Highway 101 and South Thompson Avenue, and about one third of a mile from SR 166 and will be partially screened by topography and the distance of the project from nearby roadways and adjacent properties.

Large agricultural buildings are fairly common in the Nipomo Valley., On the east side of Highway 101 in the vicinity of the project site larger buildings are common but are less visible because of the large parcel sizes and rolling hillsides that make up this area of the county. However, the magnitude of change is considered less than significant within the context of the larger visual landscape because:

- Although the proposed buildings and outdoor cultivation area will be briefly visible from nearby roadways, they will be partially screened from view by their distance from these roadways and the site's topography;
- The buildings will be divided into adjoining bays with a pitched roof over each; the repeating roof line will help reduce the apparent mass of the structure when viewed from nearby roadways; and
- The new buildings will be located in the center of the site, near the western property line, leaving the remaining areas of the site available for other agricultural activities. Accordingly, the proposed greenhouses will largely complement the setting consistent with the visual character of the surrounding agricultural lands.

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

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

The applicant is proposing security cameras and motion detection security lighting. County standards require all outdoor lighting fixtures to be hooded and downward facing. Due to the remote nature of the project site and relative distance to the nearest urbanized area, the project is located in an area with minimal existing levels of light pollution (Darksitefinder.com 2019).

The project includes mixed-light indoor cannabis and nursery cultivation within proposed greenhouses, which may include cultivation techniques such as light deprivation and artificial light simulation. During this process, grow lights may be used in the evenings and nighttime to simulate artificial daylight. The proposed greenhouses would be constructed with materials with relatively high translucency to allow sunlight to be absorbed by the plants inside and will be equipped with light deprivation curtains to be deployed at night to prevent light from escaping. Without appropriate light shielding and prevention, nighttime lighting within the greenhouse structures, along with security lighting would have the potential to affect nighttime views in the area. Mitigation measure AES-1 would require that each greenhouse be equipped with a light blackout system that will be deployed to cover the greenhouse ceiling at night and clarifies that the system is to be engaged when the grow lights are on. In addition, all exterior lighting will be required to be shielded and confined to the project site. Therefore, upon implementation of AES-1, potential impacts associated with the creation of a new source of substantial light would be less than significant with mitigation.

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Conclusion

The proposed cannabis cultivation facilities are not expected to result in significant adverse impacts to aesthetic and visual resources because:

- The greenhouse buildings will be divided into adjoining bays with a pitched roof over each; the repeating roof line will help reduce the apparent mass of the structure when viewed from the west.
- The greenhouse buildings and outdoor cultivation plots will be located in the central western portion of the site, leaving the remaining areas of the site available for other agricultural operations. Accordingly, the proposed new buildings and other development associated with cannabis activities will largely complement the setting consistent with the visual character of the surrounding agricultural lands.
- The outdoor cannabis cultivation plots will be located within a minimum 6 foot tall, opaque security fence. The other proposed cannabis activities will occur within buildings that will prevent cannabis plants from being readily visible from off-site as required by LUO Section 22.40.050 D.6.
- Mitigation is recommended to ensure that the design of lighting fixtures that prevents light from shining off-site. In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8304 (c) states: All outdoor lighting used for security purposes shall be shielded and downward facing. Section 8304 (g) states: mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare. Compliance with the recommended mitigation measure as well as Section 8304 (c) and (g) will reduce potential impacts to less than significant.

Mitigation

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

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

Sources

See Exhibit A.

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II. AGRICULTURE AND FORESTRY RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<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 type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

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

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Unique Farmland, Farmland of Local Importance, and Grazing Land are considered “agricultural land.” Other non-agricultural designations include Urban and Built-up Land, Other Land, and Water.

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

Soils of the project site are described in detail below. The acreage and corresponding farmland classifications are provided in Tables 4 and 5:

Map Unit: 121—Concepcion loam, 5 to 9 percent slopes

Slopes are 5 to 9 percent. This component is on marine terraces. The parent material consists of alluvium derived from sedimentary rock. Depth to a root restrictive layer, abrupt textural change, is 10 to 21 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is low. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. Nonirrigated land capability classification is 3e. Irrigated land capability classification is 3e. This soil does not meet hydric criteria.

Map Unit: 122—Concepcion loam, 9 to 15 percent slopes

Slopes are 9 to 15 percent. This component is on marine terraces. The parent material consists of alluvium derived from sedimentary rock. Depth to a root restrictive layer, abrupt textural change, is 10 to 21 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is low. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. Nonirrigated land capability classification is 3e. Irrigated land capability classification is 3e. This soil does not meet hydric criteria.

Map Unit: 129—Diablo clay, 5 to 9 percent slopes

Slopes are 5 to 9 percent. This component is on hillslopes on hills. The parent material consists of residuum weathered from calcareous shale. Depth to a root restrictive layer, bedrock, paralithic, is 40 to 59 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is very low. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is very high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 3 percent. Nonirrigated land capability classification is 4e. Irrigated land capability classification is 4e. This soil does not meet hydric criteria.

Map Unit: 130—Diablo and Cibo clays, 9 to 15 percent slopes

Diablo: 50 percent

The Diablo component makes up 50 percent of the map unit. Slopes are 9 to 15 percent. This component is on hills. The parent material consists of residuum weathered from mudstone, sandstone and/or shale. Depth to a root restrictive layer, bedrock, paralithic, is 45 to 58 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately

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low. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 3 percent. Nonirrigated land capability classification is 3e. Irrigated land capability classification is 3e. This soil does not meet hydric criteria.

Cibo: 45 percent

The Cibo component makes up 45 percent of the map unit. Slopes are 9 to 15 percent. This component is on hills. The parent material consists of residuum weathered from metasedimentary rock. Depth to a root restrictive layer, bedrock, lithic, is 20 to 40 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is very low. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. Nonirrigated land capability classification is 3e. Irrigated land capability classification is 3e. This soil does not meet hydric criteria.

Map Unit: 131—Diablo and Cibo clays, 15 to 30 percent slopes

Diablo: 50 percent

The Diablo component makes up 50 percent of the map unit. Slopes are 15 to 30 percent. This component is on hills. The parent material consists of residuum weathered from mudstone, sandstone and/or shale. Depth to a root restrictive layer, bedrock, paralithic, is 45 to 58 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is very low. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 3 percent. Nonirrigated land capability classification is 4e. Irrigated land capability classification is 4e. This soil does not meet hydric criteria.

Cibo: 45 percent

The Cibo component makes up 45 percent of the map unit. Slopes are 15 to 30 percent. This component is on hills. The parent material consists of residuum weathered from metasedimentary rock. Depth to a root restrictive layer, bedrock, lithic, is 20 to 40 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is very low. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. Nonirrigated land capability classification is 4e. Irrigated land capability classification is 4e. This soil does not meet hydric criteria.

Map Unit: 212—Suey silt loam, 2 to 9 percent slopes

The Suey component makes up 85 percent of the map unit. Slopes are 2 to 9 percent. This component is on terraces. The parent material consists of loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 3 percent. Nonirrigated land

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capability classification is 3e. Irrigated land capability classification is 2e. This soil does not meet hydric criteria.

Map Unit: 213—Suey silt loam, 9 to 15 percent slopes

The Suey component makes up 85 percent of the map unit. Slopes are 9 to 15 percent. This component is on terraces. The parent material consists of loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 3 percent. Nonirrigated land capability classification is 3e. Irrigated land capability classification is 3e. This soil does not meet hydric criteria.

Map Unit: 218—Tierra loam, 15 to 30 percent slopes

The Tierra component makes up 85 percent of the map unit. Slopes are 15 to 30 percent. This component is on terraces, uplands. The parent material consists of alluvium derived from sedimentary rock. Depth to a root restrictive layer, abrupt textural change, is 10 to 26 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is low. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 3 percent. Nonirrigated land capability classification is 4e. Irrigated land capability classification is 4e. This soil does not meet hydric criteria.

Table 4 – Farmland Classifications of the COSE and Corresponding Acreages

Soil Name	COSE Classification	Acres
SLO Cal East Property		
Concepcion loam, 5 to 9% slopes	Farmland of Statewide Importance	129.3
Concepcion loam, 9 to 15% slopes	Other Productive Soils	20.7
Diablo and Cibo clay, 5 to 9% slopes, MLRA-15	Prime Farmland, Highly Productive Rangeland Soils	5.28
Diablo and Cibo clays, 9 to 15% slopes	Farmland of Statewide Importance, Highly Productive Rangeland Soils	20.7
Diablo and Cibo clays, 15 to 30% slopes	Other Productive Farmland	48.1
Suey silt loam, 2 to 9% slopes	Prime Farmland, Farmland of Statewide Importance, Highly Productive Rangeland Soils	34.4
Suey silt loam, 9 to 15% slopes	Other Productive Soils, Highly Productive Rangeland Soils	5.8
Tierra loam, 15 to 30% slopes, MLRA-14	Not classified	47.9
Sub-Total:		312.0
SLO Cal West Property Where Road Improvements and Retention Basin Are Proposed		
Diablo and Cibo clays, 15 to 30% slopes	Other Productive Farmland	1.01
Suey silt loam, 2 to 9% slopes	Prime Farmland, Farmland of Statewide Importance, Highly Productive Rangeland Soils	0.76
Sub-Total:		1.77
Sub-Total (both sites):		313.77

Source: Classifications based on Table SL-2 of the County General Plan's Conservation / Open Space Element

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Table 5 – FMMP Farmland Classifications and Acreages of Soils Within the Areas of Disturbance

FMMP Classifications	Acres		Total Acres Impacted On Both Parcels
	SLO Cal East	SLO Cal West	
Grazing	2.26	1.47	3.74
Farmland of Local Importance	8.84	0.00	8.84
Farmland of Local Potential	0.78	0.30	1.08
Total:	11.88	1.77	13.65

Source: Farmland Mapping and Monitoring Program, 2016

The Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agriculture or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value. The project site is located on a property under a Williamson Act contract. The project was reviewed by the Agricultural Preserve Review Committee (APRC) on October 26, 2020.

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

The project site is located within the Agriculture land use category and has historically been dry farmed for grain crops and used for livestock grazing. Surrounding properties are engaged in a variety of agricultural activities that include livestock grazing, dry farming, and irrigated crops including orchards (lemons and avocados).

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?*

As shown in Table 5, the areas of disturbance do not contain land classified as Prime Farmland, or Farmland of Statewide Importance pursuant to the FMMP (California Department of Conservation [DOC] 2016).

In order to be shown on the FMMP maps as Prime Farmland or Farmland of Statewide Importance, land must have been used for irrigated agricultural production at some time during the four years prior to FMMP designation, and the soil must meet the physical and chemical criteria for Prime Farmland or Farmland of Statewide Importance as determined by the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS). None of the soils in the area of disturbance meet the physical and chemical criteria for Prime Farmland under the COSE, based on historical aerial photographs, it does not appear that the project site has been used for irrigated crop production since at least 2013. Since none of the soils on-site meet both of these criteria, there

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would be *no impacts* associated with the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the FMMP to non-agricultural use.

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

The subject property is located within the Agriculture land use category; cannabis cultivation activities including the proposed cultivation and nursery activities are allowed uses within this land use designation (LUO Section 22.06.030).

As discussed in the setting, the project site is subject to an active Williamson Act contract and is adjacent to other properties under contract. Accordingly, the project was referred to the Agriculture Preserve Advisory Committee (APRC) for review and comment. The APRC considered the project at their meetings of October 26, 2020 and determined the proposed project does not meet the second Principal of Compatibility and is not compatible with the land conservation contract and the Williamson Act because of the potential effect on adjacent agricultural uses from possible pesticide contamination issues that could displace agricultural operations on neighboring properties such as lemons and avocados.

The project was also referred to the Agricultural Commissioner's Office for review and comment. The department reviewed the project for potential impacts to on-site and off-site agricultural resources and made the following recommendations as stated in their response letter dated November 20, 2020:

- Williamson Act contract requirements shall be maintained.
- Cannabis cultivation grading activities shall be consistent with conservation practices and standards in the USDA Natural Resource Conservation Service Office Technical Guide. Practices shall not adversely affect slope stability or groundwater recharge and shall prevent off-site drainage and erosion and sedimentation impacts. Erosion and sedimentation control activities shall adhere to the standards in Section 22.52.150C of the LUO.
- Prior to commencing permitted cultivation activities, the applicant shall consult with the Department of Agriculture regarding potential licensing and/or permitting requirements and to determine if an Operator Identification Number (OIN) is needed. An OIN must be obtained prior to any pesticides being used in conjunction with commercial cultivation of cannabis.
- Parking area shall be minimized to protect farmland for agricultural production and the use of pervious and semi pervious surfaces should be maximized to promote groundwater recharge and minimize erosion and sedimentation.
- Throughout the life of the project, best management water conservation practices shall be maintained.
- The Agriculture Element has policies to protect and encourage agricultural operations and conserve agricultural resources. As stated in Section 22.40.020 of the San Luis Obispo County Code, cannabis is not an agricultural commodity with respect to local "right to farm" ordinances nor is it considered "crop production and grazing" as a land use type. In this regard, the County has significant interest in ensuring the continued viability of agricultural operations adjacent and near cannabis cultivation operations. For this reason, the following conditions of approval and finding for the project approval are recommended to address the incompatibility issue:

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- The setbacks represented on the site plan shall be maintained for the life of the project. The exception would be for the western property line. A setback modification from the western property line has been requested to reduce compatibilities because the parcel for this project and DRC2019-00050 are contiguously owned. Should either of the parcels be sold and no longer under contiguous ownership, a minimum 300-foot setback should be established from the western property line.
- The project's conditions include the Waiver and Release of Liability condition that limits the liability of surrounding properties in their lawful application of pesticides with respect to potential impacts to cannabis activities (see also the discussion under item e) below).

With incorporation of these conditions, no significant impacts to on- or off-site agricultural operations were identified by the Agricultural Commission's Office. Therefore, as conditioned, the project would not result in a conflict with existing zoning for agricultural use or a Williamson Act contract and *no impacts* would occur.

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

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

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

The project site does not contain oak trees or other stands of trees that meet the definition of forest lands; no tree removal would be required. Therefore, *no impacts* associated with the conversion of forest land to a non-forest use would occur.

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

The project site is generally surrounded by active agricultural operations including orchards, dry farming, and grazing. Surrounding agricultural uses would be temporarily affected by noise and dust generated during the construction phase of the project. These impacts would be temporary in nature and would not result in the direct impairment or conversion of agricultural land to other uses.

Additionally, many of the surrounding agricultural operations, and other agricultural activities that may be established on surrounding properties, are known to use pesticides, and the State has set thresholds for the level of contaminants, including pesticide residues, that may be allowed in cannabis products which are significantly lower than the thresholds allowed for traditional agricultural crops. As a result, the Agriculture Department is concerned that the residue of pesticides lawfully applied on surrounding properties could inadvertently contaminate cannabis products grown on the project site, thereby rendering the products unmarketable. This potential incompatibility could cause traditional agricultural operations in the area to cease or to significantly curtail production. While this is not considered an adverse impact on the environment associated with the project, it is a potential consequence of establishing cannabis activities in an area surrounded by ongoing agricultural operations. This will be addressed through the analysis for land use compatibility and addressed through the required findings and conditions of approval as appropriate.

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As discussed in item b) above, cannabis cultivation is allowed within the property's Agriculture land use designation (LUO Section 22.06.030, 22.40.050). Based on the type of existing agricultural operations on the property and overall compatibility with surrounding agricultural activities, the project would not involve other changes in the environment that would result in conversion of farmland to non-agricultural use or forest land to non-forest use; therefore, potential impacts would be *less than significant*.

Conclusion

The project would not result in potentially significant impacts associated with the conversion of farmland, forest land, or timber land to non-agricultural uses or non-forest uses and would not conflict with agricultural zoning or otherwise adversely affect agricultural resources or uses. Potential impacts to agricultural resources would be less than significant and no mitigation measures are necessary.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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III. AIR QUALITY

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

San Luis Obispo County Clean Air Plan

The San Luis Obispo County Air Pollution Control District (SLOAPCD) San Luis Obispo County 2001 Clean Air Plan (CAP) is a comprehensive planning document intended to evaluate long-term air pollutant emissions and cumulative effects and provide guidance to the SLOAPCD and other local agencies on how to attain and maintain the state standards for ozone and particulate matter 10 micrometers or less in diameter (PM₁₀). The CAP presents a detailed description of the sources and pollutants that impact the jurisdiction's attainment of state standards, future air quality impacts to be expected under current growth trends, and an appropriate control strategy for reducing ozone precursor emissions, thereby improving air quality. In order to be considered consistent with the San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP. The CAP may be reviewed in its entirety by following this link: <https://www.slocleanair.org/rules-regulations/clean-air-plan.php>. The County is currently designated as non-attainment for ozone and PM₁₀ under state ambient air quality standards. Construction and operation of the project would result in emissions of ozone precursors including reactive organic gasses (ROG) and nitrous oxides (NO_x) as well as fugitive dust emissions (PM₁₀).

SLOAPCD Criteria Pollutant Thresholds

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

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project impacts. According to the Handbook, a project with grading in excess of 4.0 acres and moving 1,200 cubic yards of earth per day can exceed the construction threshold for respirable particulate matter (PM₁₀).

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

Operational impacts are focused primarily on the indirect emissions (i.e., motor vehicles) associated with residential, commercial, and industrial development. Certain types of projects can also include components that generate direct emissions, such as power plants, gasoline stations, dry cleaners, and refineries (referred to as stationary source emissions). 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 and ozone precursors. The list of project categories in Table 1-1 is not comprehensive and does not include cannabis-related activities. However, operational impacts are focused primarily on the indirect emissions associated with motor vehicle trips associated with development. For example, a project consisting of 99 single family residences generating 970 average daily vehicle trips would be expected to exceed the 25 lbs/day operational threshold for ozone precursors.

The SLOAPCD has also estimated the number of vehicular round trips on an unpaved roadway necessary to exceed the 25 lbs/day threshold of significance for the emission of particulate matter (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.

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

Sensitive Receptors

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants, such as the elderly, children, people with asthma or other respiratory illnesses, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. Some land uses are considered more sensitive to changes in air quality than others, due to the population that occupies the uses and the activities involved. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residences. The nearest sensitive receptor to the site is a single-family residence located approximately 1,600 feet north of the proposed greenhouses.

South County Particulate Matter Standard Air Quality Mitigation Measures

The project site is located in an area that is impacted by periods of high particulate matter concentrations during blowing dust events. The blowing dust events occur most frequently in the spring; however, dust events can occur at any time of year. The greatest impacts occur when strong winds blow from the northwest which directs the dust plume inland over the Nipomo Mesa where it can impact residents. A typical event starts around noon and ends by early evening, with peak impacts between 1 pm to 5 pm. The strongest events can result in blowing dust from 9 am to 7 pm, with peak impacts between noon and 6 pm. Particulate concentrations typically return to background levels from late evening to morning, so late evening to morning are best (health wise, due to lower particulate matter concentrations) for outdoor activities. Efforts to reduce particulate matter on the Nipomo Mesa are underway through the enforcement of Stipulated Abatement Order 17-01, approved by SLOAPCD Hearing Board on April 30, 2018. The

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stipulated abatement order calls for specific actions to ensure significant reductions in particulate matter are achieved on the Nipomo Mesa over a five year period.

Naturally Occurring Asbestos

Naturally Occurring Asbestos (NOA) is identified as a toxic air contaminant by the California Air Resources Board (CARB). Serpentine and other ultramafic rocks are fairly common throughout San Luis Obispo County and may contain NOA. If these areas are disturbed during construction, NOA-containing particles can be released into the air and have an adverse impact on local air quality and human health. Based on SLOAPCD's comment letter (dated 05/02/19), the project site is located in a candidate area for soils containing NOA.

Developmental Burning

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

Thresholds of Significance for Construction Activities. The SLOAPCD's CEQA Handbook establishes thresholds of significance for construction activities (Table 6). According to the Handbook, a project with grading in excess of 4.0 acres and/or a project that will move 1,200 cubic yards of earth per day can exceed the construction threshold for respirable particulate matter (PM₁₀). In addition, a project with the potential to generate 137 lbs per day of ozone precursors (ROG + NO_x) or diesel particulates in excess of 7 lbs per day can result in a significant impact.

Table 6 – Thresholds of Significance for Construction

Pollutant	Threshold1		
	Daily	Quarterly Tier 1	Quarterly Tier 2
ROG+NO _x (combined)	137 lbs	2.5 tons	6.3 tons
Diesel Particulate Matter	7 lbs	0.13 tons	0.32 tons
Fugitive Particulate Matter (PM ₁₀), Dust ₂		2.5 tons	
Greenhouse Gases (CO ₂ , CH ₄ , N ₂ O, HFC, CFC, F ₆ S)	Amortized and Combined with Operational Emissions		

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

Notes:

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

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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 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 generated by new development. For example, a project consisting of 99 single family residences generating 970 average daily vehicle trips would be expected to exceed the 25 lbs/day operational threshold for ozone precursors.

The SLOAPCD has also estimated the number of vehicular round trips on an unpaved roadway necessary to exceed the 25 lbs/day threshold of significance for the emission of particulate matter (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.

Discussion

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

In order to be considered consistent with the 2001 San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP (SLOAPCD 2012). Adopted land use planning strategies include, but are not limited to, planning compact communities with higher densities, providing for mixed land use, and balancing jobs and housing. The project does not include development of retail or commercial uses that would be open to the public, therefore, land use planning strategies such as mixed-use development and planning compact communities are generally not applicable. The project would result in the establishment of activities that are agricultural in nature and would employ up to 8 full-time regular employees and up to 11 seasonal employees. The project would likely draw from the local labor pool and would not require a significant number of employees and therefore would not significantly affect the local area's jobs/housing balance.

Adopted transportation control measures include, but are not limited to, a voluntary commute options program, local and regional transit system improvements, bikeway enhancements, and telecommuting programs. The voluntary commute options program targets employers in the county with more than 20 full time employees; because the project would employ up to a maximum of 8 full-time employees, this program would generally not be applicable to the project. The project would not conflict with regional plans for transit system or bikeway improvements. Project employees would generally be performing manual tasks such as planting, harvesting, and monitoring the irrigation equipment; therefore, the project would not be a feasible candidate for participation in a telecommuting program.

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

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

The County is currently designated as non-attainment for ozone and PM₁₀ under state ambient air quality standards. Construction and operation of the project would result in emissions of ozone precursors including reactive organic gasses (ROG) and nitrous oxides (NO_x) as well as fugitive dust emissions (PM₁₀). The project was referred to SLOAPCD for review and comment. The recommendations contained in their letter of May 2, 2019, are incorporated into this analysis and recommended mitigation measures.

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Construction Emissions. Based on the project description, the project will result in an area of disturbance of about 10 acres and will involve 16,800 cubic yards of cut and 7,000 cubic yards of fill which will be balanced on site. This will result in the creation of construction dust, as well as short-term construction vehicle emissions. Based on the SLOAPCD's CEQA Air Quality Handbook (2012) and Clarification Memorandum (2017), estimated construction-related emissions were calculated and are shown in Table 7 below. As shown in Table 8, the project is expected to exceed the daily thresholds for ROG and NOx combined and diesel particulates. The project is also expected to exceed the quarterly threshold for fugitive particulate matter. Therefore, construction related emissions are expected to exceed the general thresholds triggering construction-related mitigation and are considered *less than significant with mitigation*.

Table 7 -- Estimated Construction-Related Emissions, SLO Cal East (DRC2019-00051)

Pollutant	Total Estimated Project Emissions	APCD Emissions Threshold	Mitigation Required?
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO _x) (combined)	334.47 lbs. ¹	137 lbs./day	Yes
	1.647 tons ¹	2.5 tons/quarter	No
Diesel Particulate Matter (DPM)	14.50 lbs. ²	7 lbs./day	Yes
	0.07 tons ²	0.13 tons/quarter	No
Fugitive Particulate Matter (PM ₁₀)	7.42 tons ³	2.5 tons/quarter	Yes

Notes:

1. Based on 23,800 cubic yards of material moved and 0.113 pounds of combined ROG and NOx emissions per cubic yard of material moved and 10 construction days.
2. Based 23,800 cubic yards of material moved and 0.0049 pounds of diesel particulate emissions per cubic yard of material moved.
3. Based on 9.90 acres of disturbance and 0.75 tons of PM10 generated per acre of disturbance per month and 10 days of construction.

As discussed in the project description, this project is one of two cannabis cultivation projects proposed on adjacent parcels. Accordingly, it is reasonably foreseeable that both projects will be constructed and operated concurrently. In such cases, the SLOAPCD recommends that the air quality impacts of both projects be assessed together. Table 8 below provides the amount of grading and area of disturbance proposed for both projects.

Table 8 -- Estimated Area of Disturbance / Grading SLO Cal East (DRC2019-00051) and West (DRC2019-00050)

Item	Area of Disturbance		Grading Proposed	
	SF	Acres	Cut (cy)	Fill (cy)
SLO Cal East	354,040	8.13	15,300	3,500
Grading on the SLO Cal West Property to serve the SLO Cal East project (road improvements and retention basin)	77,000	1.77	1,500	3,500
<i>Subtotal for SLO Cal East</i>	<i>431,040</i>	<i>9.90</i>	<i>16,800</i>	<i>7,000</i>
SLO Cal West	375,318	8.62	3,374	2,425
Total Both Projects	806,358	18.52	20,174	9,425

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Table 9 provides an estimate of construction related emissions associated with both projects based on the amount of grading involved in each project. As shown in Table 9, if both projects are constructed concurrently the daily thresholds for ROG+NO_x and diesel particulates is likely to be exceeded, as well as the quarterly threshold for respirable particulate matter. Therefore, the cumulative impact of the two projects is *considered cumulatively considerable*.

Table 9 -- Estimated Construction-Related Emissions, SLO Cal East (DRC2019-00051) and SLO Cal West (DRC2019-00052) Combined

Pollutant	Total Estimated Project Emissions	APCD Emissions Threshold	Mitigation Required?
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO _x) (combined)	268.94 lbs. ¹	137 lbs./day	Yes
	1.65tons ¹	2.5 tons/quarter	No
Diesel Particulate Matter (DPM)	11.66 lbs. ²	7 lbs./day	Yes
	0.05 tons ²	0.13 tons/quarter	No
Fugitive Particulate Matter (PM ₁₀)	13.89 tons ³	2.5 tons/quarter	Yes

Notes:

1. Based on 29,599 cubic yards of material moved and 0.113 pounds of combined ROG and NO_x emissions per cubic yard of material moved and 10 construction days.
2. Based 29,599 cubic yards of material moved and 0.0049 pounds of diesel particulate emissions per cubic yard of material moved.
3. Based on 19 acres of disturbance and 0.75 tons of PM₁₀ generated per acre of disturbance per month and 10 days of construction.

Mitigation measures AQ-1, AQ-2, and AQ-4 are recommended to reduce project construction emissions of ROG, NO_x and diesel particulates. These measures recommend minimizing the area of disturbance where possible, use of water trucks or sprinkler systems, restrictions on the idling of diesel powered earth moving machinery, regular watering of dirt stockpiles, and other measures to reduce construction emissions.

Upon implementation of measures AQ-1, AQ-2 and AQ-4, the project's ROG and NO_x, DPM, and PM₁₀ emissions would be reduced to below the SLOAPCD's daily and quarterly emissions thresholds.

Operation-Related Emissions. According to the project application materials, the project is expected to generate up to 23 average daily motor vehicle trips during peak operations. As discussed above, a project that generates less than 99 average daily motor vehicle trips will likely generate emissions that fall below the threshold of significance for ozone precursors and greenhouse gas emissions.

LUO Section 22.40.050.D.4 states that Cannabis cultivation sites located on an unpaved public or private road as defined in Title 20 of the County Code shall incorporate measures to mitigate the air pollution (i.e. dust) effects created by the use. The project would take access from South Thompson Avenue, a paved, county maintained roadway. Therefore, the provisions of LUO 22.40.050.D.4 do not apply. However, as discussed in the project description, the project will be accessed by way of an unpaved all-weather driveway extending eastward from South Thompson Avenue through the adjacent parcel to the west where the SLO Cal West project is proposed. Accordingly, it is reasonably foreseeable that both projects will be constructed and operated concurrently. Based on a particulate generation rate of 2.0 lbs of PM₁₀ per vehicle mile traveled, and assuming a total road length of 0.9 miles and 46 average daily trips, daily operation of both projects will likely exceed the 25 lbs/day operational threshold of significance for the emission of particulate matter (PM₁₀).

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

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

The nearest sensitive receptor is a single-family residence located approximately 1,600 feet north of the area of disturbance. Residences may be occupied by sensitive receptors who could be exposed to diesel particulates and fugitive dust from construction activities.

The project would result in temporary increases in air pollutant emissions, including emissions of fugitive dust (PM₁₀) and diesel-exhaust particulate matter (DPM) during project construction. These pollutants are known to be hazardous to health, particularly when exposed to a sensitive receptor. As discussed above, the project would not require ground disturbance within 1,000 feet of a sensitive receptor; however, standard diesel fuel idling and dust control mitigation have been identified in mitigation measure AQ-1 to reduce fugitive DPM and PM₁₀ emissions during construction activities. Implementation of mitigation measures AQ-1, AQ-2, and AQ-4 would effectively reduce the concentrations of pollutant emissions in proximity to sensitive receptors; therefore, potential impacts would be *less than significant with mitigation*.

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

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

The project includes both indoor and outdoor cannabis cultivation. These activities often produce potentially objectionable odors during the flowering, harvest, and storage phases of the operations which could disperse through the air and be detected by surrounding receptors. Accordingly, Section 22.40.050 of the LUO requires the following:

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

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 (Title 1.04.040 of the County Code).

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

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The Project incorporates the following features to address odors:

- The outdoor cultivation area, including open air areas and within hoop structures, will be located at least 300 feet from the north, east, and south property lines as required by LUO 22.40.50.D.3. The reduced setback (e.g., 100 feet) along the west property line would be adjacent to another cannabis project (SLO Cal Farms West) and would be under common ownership.
- The Operations Plan required by LUO Section 22.40.040.A.3. sets forth an Odor Management Plan (SLOCAL Farms, 2022) to be followed to help ensure odors associated with cannabis related activities do not leave the project site.
- The project has been conditioned to operate in a manner that ensures odors associated with cannabis activities are contained on the project site.
- The project has been conditioned to participate in an ongoing cannabis monitoring program. Once implemented by the County, the project site will be inspected four times per year to ensure ongoing compliance with conditions of approval, including those relating to odor management.
- As required by LUO Section 22.40.050 D. 8., all structures for indoor cannabis cultivation and ancillary processing will be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected off-site. Accordingly, the facility will employ air scrubbing technology within the proposed greenhouses and an odor neutralizer. Carbon scrubbers, for example, have been demonstrated to be an effective odor abatement method for indoor cannabis facilities (County of Santa Barbara 2017) and work by pulling odors from the air into an exhaust system and absorbing any odors that pass through via activated/deactivated carbon (granular, pelletized, or powdered). Based on the location of the proposed outdoor cultivation areas and use of proposed odor control systems, the outdoor cultivation areas are not expected to result in detectable off-site cannabis nuisance odors, in accordance with LUO 22.40.050.D.8.

It should be noted that the APCD retains jurisdiction over nuisance related odors and air contaminant emissions emanating from masking/neutralizing agents used to control or eliminate cannabis odors. Verified nuisance odors may result in enforcement action which could include the requirement for odor controlling devices. If masking or neutralizing agents will be used related to indoor/outdoor cannabis cultivation, a permit may be necessary from the APCD.

Construction could generate odors from heavy diesel machinery, equipment, and/or materials. The generation of odors during the construction period would be temporary, would be consistent with odors commonly associated with construction, and would dissipate within a short distance from the active work area. The project has been located and designed to prevent any long-term operational nuisance odor emissions from affecting surrounding properties. Therefore, potential impacts associated with other emissions, such as odors, would be *less than significant*.

Conclusion

As mitigated, the project would be consistent with the SLOAPCD's Clean Air Plan. The project would have the potential exceed the SLOAPCD's construction thresholds for ROG and NOx, DPM, and fugitive dust emissions and would be subject to standard mitigation measures to reduce associated impacts to less than significant. The project is not expected to expose sensitive receptors to substantial pollutant concentrations; however, mitigation measures are recommended to reduce ROG, NOx, DPM and PM₁₀ emissions during construction activities. The project has been located and designed to prevent long-term operational

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nuisance odor emissions from affecting surrounding properties. Therefore, potential impacts to air quality would be *less than significant with mitigation*.

Mitigation

AQ-1 Construction Equipment Emissions Controls. Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

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

AQ-2 Fugitive Dust Construction Control Measures. Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

- Reduce the amount of the disturbed area where possible;
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;
- All dirt stock-pile areas shall be sprayed daily and covered with tarps or other dust barriers as needed;
- Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;

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

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- AQ-3 Prior to the onset of ground disturbing activities**, the applicant shall prepare a geologic investigation of the project site by a qualified professional to determine if Naturally Occurring Asbestos (NOA) is present within the area of disturbance, including the access roadway. If the investigation determines that NOA is not present, an exemption request shall be filed with the San Luis Obispo Air Pollution Control District (APCD). If NOA is found at the site, the applicant shall comply with all relevant requirements outlined in the California Air Resources Board Air Toxics Control Measure (ATCM) for Construction. This may include, but is not limited to, development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD.
- AQ-4 Operational fugitive dust impacts.** For the life of the project, implement one of the following:
- Limit the number of round trips using the access roadway from South Thompson Avenue to three or fewer per day.
 - For the life of the project, maintain the unpaved road with a dust suppressant (See Technical Appendix 4.3 of the APCD's CEQA Handbook for a list of APCD-approved suppressants) such that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402). To improve the dust suppressant's long-term efficacy, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less.

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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Setting

The project site is located on an approximately 312-acre parcel about 2.75 miles south of the community of Nipomo. As discussed in the Baseline Conditions, the site is undeveloped and has historically been used for livestock grazing and the dry farming of grain and hay crops. The site contains one agricultural accessory buildings and a system of unpaved roadways; irrigation pipes have been extended onto the site from wells located on the adjacent parcel to the west which is under common ownership.

A biological resources assessment (BRA) was prepared for the project site and the adjoining parcel to the west (SLO Cal Farms West) by Kevin Merk Associates, LLC (KMA, June 2020), which included field surveys and an assessment of potential project impacts to sensitive biological resources. The following is a summary of the findings and recommendations of that study.

Topography of the site varies from relatively flat to moderately-sloping. The project site is located in an area largely composed of grazed grasslands, dry land farming, and lemon and avocado orchards. A system of ephemeral drainages (designated by USGS topographic maps as an intermittent stream system) cross through the center and northwestern portions of the SLO Cal East site, and through the center and southern portion of the SLO Cal West site (see Figures 12 and 13). The drainage system flows in an east-west direction and is a tributary of the Santa Maria River; historically this system flowed directly into the river just west of Highway 101. These drainages are vegetated mainly by upland plant species with scattered arroyo willows. Within this drainage system there are at least three impoundments (ponds).

Methodology

The BRA evaluates the site's existing natural conditions to determine whether special-status biological resources may be present and could be adversely affected by the project. The study area included the areas of disturbance for the SLO Cal Farm East (APN 090-261-014) and SLO Cal Farms West (APN 090-261-015) projects plus a buffer of approximately 300 feet. The site plans for both projects, prepared by Reiss Design Studio, and the project description, provided by SLO Cal Farms, were reviewed to determine potential impacts to biological resources as defined under the California Environmental Quality Act (CEQA).

To prepare the BRA, Google Earth aerial imagery was employed in coordination with field surveys to define the current extent of on-site plant communities and to assist in identifying potential habitat for special-status species. The impact areas associated with SLO Cal Farms West and the original SLO Cal Farms East (initially proposed off of Wineman Road) were surveyed in their entirety by KMA's Principal Biologist Kevin Merk on May 17, 2019, and July 17, 2019 to assess the potential of the project sites to support sensitive biological resources. These surveys also included focused searches for rare plant species. During the first survey, weather conditions were sunny, with northwest winds approximately five (5) miles per hour, and air temperature was 65° Fahrenheit (F) at 1000 hours. During the second survey conducted later in the blooming period, the weather conditions were clear with light wind. The revised SLO Cal East Project area (which takes access from South Thompson Avenue) was surveyed by Kevin Merk on March 27, 2020. Other areas of both sites were inspected again during that survey to confirm conditions had not changed since the 2019 field work was conducted. The March 2020 survey was conducted from 1000 to 1300 hours, and the air temperature was 60 to 64° F, with northwest winds approximately 5 miles per hour and mostly clear skies with periods of clouds.

The study area for this investigation covered the impact areas, plus a buffer ranging from 300 to 500 feet, as appropriate remaining within the property boundaries. Dominant plant species in each plant community were determined, and all plant and animal species observed during the surveys were recorded. Plant taxonomy followed the Jepson Flora Project (2020), and nomenclature for animals is reported as it appears

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in the CNDDDB (CDFW 2020a) or as updates are available (California Herps 2020). Plant communities and habitat features were mapped on ESRI (2020) aerial imagery. Classification of the on-site plant communities was based on the CDFW's (2020b) *Vegetation Classification and Mapping Program* which generally follows Sawyer et al.'s (2009) *Manual of California Vegetation*. Holland's (1986) *Preliminary Descriptions of the Terrestrial Natural Communities of California* was also referenced as the sensitive natural communities listed in the CNDDDB follows the Holland community names. *A Guide to Wildlife Habitats in California*, which is updated through the California Wildlife Habitat Relationships (CWHR) System (CDFW 2020d), was also cross-referenced. Representative photos of each of the habitat types on-site and the proposed project area were taken, and a photo plate is included in Appendix C of the BRA which is incorporated by reference and available for review at the Department of Planning and Building, 976 Osos Street, Suite 200, San Luis Obispo.

The *Web Soil Survey* was used to identify the soil mapping units present within the project site (Natural Resources Conservation Service [NRCS] 2020). The *National Wetlands Inventory* (NWI) was examined to evaluate the extent of identified wetlands on the site and in the vicinity (USFWS 2020a). USGS topographic maps were also reviewed for information on hydrologic and topographic features. Designated critical habitat for species listed under FESA was identified according to information provided in *Environmental Conservation Online System* (USFWS 2020b).

The CNDDDB (CDFW 2020a) was queried for special-status plant and animal species occurrences and sensitive natural communities within the following nine USGS 7.5-minute quadrangles: Santa Maria, Guadalupe, Oceano, Arroyo Grande NE, Tar Spring Ridge, Caldwell Mesa, Nipomo, Huasna Peak, and Twitchell Dam. These records occurring within a five-mile buffer of the study areas were mapped. For the list of special-status species in the nine-quadrangle CNDDDB search, local distribution and ecological information was obtained from a variety of online and published sources (Hoover 1970, Jennings and Hayes 1994, Bolster 1998, Moyle et al. 2015, Thompson et al. 2016, Audubon 2020, Calflora 2020, California Native Plant Society 2020, California Herps 2020, The Cornell Lab of Ornithology 2020a, 2020b; CDFW 2020d). Those species that occur within the Santa Maria Valley and southwestern-most foothills of the Santa Lucia Range, as well as each species recorded in the CNDDDB within five miles, were considered to be within the project vicinity (BRA, Appendix D). Other species from the nine-quadrangle search that have limited distributions restricted to coastal areas, including the Oso Flaco Lake/Dune Lakes area and Vandenberg Air Force Base, the Arroyo Grande Creek drainage system, and higher elevations in the Santa Lucia Range, were considered to be outside of the project vicinity. Based upon the biologist's knowledge of the local area and other sources of species occurrence records, he included additional special-status biological resources that have been documented in the project vicinity.

From the list of all special-status species known from the project vicinity, an evaluation of those species with potential to occur on-site was performed based upon the suitability of habitat conditions on the property, and the local distribution (geographical and elevational ranges) and specific requirements (plant communities and soils) of the species considered. Definitive surveys for the presence or absence of special-status animal species were not conducted. The biologist relied on existing information and known occurrence records in the region coupled with site-specific observations from other locations in the Santa Maria Valley/southwestern Santa Lucia Range to make his determinations for the probability of occurrence of special-status species in the study area. If any special-status species had been observed during the site surveys, these species would have been listed as "Present" in the BRA, Appendix D. Those species listed as "Potential" met the following requirements: records on the site or in the vicinity, appropriate plant community and/or soil associations on-site, and within the elevational range of the species. If any one of these elements was not met or considered to be marginal for the site, but the other elements were present,

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that species was considered "Unlikely". If on-site environmental conditions were clearly inappropriate, or the species has a limited distribution that does not overlap the site, those species were considered "Not Expected". Special status plants not observed during botanical surveys were also listed as "Not Expected". If any lifestage or particular life history use (i.e., foraging) fit the requirements of the on-site conditions, even while other aspects were inappropriate for certain functions (i.e., breeding), these species were still considered to have potential to occur on-site, but the likelihood of occurring on-site along with a description of site suitability are provided in the Special-status Biological Resources Summary (Appendix D), as well as a more in-depth analysis in the text.

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

Regulatory Setting

For the purpose of the BRA, special-status species are those plants and animals listed, or Candidates for Listing, as Threatened or Endangered by the US Fish and Wildlife Service (USFWS) under the federal Endangered Species Act (FESA); those listed as Threatened or Endangered under the California Endangered Species Act (CESA); animals designated as "Species of Special Concern," "Fully Protected," or "Watch List" by the California Department of Fish and Wildlife (CDFW; 2019); plants considered Endangered or Rare under the California Native Plant Protection Act; and, animals considered sensitive that do not have a specific listing status but which are recorded in the California Natural Diversity Database (CNDDDB; CDFW 2020a).

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

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

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

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Rare plants are those defined as occurring on California Rare Plant Rank (CRPR) 1A, 1B, 2A, 2B, 3 and 4 developed by the CDFW working in concert with the California Native Plant Society (CNPS; CDFW 2020c). Rank 4 species are a watch list, and typically do not meet CEQA's rarity definition but are included because they may be of local concern. The CPR definitions are as follows:

- Rank 1A: Presumed extirpated in California and either rare or extinct elsewhere. These species are presumed extirpated because they have not been recorded in the wild in California for many years.
- Rank 1B: Rare, threatened or endangered in California and elsewhere. Plants that are rare throughout their range and the majority in this rank are endemic to California.
- Rank 2A: Presumed extirpated in California, but more common elsewhere. These species are presumed extirpated because they have not been recorded in the wild in California for many years, but they are common outside of the state.
- Rank 2B: Rare, threatened or endangered in California, but more common elsewhere. Plants that have ranges that extend into California, where they are rare, but are common in areas outside of the state.
- Rank 3: Plants needing more information - A review list. Information necessary to assign the species to one of the lists or reject them is lacking. Most species in this rank are taxonomically unresolved.
- Rank 4: Plants of limited distribution - A watch list. Species of limited distribution or infrequent occurrence throughout their range in California but which their vulnerability to extirpation appears low at this time and should be monitored.

Additionally, the CRPR system further assigns threat codes as a decimal extension to the rank, ranging from 1 to 3. CRPR 3 species do not have a threat code due to insufficiency of information needed to assign it, and CRPR 1A and 2A also do not have threat codes because they do not currently occur in California. The threat code extensions are as follows:

- 1: Seriously threatened in California. More than 80% of occurrences are threatened and there is high degree and immediacy of threat.
- 2: Moderately threatened in California. Approximately 20 to 80% of occurrences are threatened and there is a moderate degree of immediacy of threat.
- 3: Not very threatened in California. Less than 20% of occurrences are threatened and there is a low degree and immediacy of threat, or no current threats are known.

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

Sensitive natural communities are those native plant communities listed in the CNDDDB (CDFW 2020a) as rare or of limited distribution. They are evaluated using NatureServe's Heritage Methodology to assign global and state ranks based on rarity and threat, and these ranks are reviewed and adopted by CDFW's (2020b) *Vegetation Classification and Mapping Program* (VegCAMP). Evaluation with the state (S) level results in

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ranks ranging from 1 (very rare or threatened) to 5 (demonstrably secure). Those with ranks of S1 to S3 are to be addressed in the environmental review process under CEQA (CDFW 2020b).

Impacts to, or removal of, mature oak trees (i.e., greater than six inches in diameter at breast height [DBH]) or oak woodland habitat is evaluated under CEQA as a potentially significant impact. As a CEQA Lead Agency, the County of San Luis Obispo currently applies a 4:1 mitigation ratio for removed trees and a 2:1 mitigation ratio for impacted trees. Mature coast live, valley, and blue oak trees are present on the project site in association with open savannah, dense woodland, and riparian habitat. Based on the current development plans, it is expected that no oak trees will be removed as a result of the proposed development. However, impacts to oak trees may occur through trimming, compaction, or excavation within the critical root zone (typically defined as 1.5 times the distance from the trunk to the drip line), and placement of year-round or summer watering within the critical root zone. Impacted and removed trees may require mitigation in the form of on-site plantings or off-site protection of existing oak woodland.

The County of San Luis Obispo adopted an Oak Woodland Ordinance (Chapter 22.58) on April 11, 2017, effective May 11, 2017. This ordinance prohibits clear-cutting (removal of more than one acre of contiguous trees) within an oak woodland and on slopes >30 percent, without an exemption or permit. There are exemptions for clearance required by Cal Fire or otherwise creating a fire break, trees that are diseased or dead, trees creating a hazardous condition, residential development, public utility work, and tree removal for establishing fence lines. A Minor Use Permit is required for clear-cutting 1-3 acres of oak woodland over a 10-year period, and a Conditional Use Permit is required for clear-cutting more than 3 acres over a 10-year period (County 2017). Property owners who want to remove less than one acre of oak woodland (defined as a grouping of trees where the dominant species is blue oak, coast live oak, interior live oak, valley oak, and California black oak) are required to file an Oak Woodland Tree Removal Form with the Department of Planning and Building or by preparing and submitting an Oak Woodland Management Plan (County 2018). Removal of individual Heritage Oaks, which are individuals of any of the oak species listed above 48-inches diameter at breast height or greater and separated by oak woodland habitat by at least 500 feet, can be authorized under a Minor Use Permit (County 2017). This ordinance does not apply to the removal of individual oak trees (except for Heritage oaks), woodland thinning, or tree trimming, which can be conducted without a permit (County 2018).

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

- a. Comply with section 13149 of the Water Code as implemented by the State Water Resources Control Board, 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.

Habitats

Six plant communities or land use types were identified within the study areas and include: 1) Annual Grassland; 2) Agriculture; 3) Developed/Ruderal; 4) Riparian Scrub; 5) Coastal Scrub; and 6) Ornamental. A description of these habitat is provided below, and the areas occupied by these habitat types are shown on Figure 12.

Annual Grassland

The area identified as Annual Grassland on Figure 12 is dominated by non- native grasses and herbs such as Italian rye grass (*Festuca perennis*), hare barley (*Hordeum murinum* ssp. *leporinum*), ripgut brome

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(*Bromus diandrus*), slender wild oat (*Avena barbata*), Harding grass (*Phalaris aquatica*), big heron bill (*Erodium botrys*), red stemmed filaree (*Erodium cicutarium*), fennel (*Foeniculum vulgare*), Mediterranean barley (*Hordeum marinum ssp. gussoneanum*), and black mustard (*Brassica nigra*). Native grassland species are intermixed, and consist of common fiddleneck (*Amsinckia intermedia*), island morning-glory (*Calystegia macrostegia*), and blue eyed grass (*Sisyrinchium bellum*). As seen on historic aerial photography, both impact areas were farmed in entirety a decade ago, and subsequently Annual Grassland has become re-established and is currently used for livestock grazing. This history of disturbance has resulted in the species composition being almost entirely non-native, weedy species. This habitat type corresponds to the Non-native Grassland community described by Holland (1986) and the Wild Oats and Annual Brome Grasslands semi-natural alliance (CDFW 2020b).

Agriculture

The areas identified as Agriculture on Figure 12 consisted of dry farmed agricultural fields in the low-lying floodplain or terrace areas adjacent to the Ephemeral Drainage system (Figure 13). At the time of the surveys, wheat (*Triticum aestivum*) and oats (*Avena* sp. likely *A. fatua*) had been planted. Weedy species that were intermixed or on the edges of the field included Italian rye grass, curly dock (*Rumex crispus*), and prostrate knotweed (*Polygonum aviculare*). Irrigation lines were present but were not in use at the time of the surveys. Agricultural areas are an anthropogenic land use and are not considered to be a natural plant community. Under the CWHR system, the type of Agriculture on-site would be classified as Dryland Grain Crops (CDFW 2020d).

Developed/Ruderal

The Developed/Ruderal areas on-site consist of ranch roads and their margins, materials storage areas, an existing agricultural building, horse shelters, a livestock arena, and disturbed areas around livestock water troughs (see Figure 13). Within the Developed areas were planted, non-native Peruvian pepper (*Schinus molle*), tree of heaven (*Ailanthus altissima*) and fan palm (*Washingtonia* sp.). Along the margins of the ranch road with frequent disturbance were non-native, weedy species including dwarf mallow (*Malva neglecta*), spiny sowthistle, Italian thistle (*Carduus pycnocephalus*), and spiny cocklebur (*Xanthium spinosum*), as well as the native but weedy Canada horseweed (*Erigeron canadensis*). These Ruderal areas are disturbed to the extent that they are not considered to be a semi-natural alliance (CDFW 2019b).

Riparian Scrub

There are small patches of Riparian Scrub dominated by arroyo willow (*Salix lasiolepis*) shrubs, along the Ephemeral Drainage system (Figure 13). Blue elderberry (*Sambucus nigra ssp. caerulea*) shrubs were also scattered along the drainages and were not necessarily associated with the drainage feature. Cattle grazing has affected the Riparian Scrub on-site and pruned shrubs and limbed up their canopies. This habitat type corresponds to the Central Coast Riparian Scrub community described by Holland (1986) and the Arroyo Willow Thickets association described by Sawyer et al. (1992).

Coastal Scrub

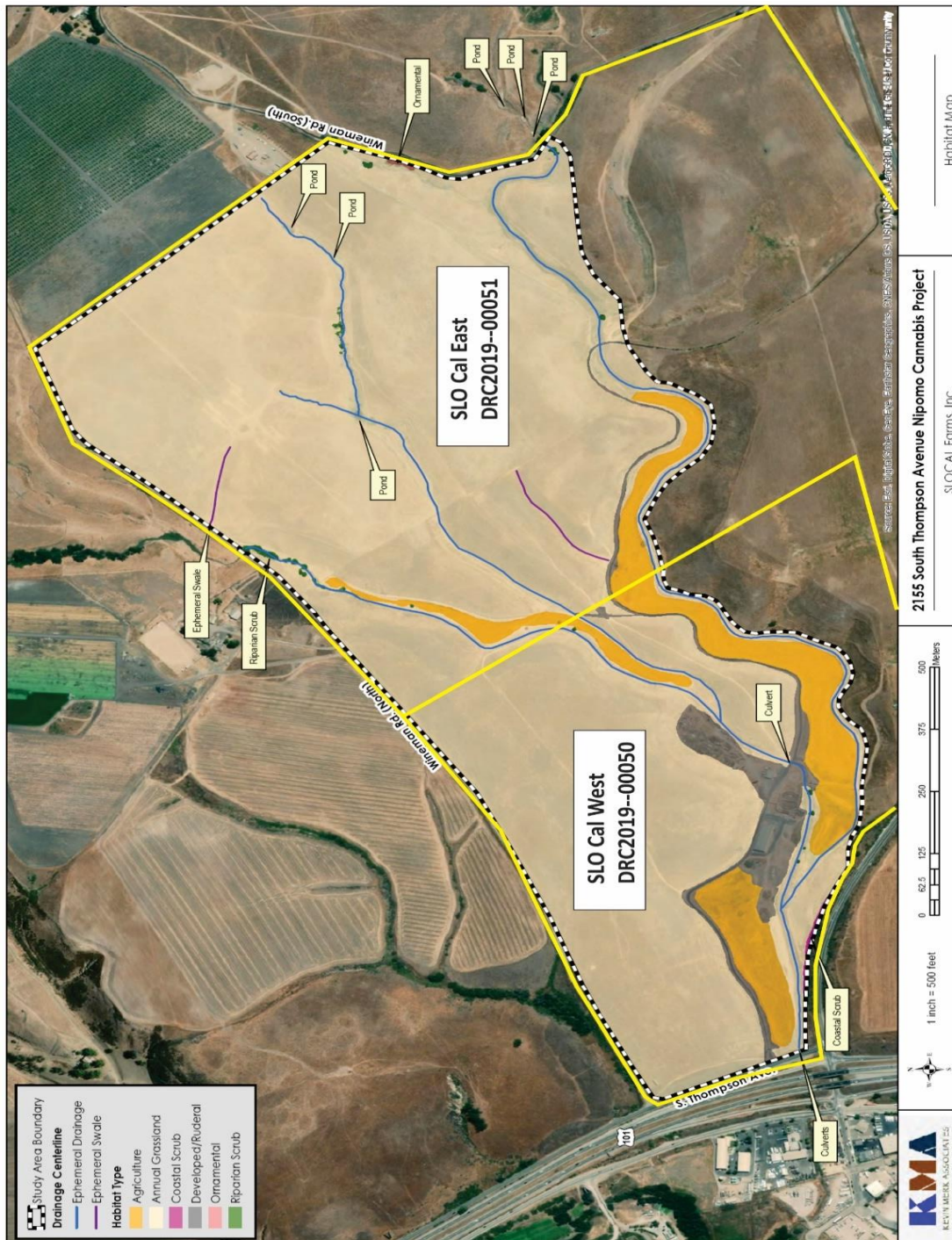
The Coastal Scrub habitat in the study area is restricted to the road fill and slope on the side of Highway 166 in the SLO Cal West property (Figure 12). It is dominated by coyote brush (*Baccharis pilularis*), which likely colonized the disturbed fill soils post construction of the highway. This habitat type corresponds to the Central (Lucian) Coastal Scrub community described by Holland (1986) and the Coyote Brush Scrub association described by Sawyer et al. (1992).

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Ornamental

This community consists of planted, ornamental species. It is mapped on Figure 12 as a stand of planted pine (*Pinus* sp.) along Wineman Road (south). There are also ornamental species, such as fan palm and Peruvian pepper tree, within the Developed/Ruderal land use type. Because this habitat type consists of non-native species, it is not considered to be a natural plant community.

Figure 12 -- Habitat Types



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Hydrologic Features, Wetlands, & Riparian Habitats

There is an unnamed Ephemeral Drainage system, shown as intermittent streams on the USGS topographic maps, that traverses the SLO Cal East and West sites. This drainage system is a tributary of the Santa Maria River, and historically flowed directly into the river just west of Highway 101. It originates on the southwestern slope of the Temettate Ridge and contains several branches on the subject properties that converge just south of the SLO Cal Farms West livestock arena. Where there are agricultural fields on the SLO Cal East and West sites, it appears the course of the channels have, in sections, been modified to flow around the fields. The Ephemeral Drainage is vegetated mainly by upland plant species that are characteristic of the surrounding annual grassland with a few scattered arroyo willows (Riparian Scrub). The branch, running through the center of the SLO Cal East site, has eroded slopes vegetated by weedy vegetation. Off-site this drainage system discharges into culverts under South Thompson Avenue, and thereafter the natural drainage course has been altered by the highway and development to the west. On the west side of Hutton Road, the drainage course daylights from the culvert system into a constructed channel and discharges into Nipomo Creek. Downstream from this point, the natural southerly course of Nipomo Creek has been altered to bend west around sand and gravel facilities, eventually discharging into the Santa Maria River.

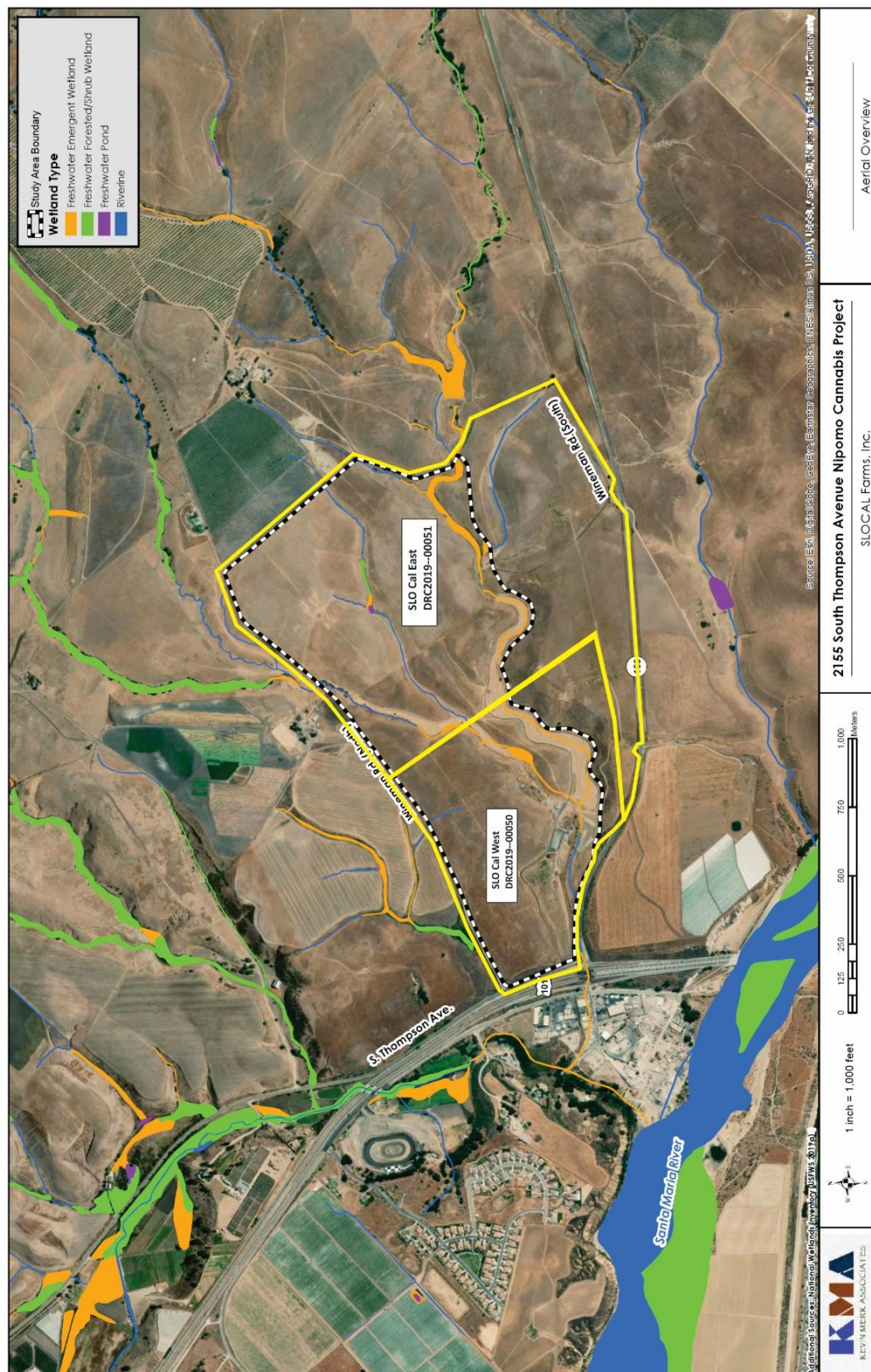
An ephemeral swale is located within the western center of the SLO Cal East property, extending into the SLO Cal West site. This area could be considered to be a topographic draw. It has a poorly defined bed and bank but no evidence of flow following a wet winter in 2020. Another Ephemeral Swale is located in the north central part of the SLO Cal East property (near Wineman Road). This swale, approximately 10 feet wide, is vegetated by upland Annual Grassland species and located along an old roadcut that appears to have some surface runoff seasonally (Figure 13). A faint bed and bank were observed, and it consisted of an erosional feature downslope of an existing unimproved access road. The swale runs from east to west and passes through a culvert under Wineman Road and connects to the drainage feature off-site to the north.

There are several Ponds that have been created in the middle branch of the Ephemeral Drainage system (Figure 13). The lowermost pond was visited during the 2019 and 2020 field surveys, and standing water was present along with a patch of cattails (*Typha* sp.) and pondweed (*Potamogeton* sp.). The water appeared to be several feet deep. The impoundments further upstream were dry during the surveys but appeared to be able to support ponded water and had scattered willows and occasional patches of wetland vegetation in the channel. The other Ponds, identified in the vicinity of Wineman Road, were identified only from aerial photography, and were not inspected during field work. Based on the review of aerial imagery on Google Earth, the upstream-most Pond on this drainage segment appears to hold water into the summer during years with average rainfall and appears to have some riparian habitat present. The southern branch of the ephemeral drainage system has additional ponds just off-site and upstream from the east property (Figure 13).

On-site, water was present in several small pools during the May 2019 survey and was dry by July 2019. In 2020, no flowing water was observed in the on-site drainage features; however, water was present on the SLO Cal East site in the center pond and on the SLO Cal West site just east of the corrals and ranch storage area, at a culvert under the paved entrance road. Smaller branches of the drainage system with a faint bed and bank were considered to be Ephemeral Swales as described above. The Ephemeral Swale runs through the SLO Cal East project area, and the project has been designed around it with a buffer. This feature had no indicators of flowing water and appeared to be more of a topographic draw in the hillside rather than an ephemeral swale. To be conservative, it was mapped as an ephemeral swale. There are at least three impoundments (Ponds) on this drainage system within the property as discussed above and shown on Figure 12, the Habitat Map.

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Figure 13 -- Wetland Resources



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The United States Fish & Wildlife Service's National Wetlands Inventory (NWI) classifies the Ephemeral Drainage system within the study area as having reaches with Freshwater Emergent Wetland and Riverine habitat types (Figure 13). It also identified an area of Freshwater Forested/Shrub Wetland, corresponding to the Riparian Scrub habitat type also mapped in several small patches on Figure 12. The NWI shows only one of the ponds.

Special Status Plant Species

The impact areas were surveyed for rare plant species during spring and summer site visits conducted in 2019 and 2020, and no special-status plant species were observed. The surveys included searches for rare species such as Miles' milk-vetch (*Astragalus didymocarpus* var. *milesianus*; CRPR 1B.2) identified in the background review, as well as other species such as Cambria morning glory (*Calystegia subacaulis* ssp. *episcopalis*; CRPR 4.2) that were not reported in the CNDDDB but known to occur in coastal grasslands in the region. No special status plants were observed during the surveys. The surveys conducted in 2019 were during a year with above average rainfall when rare plants were in identifiable condition well past their typically reported blooming periods. May 2019 rainfall extended the blooming period of many species that typically flower in April and would be in fruit by May. The March 2020 site visit covered an earlier blooming period, and the focus was to cover the central impact area and to confirm that conditions in the other parts of the study area remained consistent with observations from 2019. The entire area within the proposed project sites has been farmed in the past, and Annual Grassland has become re-established, but this past disturbance and on-going livestock grazing has favored non-native species that outcompete native species. Dense thatch was also noted in the study area, which can also preclude native species. The study area also included plant communities that have not been as heavily disturbed, such as the Riparian Scrub along select reaches of the ephemeral drainages.

Sensitive Natural Communities

The Annual Grassland habitat on-site, also called the Wild Oats and Annual Brome Grasslands semi-natural alliance, is comprised predominantly of non-native species and is not a CDFW-designated sensitive natural community. The Coastal Scrub habitat, corresponding to the Coyote Brush Scrub association, has a State Rarity Rank of S5, which is not considered under CEQA (CDFW 2019c).

The Riparian Scrub habitat in the study area is considered Central Coast Riparian Scrub, which is considered to be a sensitive natural community by CDFW with a State Rarity Rank of S3. Riparian habitats are also protected under the state Porter-Cologne Water Quality Act, and California Fish and Game Code. As such, the Riparian Scrub habitats in the study areas were identified as a special-status biological resource. The plant community within the majority of the Ephemeral Drainage system was predominantly Annual Grassland; thus, it is not a sensitive natural community, but the drainage features contained defined bed and bank structure and were identified as potentially falling under the jurisdiction of USACE, CDFW, and/or RWQCB due to a defined bed and bank with periodic flowing water. The Ephemeral Swales were composed of annual grassland habitat and had poorly defined bed and bank structure. While they are likely not subject to Clean Water Act regulation, the Ephemeral Swales could be regulated by CDFW pursuant to California Fish and Game Code section 1600 et seq.

The Coastal and Valley Freshwater Marsh community, State Rarity Rank S2.1, is indicated by the presence of cattails, and occurs in at least one of the Ponds on the Ephemeral Drainages, but the Ponds are outside of the project impact areas. No mappable areas of Coastal and Valley Freshwater Marsh habitat were present within the Ephemeral Drainages aside from within the impoundments.

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The CNDDDB lists Southern Vernal Pool as a sensitive natural community that occurs in the area west of the Santa Maria Airport (CDFW 2020a). Southern Vernal Pools are of local importance and could provide habitat for special-status species. The properties occur within the Santa Barbara Vernal Pool Region, but no topographic depressions indicative of vernal pool features was observed on-site. One area near the subject properties and to the north of the Santa Maria River has been documented to support vernal pool species, although habitats in this region may verge on wetlands, such as seeps and vernal marshes (Keeler-Wolf et al. 1998). The study area does have clay soils in some areas but no topographic depressions or areas that could support seasonally ponded water were observed. Furthermore, no wetland or vernal pool indicator plants were observed in the study area that would meet the vegetation classification as a vernal pool.

Special Status Wildlife Species

Based upon the biologist's background review of special-status species records, two invertebrate, five amphibian and reptile, eleven bird, and two mammal species were evaluated to determine their potential to occur on the properties. No special-status fish species could occur due to the lack of sufficient water in the Ephemeral Drainages on-site. Two vernal pool species, vernal pool fairy shrimp (*Branchinecta lynchi*; federally Threatened) and California tiger salamander (*Ambystoma californiense*; federally Endangered in Santa Barbara County; state Threatened; CDFW Watch List) are considered unlikely to occur on-site because there is no vernal pool habitat within the study areas.

The listing status, habitat associations and evaluation of occurrence are summarized in the BA, Appendix D. The 19 wildlife species with the potential to occur on-site are described in further detail in Table 10. The CNDDDB map records wildlife within the vicinity of the property.

Table 10 -- Sensitive Wildlife Species

Table 10 – Sensitive Wildlife Species			
Common / Scientific Name	Listing Status* Fed / State	Ecological Information	Evaluation of Occurrence/ Site Suitability / Local Records
INVERTEBRATES			
Monarch butterfly <i>Danaus plexippus</i> pop. 1	Under review	Adults feed on the nectar of various blooming plants. During breeding can be found in fields, pastures, residential areas, grassland and scrub. Eggs are laid on, and caterpillars feed on, milkweed. Overwinters in wind-protected tree groves of eucalyptus, Monterey pine and cypress along the coast.	Potential. No groves of suitable trees occur in the study area that could be used as an overwintering site. Individuals could occur periodically while foraging.
Bumble Bees	Under review	Crotch bumblebee, Franklin's bumblebee, Suckley cuckoo bumble bee and the western bumblebee historically occurred in San Luis Obispo County.	Potential. The ongoing and historic surface disturbance from agricultural operations on-site 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 cultivation areas for either site, but grazed grassland areas or the agricultural crop could potentially contain individuals foraging on site at the time construction activities commence.

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Table 10 – Sensitive Wildlife Species			
Common / Scientific Name	Listing Status* Fed / State	Ecological Information	Evaluation of Occurrence/ Site Suitability / Local Records
AMPHIBIANS/REPTILES			
Blainville's (coast) horned lizard <i>Phrynosoma blainvillii</i>	-/SSC	Grasslands, sandy washes, coastal scrub, chaparral, coniferous forest and woodlands with patches of open areas for sunning and bushes for cover. Often with loose sandy soils for burial, but also uses small mammal burrows. Preys on native species of ants and other small invertebrates.	Potential. Could occur around the more open margins of Annual Grassland, as well as in Coastal Scrub and along the Ephemeral Drainages. May also occur in Developed/ Ruderal areas on-site. Has been recorded in the Santa Maria River in close proximity to the site but that is composed of sandy riverwash which is not present on-site.
California red-legged frog <i>Rana draytonii</i>	FT/SSC	Forages and breeds in streams with deep slow-moving pools, stock ponds, reservoirs, springs, lagoons, and marshes; usually with emergent or riparian vegetation but also found at sites lacking vegetation. Uses riparian and various upland habitats in winter and for dispersal.	Potential. Recorded on or adjacent to the property in 2002. Several other records are 2 miles of the study area which is within the known dispersal distance of the species. Suitable aquatic habitat is present in the on-site Ponds in the Ephemeral Drainage, and a ranid frog was seen in one pond during the survey. Species could occur in any area of the drainages when water is present. Could occur in or move through upland areas during winter rain season or in late summer following metamorphosis.
Northern California legless lizard <i>Anniella pulchra</i>	-/SSC	Beach dunes, chaparral, pine-oak woodlands, desert scrub, sandy washes, oak woodland, and stream terraces with riparian vegetation. Fossorial species requires moist, loose soils or leaf litter with plant cover or surface objects (rocks, boards, logs, etc.). Can occur in residential areas.	Potential. Numerous recorded occurrences are in the area surrounding the site. Loamy soils on-site could be suitable, but is unlikely to occur in Agricultural fields or Annual Grassland habitat as there is no shrub or tree cover. Could potentially occur in Riparian Scrub, in drainage corridors away from water and in the Developed/Ruderal areas where shrubs and cover objects are present. Not expected in cultivation areas.
Southwestern pond turtle (western pond turtle) <i>Actinemys pallida</i> (<i>Emys marmorata</i>)	-/SSC	Ponds, lakes, rivers, streams, marshes, brackish lagoons, and irrigation ditches with a mosaic of vegetation and open areas for basking. Uses upland areas for nesting and in winter, including woodland, forest, grassland, chaparral, and grasslands.	Potential. Potentially suitable aquatic habitat is present in the Ponds, and could use upland habitats and drainage corridors for terrestrial movements. Has been recorded in the general area. Could nest in grassland areas along on-site drainage system and the central project site is within the distance they move for nesting from potential aquatic habitat.
Western spadefoot <i>Spea hammondi</i>	Under review/SSC	Grassland, open woodland/savanna, coastal scrub, and chaparral habitats where it primarily occupies underground burrows that it digs in a variety of soils but often associated with sand. Breeds in vernal pools, ephemeral ponds, stock ponds and streams that dry to isolated pools which lack aquatic vertebrate predators.	Potential. This species is highly opportunistic, and breeds in stock ponds and instream pools with little to no flowing water. Known to occur throughout the lowland areas surrounding the study area, including in the Santa Maria River. The on-site Ponds and any temporary pools that could form in the Ephemeral Drainage system could be suitable breeding habitat. If present, could use upland habitat and construct burrows within impact areas.

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Table 10 – Sensitive Wildlife Species			
Common / Scientific Name	Listing Status* Fed / State	Ecological Information	Evaluation of Occurrence/ Site Suitability / Local Records
BIRDS			
Bald eagle <i>Haliaeetus leucocephalus</i>	-/SE & FP	Open areas near water where they mainly feed on fish, and may also eat birds, amphibians, reptiles, small mammals, and crabs; nests in large mature trees such as ponderosa pine or occasionally on cliffs or the ground, within 1 mile of a large water source; occurs year-round in this area.	Potential. Several observations in eBird are from near the study area on Hwy. 166, and the site is open enough and surrounded by open country for foraging. No nesting habitat is present on-site.
Burrowing owl <i>Athene cunicularia</i>	-/SSC	Open treeless areas with low sparse vegetation such as grasslands, deserts, pastures, agricultural fields, airports, and artificial embankments where they prey on small vertebrates and various invertebrates; nests in burrows created by other animals with nearby lookouts such as fence posts or shrubs. Formerly occurred year-round in this area, but now restricted to winter.	Potential. Suitable habitat for foraging is present, but no suitable burrows were observed in Annual Grassland habitat on-site. There are several records in eBird west and southwest of the site in the vicinity, but this species no longer nests in the region.
California horned lark <i>Eremophila alpestris actia</i>	-/WL	Areas with sparse vegetation or bare ground in prairies, deserts, tundra, beaches, dunes, airports, plowed fields and heavily grazed pastures where they eat seeds and insects; nesting is on bare ground; occurs year-round in this area.	Potential. A record exists in eBird from the study area on Wineman Road (North). Could forage and nest within the Annual Grassland, Agricultural and Ruderal areas on-site.
Golden eagle <i>Aquila chrysaetos</i>	-/FP & WL (nesting & wintering)	Uncommon resident of mountainous and valley-foothill areas. Foraging typically occurs in open terrain where they prey on small mammals. Nesting usually occurs on cliff ledges, and less commonly in large trees or on structures such as electrical towers.	Potential. Numerous records are in eBird surrounding the property. Suitable foraging habitat is present throughout Annual Grassland and Agriculture areas on-site, but no nesting habitat is present.
Grasshopper sparrow <i>Ammodramus savannarum</i>	-/SSC	Grasslands, prairies, hayfields, and open pastures with little scrub cover and some bare ground where they prey on grasshoppers and other invertebrates. Nests on the ground at the base of clumps of grass within a large patch of tall grass. Occurs in this area during breeding season.	Potential. Has been recorded in eBird at the study area from Wineman Road (North). Could forage in any of the habitats on-site, and could nest within on-site grasslands.
Great blue heron <i>Ardea herodias</i>	(nesting colony)	Freshwater and saltwater marshes, also foraging in grasslands and agricultural fields. Nesting colonies are near lakes, ponds and wetlands bordered by forests. Nests are placed mainly in trees, but may also nest on the ground, in bushes or artificial structures. Occurs year-round in this area.	Potential. Individuals could forage periodically in Annual Grassland, Ponds and Agricultural areas on-site, but no nesting habitat is present. There are numerous records in eBird from near the site, but not likely to nest on-site due to lack of sufficient aquatic habitat.
Loggerhead shrike <i>Lanius ludovicianus</i>	-/SSC (nesting)	Open country with low vegetation and well-spaced shrubs or trees such as coastal scrub, grasslands, agricultural fields, pastures, riparian areas, desert scrub, savannas, prairies, golf courses, and along roadsides where they prey on insects, amphibians, reptiles and small mammals; nests in trees, shrubs, or brush piles; occurs in this area year-round.	Potential. Several observations in eBird are from near the study area. Could occur in any of the on-site habitat types for foraging and may nest in Riparian Scrub or ornamental trees in the Developed area. No nesting is present in grassland areas without suitable shrubs or trees.
Northern harrier <i>Circus cyaneus</i>	-/SSC (nesting)	Large areas of wetlands and grasslands with low vegetation where they prey on small mammals, amphibians, reptiles and birds; nesting is in marshes, grazed meadows, and desert shrubland where they nest on the ground in a dense clump of vegetation such as willows, grasses, sedge, bulrushes or cattails; occurs year-round in this area.	Potential. There are several records from close proximity to the site. They could forage over the study area, and possibly nest in the grasslands away from human activities.

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Table 10 – Sensitive Wildlife Species			
Common / Scientific Name	Listing Status* Fed / State	Ecological Information	Evaluation of Occurrence/ Site Suitability / Local Records
BIRDS			
Prairie falcon <i>Falco mexicanus</i>	-/WL (nesting)	Grasslands, desert shrubland, tundra, coastal scrub, feedlots, and agricultural fields where they feed on small mammals, insects and birds; nests on high cliff ledges, steep bluffs, trees, or on buildings or utility poles; occurs year-round in this area.	Potential. Suitable foraging habitat is present, but no nesting habitat occurs on-site. An individual has been recorded in eBird on the property.
Tricolored blackbird <i>Agelaius tricolor</i>	-/ST & SSC (nesting colony)	Forages in a variety of habitats including pastures, agricultural fields, rice fields, and feedlots. Nests colonially in freshwater marshes with tules or cattails, or in other dense thickets of willow, thistle, blackberry, or wild rose in close proximity to open water. Occurs year-round in this area.	Potential. There are three records in eBird of this species near the study areas. Suitable foraging habitat is present in Annual Grassland and Developed/Ruderal habitats on-site. Could roost in cattails in on-site ponds but emergent wetland habitat may not be extensive enough to support a nesting colony.
White-tailed kite <i>Elanus leucurus</i>	-/FP (nesting)	Savannas, open woodlands (oak or pine), riparian forest, marshes, desert grasslands, and fields where they prey on small mammals, birds, lizards, and insects. Nests and roosts in the edges of forests or in tall, isolated trees. Occurs in this area year-round.	Potential. Suitable foraging habitat is present throughout all areas of the properties, but no large trees are present for nesting. Has been recorded in eBird at numerous locations in close proximity to the study areas.
MAMMALS			
American badger <i>Taxidea taxus</i>	-/SSC	Open grasslands, fields and the edge of scrub and woodland habitats; requires dry loose soils for burrowing and shelter and feeds on a variety of small mammals such as California ground squirrel and pocket gopher.	Potential. Suitable grassland habitat on-site could be used for foraging, movement between other sites, and denning. No dens were seen during the surveys and potential prey were not observed. They have been recorded at various locations surrounding the study area, which abuts expansive suitable habitat.
Pallid bat <i>Antrozous pallidus</i>	SSC	Open dry habitats including deserts, grasslands, shrublands, woodlands, and forests. Roosts in rocky outcrops, caves, crevasses, mines, hollow trees, and buildings that moderate temperature. Night roosts on porches and open buildings.	Potential. Could forage over the site and night roost in the building that would be converted to project uses. Has been recorded in the vicinity.

Notes: *E = Endangered; T = Threatened; C = Candidate; SSC = Species of Special Concern; FP = Fully Protected; WL = Watch List; '—' = no status; California Natural Diversity Database (CDFW 2020a); Special Animals List (CDFW 2019); California Wildlife Habitat Relationships System (CDFW 2020d); A Guide to the Amphibians and Reptiles of California (California Herps 2020); eBird (The Cornell Lab of Ornithology 2020a); All About Birds (The Cornell Lab of Ornithology 2020b); Guide to North American Birds (Audubon 2020).

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Designated Critical Habitat

Designated critical habitat for the south-central California coast Distinct Population Segment (DPS) steelhead (*Oncorhynchus mykiss irideus*) occurs in the Los Berros Canyon drainage system on the northeast side of Temettate Ridge. This DPS occurs in watersheds to the north of the Santa Maria River; the study site is not within the range of this DPS.

The Santa Maria River is designated critical habitat for the southern California DPS steelhead. The Ephemeral Drainage system on-site is not included in this habitat unit. The reaches of this unnamed drainage within the study areas are too ephemeral to support steelhead and are not included in the listing of critical habitat for this species.

Migratory Birds, Raptors, & Other Birds

Bird species that nest on the ground in Annual Grassland habitat or on structures or ornamental trees and shrubs in Developed/Ruderal could occur in project impact areas during nesting season. In addition to the special-status bird species described above, avian species that could nest on-site also include common species that are protected under the MBTA and/or California Fish and Game Code. There are no large trees or appropriate structures that could be used as nesting substrates for raptors, and no stick nests were observed.

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

Three focused rare plant surveys were conducted during the seasonal period when the rare plants known to occur in the area would have been in flower or in identifiable condition; however, none were seen. The Annual Grassland habitat in the project impact areas has been disturbed historically by farming and is dominated by non-native, weedy species that are adapted to disturbance. The site history, coupled with the negative results from three rare plant surveys, indicate that rare plants are not expected to occur in the project impact areas, and the project would not adversely affect any rare plant populations. In addition, no special-status plant species were determined to have potential to occur on the site based upon the background review of species records in the vicinity and evaluation of on-site environmental conditions. Non-native grassland that occurs in the understory of woodland habitats, along ephemeral drainages, and in an unfarmed patch on the SLO Cal West site outside of the project footprint. No special-status botanical species were documented within the areas of disturbance during appropriately timed spring surveys. Accordingly, project impacts to special status plant species are considered *less than significant*.

Special-Status Wildlife Species

Invertebrates

Invertebrate species considered for listing, that have a slight potential to be found in the impact include the Monarch butterfly and two bumble bee species.

Bumble Bees

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In late 2018, a petition to list four species of bumble bee as endangered was received by the California Fish and Game Commission, and the California Department of Fish and Wildlife (CDFW) was tasked with evaluating available scientific information to determine if listing was warranted. The four bumble bee species are as follows: Crotch bumble bee (*Bombus crotchii*), Franklin's bumble bee (*Bombus franklini*), Suckley cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis*). Through the CDFW's Evaluation Report completed in April 2019, the California Fish and Game Commission voted 3-1 in June 2019 that the four species may be warranted for listing as threatened or endangered under the California Endangered Species Act (CESA). During the approximately one-year review period, the four bumble bee species were 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. During this time a lawsuit was filed by an agricultural industry coalition where a Sacramento Superior Court judge ruled that insects including bees were not eligible for protection under CESA. Currently there are no insects listed as threatened or endangered under CESA, but since the litigation is ongoing, the four species are still identified as special status.

Although no records of these four species were identified in the vicinity of the two project sites during the biologist's query of the California Natural Diversity Database (CNDDDB) conducted as part of the BRA analysis, two of these species, the Crotch bumble bee and western bumble bee, historically occurred in the San Luis Obispo County area. Given the four species are candidates for listing as threatened or endangered under CESA, a supplement letter was prepared for the BRA in April, 2021 (KMA) to assess the suitability of habitats on the project site to support these bumble bee species.

Project activities would be sited in annual grassland, disturbed/ruderal, and agricultural areas of the site. 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 on the project site. They could occur in off-site habitats and fly over and potentially forage on or adjacent to the proposed project area. As stated above, the ongoing and historic surface disturbance from agricultural operations on-site 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 cultivation area, but grazed grassland areas or the agricultural crop could potentially contain individuals foraging on-site at the time project activities commence. Therefore, potential impacts to bumblebees is considered *less than significant with mitigation*.

Monarch Butterflies

Monarch butterflies may use the site for foraging or on a transitory basis. There are no suitable groves for monarch overwintering sites, or trees or structures for raptor nests. Milkweed is required as a host plant for caterpillars and was observed in the study area. Adults nectar on a variety of blooming plants, and could potentially occur on-site periodically while foraging or migrating. Overwintering sites have been documented at several locations within the City of Santa Maria (BA, Figure 5; CDFW 2020a), with the closest site being less than one mile away. Individuals migrating to or from these areas could stop over at the study area, but this habitat would not be used for overwintering due to lack of tree groves with sufficient structure. There is potential for the operations phase of the cannabis projects to affect this species. There would be increased vehicle traffic on the ranch roads, which could cause mortality from vehicle strikes. Pesticides and other chemicals could be carried in stormwater runoff into the

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Ephemeral Drainage system. Therefore, this impact is considered *less than significant impact with mitigation*.

Amphibians / Reptiles

Five sensitive amphibian / reptile species have a slight potential to be found within the project impact areas. These include the California red-legged frog (CRLF), a federally threatened and a CDFW Species of Special Concern, and four other CDFW Species of Special Concern, i.e., Blainville's horned lizard, northern California legless lizard, southwestern pond turtle, and western spadefoot. These special-status animal species could potentially occur in the study areas on a seasonal basis, and be directly impacted by construction activities, and the seasonal timing of risk varies among species.

As designed, no direct impacts to aquatic habitat for CRLF is expected to occur as a result of proposed cannabis activities. However, this species does travel through upland habitats and may be crushed or trampled by vehicles and equipment if present on-site during construction. CRLF may use small mammal burrows for refuge and cover; excavation or crushing of any burrows during construction may result in direct impacts to this species. Indirect impacts to the ephemeral drainage system, such as silt and sedimentation due to increased run-off may impact habitat for these species. Further, potential exposure to agricultural chemicals may have indirect and direct impacts on this species. Avoidance and minimization measures involving preconstruction surveys by a qualified biologist prior to initial ground disturbance and conducting construction activities during the dry season. Accordingly, potential impacts to CRLF from construction and ongoing operations is considered *less than significant with mitigation (BIO-4)*.

Similarly, to avoid construction related impacts to southwestern pond turtle, pre-construction surveys should be conducted within 24 hours prior to the onset of work activities within and around areas proposed for construction and staging activities. In addition, access routes, staging, and construction areas shall be limited to the minimum area necessary to achieve the project goal and minimize potential impacts to western pond turtle habitat including locating access routes and construction staging areas outside of wetlands and riparian areas to the maximum extent practicable. This impact is considered *less than significant impact with mitigation*.

To avoid construction related impacts to other special-status reptiles and amphibians (i.e., Blainville's horned lizard, northern California legless lizard, and western spadefoot) a pre-construction survey shall be conducted prior to initial project activities. 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 reptile or amphibian species are discovered during surveys or monitoring, they will be allowed to leave the area on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact. This impact is considered *less than significant impact with mitigation*.

Migratory Birds, Raptors, and Burrowing Owl

In addition to those species protected by the state or federal government, all native avian species are protected by state and federal legislation, most notably the Migratory Bird Treaty Act (MBTA) and the CDFW Fish and Game code. Collectively, these and other international regulations make it unlawful to collect, sell, pursue, hunt, or kill native migratory birds, their eggs, nests, or any parts thereof. The laws were adopted to eliminate the commercial market for migratory bird feathers and parts, especially those of raptors and other birds of prey.

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Special-status bird species, common species protected under the MBTA, and raptors protected under Fish and Game Code and other federal acts could nest in grassland habitats or on structures or ornamental trees and shrubs in Developed/Ruderal areas on-site. The type of disturbance associated with operating the proposed activity is considered to be the same as for the existing farming operations.

There are seven special-status bird species (i.e., Bald eagle, Golden eagle, Great blue heron, Northern harrier, Prairie falcon, Tricolored blackbird, and White-tailed kite) that have potential to forage over the property. These special-status bird species are not expected to nest in the agricultural areas of the site because there are no trees, shrubs or riparian areas within or directly adjacent to the area proposed for development. Current agricultural areas will be used for cannabis cultivation and would not be considered to affect foraging habitat on the site because bird species would continue to forage over the site after project implementation. However, depending on the time of year that construction takes place, construction activities and noise could cause the adults to abandon the nest site and result in the mortality of eggs or young reliant on the nest. Impacts related to interference with the movement of migratory fish or wildlife would be *less than significant with mitigation*.

Four special-status bird species (i.e., burrowing owl, California horned lark, Grasshopper sparrow, and Northern harrier) have potential to forage over the property and may nest in grassland habitats near or within the Developed/Ruderal areas on-site. Current agricultural areas will be used for cannabis cultivation and would not be considered to affect foraging habitat on the site because bird species would continue to forage over the site after project implementation. However, birds that nest in grassland habitats or on structures in Developed/Ruderal areas could also be affected if construction is initiated during the spring and summer nesting season. Depending on the time of year that construction takes place, these activities could cause the adults to abandon the nest site and result in the mortality of eggs or young reliant on the nest. In addition, it is expected that outdoor cannabis cultivation will cease between the months of November and April. During this time, certain species that nest in grassland may establish new nests within the outdoor cultivation area. With mitigation measures BIO-7, BIO-8, and BIO-9 impacts related to grassland nesting birds and the interference with the movement of migratory fish or wildlife would be *less than significant with mitigation*.

Mammals

Sensitive bat species may potentially forage over the areas of disturbance, but there are no trees or other features suitable for roosting. Pallid bats or other protected bat species could roost inside the existing agricultural building that will be converted to cannabis uses on the SLO Cal West project site. This metal structure is not likely to provide enough temperature moderation to be used during the winter or as a maternity roost site but could be used by individual bats during the warmer months as day and/or night roosts.

American badgers are a highly mobile species and could move through the area in search of prey. They could also have dens in the project vicinity in which they raise their young or utilize for refuge. If a natal den was present, then the badger would be considered less mobile and tied to the feature until its young can move on their own. Maternal or natal dens may be occupied in the spring and summer. Adults that are not raising young may be present in dens during the daytime at any time of year.

Construction equipment or activities could injure or kill individuals of these species in work areas. Timing the initiation of construction activities to minimize the chance of effects is problematic because there is no one season when all species would be restricted to areas away from these habitats.

Minimization measures involving preconstruction surveys by a qualified biologist prior to initial ground

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disturbance are required because avoidance by timing the construction period cannot cover each of these species with potential to occur. These surveys shall involve a visual search for American badger dens. If any potential den is found and cannot be avoided, additional mitigation to ensure that the den is not occupied at the time of construction would be required. The survey shall also include searching the agricultural building for signs of bat roosting such as piles of guano and insect remains before any project activities occur. If construction is initiated at different parts of the study area at different times, a separate pre-activity survey shall be conducted for each project element. Furthermore, construction activities involving open trenches or excavations, such as during the construction of the leach field or any upgrades to the irrigation system, shall occur during the dry season and a ramp to allow wildlife to get out of the excavation area would be required. Should project construction extend into the winter months, biological monitoring shall be conducted before the start of work each day to ensure that no special-status animal species have entered the work area or become entrapped in the excavations. This impact is considered *less than significant impact with mitigation*.

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

Based on the BRA, the SLO Cal East and West sites each have sensitive natural habitats designated by CDFW, i.e., Central Coast Riparian Scrub and Coastal and Valley Freshwater Marsh community. Central Coast Riparian Scrub is located on the SLO Cal East property, near Wineman Road, along the ephemeral drainage. Coastal and Valley Freshwater Marsh community is located on the SLO Cal West site, near the site's southwest perimeter. No special-status plant communities, USFWS-designated critical habitat, or riparian habitat occurs within the area of disturbance or the immediate project vicinity. The United States Fish & Wildlife Service's National Wetlands Inventory (NWI) classifies the Ephemeral Drainage system within the study area as having reaches with Freshwater Emergent Wetland and Riverine habitat types (Figure 13).

To ensure these sensitive resources are protected, the Conservation/Open Space Element requires new development to observe a minimum 50 foot setback from a waterway and a 100-foot setback from a wetland. In each case the setback is measured from the edge of the riparian corridor or the water feature's top of bank, whichever is greater. The area of disturbance and all associated project components for both the SLO Cal East and SLO Cal West Projects will exceed this requirement.

In addition, mitigation measure BIO-1 recommends appropriate Best Management Practices (e.g., straw wattles, gravel bags, silt fences, Environmental Sensitive Area/exclusion fencing) to be installed to protect wetland resources and water quality during construction. Ongoing operations will be required to adhere to the measures set forth in BIO-2. Therefore, with mitigation, potential impacts to riparian habitats or other sensitive natural communities would be *less than significant with mitigation*.

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

The United States Fish & Wildlife Service's National Wetlands Inventory (NWI) classifies the Ephemeral Drainage system within the SLO Cal Farm East and West properties as having reaches with Freshwater Emergent Wetland and Riverine habitat types (Figure 13). The SLO Cal Farms West site contains an area identified as Freshwater Forested/Shrub Wetland which is outside the area of disturbance. Neither the SLO Cal East nor the SLO Cal West project propose any work to be done in any of these areas; both projects will be conditioned to provide a drainage and erosion control plan to avoid indirect impacts to

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on-site and off-site water features. This drainage and erosion control plan would be subject to review and approval by the County Public Works in accordance with standard County construction and stormwater control requirements. Therefore, potential impacts to state or federally protected wetlands would be less than significant.

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

Maintaining connectivity among areas of suitable habitat is critical for dispersal, migration, foraging, and genetic health of plant and wildlife species.

The project site is located approximately four miles west of the Los Padres National Forest, and southeast of the community of Nipomo. The project site is located in a rural area of San Luis Obispo County, surrounded by agricultural operations and sporadic rural residences. The land surrounding the proposed cannabis activities within the subject properties will continued to be used for livestock grazing and will provide habitat for grassland species. Existing barriers to migration to and from non-developed portions of the project site, particularly for wildlife, are influenced by the density of agriculture in the region, which typically correlates with a high frequency of land manipulation, wildlife-exclusion fences, and pest management activities. As a result, natural habitat features are currently somewhat fragmented on all sides of the project site. New localized barriers may be created by the conversion of a portion of the open agricultural fields to permanent or semi-permanent structures, which may deter general wildlife movement through the area; however, no large-scale passage barriers are proposed. The proposed project is not expected to increase the overall level of fragmentation in the region. No passage barriers through aquatic features are proposed as a part of the project.

Due to the rural nature of the area, bright, artificial grow lighting that escapes the cultivation facilities could have the potential to impact wildlife species. Mitigation Measure AES-1 require the applicant to prepare a light pollution prevention plan to prevent light pollution from cultivation activities, and BIO-12 indicates the required components of the light pollution plan. Implementation of Mitigation Measures AES-1 and BIO-12 would reduce this *impact to less than significant with mitigation*.

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

Impacts to oak trees are considered significant by the County for CEQA compliance purposes. However, the project site and the area of disturbance do not contain oak trees. Therefore, there would be *no impact* associated with a conflict with local policies or ordinances protecting biological resources such as trees.

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

The project site is not located within an area governed by an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the project would not conflict with the provisions of an adopted plan and there would be *no impact*.

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Conclusion

With implementation of Mitigation Measures BIO-1 through BIO-12, potential impacts to biological resources would be less than significant. In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Sections 8304 (a) and (b) require cannabis projects to:

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

Mitigation

BIO-1 Best Management Practices. Best Management Practices (e.g. straw wattles, Environmental Sensitive Area exclusion fencing, gravel bags, silt fencing, etc.) shall be installed prior to the start of any cannabis-growing activities to avoid direct inadvertent impacts to the unnamed drainage on the northern edge of the project site. Best Management Practices shall be installed to avoid any indirect impacts to these drainages that may occur from erosion/sedimentation.

Project activity occurring within 50 feet of aquatic habitat (e.g., swales, drainages, ponds, vernal pool, etc., identified in biological report) or 100 feet from a wetland 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.

BIO-2 Site Maintenance and General Operations. The following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

- The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.
- Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.
- Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).
- Ground disturbance, including excavation, maintenance, and staging of equipment and vehicles within 60 feet of small mammal burrows shall be avoided.
- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.

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- Washing of concrete, paint, equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.
- Equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.
- Any temporary construction lighting shall avoid nighttime illumination of suitable habitat features (i.e., drainages, riparian corridor, sensitive species habitat). Temporary construction lighting shall be kept to the minimum amount necessary and shall be directed toward active work areas and away from open spaces and/or drainages.

Federal and State Waters and Wetlands.

- If construction occurs during or immediately following rain, temporary site stabilization methods will be used to prevent inadvertent erosion and sedimentation into adjacent aquatic habitat. An erosion and sediment control plan shall be developed outlining Best Management Practices (BMPs), which shall be implemented to prevent erosion and sedimentation into the aquatic habitats during construction. 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 BMPs. BMPs shall be installed and maintained for the duration of construction or until the site has been stabilized.
- If project design changes resulting in drainage crossings or other direct impacts to mapped aquatic resources, all applicable agency permits with jurisdiction over the project area (i.e. CDFW, RWQCB, and/or Corps) should be obtained, as needed, prior to construction. All additional mitigation measures required by these agencies would be implemented as necessary throughout the project.

BIO-3 Pre-construction surveys for Crotch Bumblebee (CBB) and Western Bumblebee (WBB). The following actions shall be undertaken to avoid and minimize potential impacts to CBB and WBB:

- Surveys - The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for CBB and WBB within suitable habitat (i.e., small mammal burrows, grassland areas, upland scrubs) on the project site. Survey(s) can be conducted over an extended period of time to document and establish the presence of the bees within the areas of disturbance.
- CBB or WBB Take Avoidance - If the survey(s) establish the presence of CBB or 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 of the Department in consultation with CDFW. The Management Plan shall include at least the following:
 - Avoidance measures to include a minimum 50-foot no-disturbance buffer to avoid take and potentially significant impacts.
 - If ground-disturbing activities will occur during the overwintering period (October through February), the applicant, in coordination with the Department, shall consult with CDFW to identify specific measures to be undertaken to avoid take as defined by the California Endangered Species Act (CESA).

Take Authorization - If CBB or WBB are detected prior to, or during project implementation, the applicant shall consult with CDFW to avoid take and/ or to obtain applicable take authorization.

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BIO-4 California Red-legged Frog (CRLF). The following measures shall be implemented to mitigate potential impacts to CRLF:

- a. Site preparation, including vegetation clearance, soil disturbance, and grading shall not occur: (a) during the typical rainy season (November 1 to April 1), (b) during the nighttime (between 30 minutes before dusk and 30 minutes after dawn), (c) during an actual or predicted rain event of 0.25-inches or greater or within 24 hours after an actual rain event, and (d) near isolated pools.
- b. If remaining construction activities (such as wall construction or interior work) are proposed during the rainy season, **prior to obtaining a building permit or continuing construction**, the applicant shall prepare a Management Plan prepared by a qualified professional. The project's Management Plan is subject to the review and approval of the United States Fish & Wildlife Service (USFWS) and San Luis Obispo County Planning & Building Department **prior to any continuation of construction or building**.
- c. The Management Plan shall address items including, but not limited to: (a) monitoring that will occur during construction related activities (e.g., monitoring duration, time, frequency), (b) procedures if a CRLF or other sensitive species is encountered during construction related activities, (c) pre-construction worker training, (d) the construction schedule proposed to minimize impacts to sensitive species (i.e., completing construction activities closest to potential CRLF habitat first), and (e) the filing of a post-construction report "lessons learned" on the effectiveness of the required measures.
- d. Construction activities conducted during the wet season shall not occur: (a) during the nighttime (between 30 minutes before dusk and 30 minutes after dawn), or (b) during an actual or predicted rain event of 0.25-inches or greater, or within 24 hours after an actual rain event. All construction materials and equipment will be staged in the parking lot adjacent to the construction site at SLO Cal East. The applicant will complete construction activities closest to potential CRLF habitat (the ephemeral drainage system) first, followed by activities that are further from the potential habitat.

BIO-5 Western Pond Turtle Pre-Construction Survey. A qualified biologist(s) shall conduct a pre-construction survey within 24 hours prior to the onset of work activities within and around areas proposed for construction and staging activities. If this species is found and the individuals are likely to be injured or killed by work activities, the approved biologist shall be allowed sufficient time to move them from the project site before work activities begin. The biologist(s) must relocate any western pond turtle the shortest distance possible to a location that contains suitable habitat that is not likely to be affected by activities associated with the project.

Access routes, staging, and construction areas shall be limited to the minimum area necessary to achieve the project goal and minimize potential impacts to western pond turtle habitat including locating access routes and construction staging areas outside of wetlands and riparian areas to the maximum extent practicable.

BIO-6 Pre-construction survey for special-status reptiles and amphibians. A qualified biologist shall conduct a pre-construction survey immediately **prior to initial project activities** (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat for California legless lizard (*Anniella pulchra*), Blainville's (coast) horned lizard (*Phrynosoma blainvillii*), and Western spadefoot (*Spea hammondi*). Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading,

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grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special-status reptile or amphibian species are discovered during surveys or monitoring, they will be allowed to leave the area on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact.

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

BIO-7: Preconstruction Survey for Sensitive and Nesting Birds. If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

- A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- If special-status avian species are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
- The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species.

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

BIO-8 Pre-construction Survey for Burrowing Owl (BUOW) (*Athene cunicularia*). If work is planned to occur within 150 meters (approximately 492 feet) of BUOW 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. Habitat for BUOW includes areas with generally short, sparse vegetation and few shrubs, level to gentle topography and well-drained soils including grasslands, shrub steppe, desert, some agricultural areas, ruderal grassy fields, vacant lots, and pastures. 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 BUOW Mitigation, which specifies that 7- to 20-meter transects shall be walked, such that the entire project area is visible. These surveys may be completed concurrently with American badger, or other special-status species surveys. If occupied BUOW burrows are

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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 BUOW survey shall be repeated.

BIO-9 Annual Pre-activity Survey for Burrowing Owl (BUOW) & Other Grassland Nesting Sensitive Bird Species. Applicant or project proponent shall hire a qualified biologist to complete an annual pre-activity survey for BUOW and other grassland nesting sensitive bird species no more than 14 days **prior to the start of initial ground disturbance** associated with the outdoor grow sites to ensure special-status bird species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active BUOW burrows within the grow site areas. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of the burrows is not feasible, the County shall be contacted for further guidance. The County will contact the appropriate resource agencies. The County will contact the appropriate resource agencies.

BIO-10 Bat Roost Avoidance. A qualified biologist shall conduct a survey before any grading or removal of trees, particularly trees 12 inches in diameter or greater at 4.5 feet above grade with loose bark or other cavities within 48 hours prior to removal of trees. If no active roosts are found, no further action shall be required. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing surveys.

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

If active non-maternity bat roosts (e.g., day roosts, hibernacula) are found in trees scheduled to be removed, the individuals shall be safely evicted (e.g., through installation of one-way doors) under the direction of a qualified bat biologist in consultation with the CDFW. In situations requiring one-

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way doors, a minimum of one week shall pass after doors are installed to allow all bats to leave the roost. Temperatures need to be sufficiently warm for bats to exit the roost, because bats do not typically leave their roost daily during winter months in coastal California. Eviction shall be scheduled to allow bats to leave during nighttime hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight.

- BIO-11 Pre-construction survey for American badgers (*Taxidea taxus*).** A qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days **prior to the start of initial project activities** to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.
- If a potential den is discovered, the den will be monitored for 3 consecutive nights with an infrared, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger.
 - If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season), measured outward from the burrow entrance. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.
 - If more than 30 days pass between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the badger survey shall be repeated.

- BIO-12 Nighttime Lighting.** To minimize the effects of exterior lighting on special-status wildlife species, the applicant shall submit a Light Pollution Prevention Plan to the County Planning Department for approval that incorporates the following measures to reduce impacts related to night lighting:
- Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;
 - All facilities using artificial lighting shall include shielding and/or blackout tarps that are in place between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping;
 - Exterior path lighting shall conform to LUO Section 22.10.060, be designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off site. Exterior path lighting shall be “warm-white” or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions; and
 - Exterior lighting used for security purposes shall be motion activated, be designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off site and shall be of the lowest lumen necessary to address security issues.

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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

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

As defined by CEQA, a historical resource includes:

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

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

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

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Discussion

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

A cultural resources survey was prepared for the project site (Central Coast Archaeological Research Consultants, April 2020) that included a records search using the Central Coast Information Center (CCIC) of the California Historical Resources Information System. Archival research focused on primary and secondary sources to develop a general historic context and lot-specific information for the immediate project area. On June 4, 2019, the report's author conducted an in-house records search that included information on all studies within a 0.25 mile radius of the current project area and sites within a 0.5-mile radius. The records search revealed that the current project area has not been surveyed for cultural resources, and no prehistoric or historic sites or study documents are located within the 0.25-mile radius study area or immediate vicinity.

In addition to this research effort, the author consulted the following sources:

- National Register of Historic Places
- California Inventory of Historic Resources (1976 and updates)
- California State Historical Landmarks (1996 and updates)

According to Central Coast Archaeological Research Consultants, the closest historical structure is the Dana Adobe, situated about four miles north of the record search radius, in the town of Nipomo. The adobe is listed on both the California Historical Landmarks (No. 1033) and is listed in the National Register of Historic Places (No. 85002305) built environment properties. In addition, the records search revealed that two archaeological studies have been conducted at the margin of the survey areas, one to the west of the current study limits (Conejo 2004), and a second linear survey along Highway 166 to the southwest-southeast (Mikkelsen et al. 2000). Conejo (2004) surveyed 54 acres within the Santa Maria River for an asphalt concrete plant and identified no cultural resources on a highly altered landform. Mikkelsen (2000) surveyed the length of Highway 166 and recorded a resource over 800 meters southeast of SLOCAL, Inc. West within the State Right of Way; a segment of a historic utility line (P-40-401034).

The first archaeological efforts along the San Luis Obispo County coastal region, including the Pismo Beach area between Point San Luis and the Santa Maria River, were begun in 1874 by Paul Shumacher for the Smithsonian Institution. Schumacher (1875) traveled along the coastline and inland along permanent creeks or river drainages, namely the Cuyama River, Santa Maria River, Arroyo Grande Los Berros Creek, and San Luis Obispo Creek. He mapped the location of shell heaps, caves, graves, and large settlements, excavating at a number of locations to recover collections for the Smithsonian.

The first systematic field survey in the general vicinity of the Oceano/Nipomo area (Pecho Coast) was undertaken by University of California student Arnold Pilling between 1948 and 1950 (Pilling 1951). The next undertaking was conducted by Wallace (1962) who surveyed the Arroyo Grande Creek watershed, recording 69 sites and surface collecting all identified materials. In 1966, Robert Hoover (1975) performed a one-person survey of sites in the southwestern San Luis Obispo County coastal area that included the Oceano Dunes (from Pismo Beach to Point Sal). Hoover defined the Oceano Dunes area as series of micro-niches with windward dunes backing the Pacific Ocean intertidal. Inland of these dunes, Hoover (1975:9) observed a presence of a long narrow depression containing water sources (i.e., brackish lagoons, groundwater seepages, or small streams). These sheltered leeward depressions contained a number of campsites, among them CA-SLO-197 which was a relatively large shell midden that reflected use of adjacent tidal resource zone. Campsites set within these dunes showed a

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decrease in shellfish content and increased flaked stone tools and cores, reflecting a shift to hunting activities. Hoover speculated that, unlike the northern Pecho Coast region where substantial villages occurred on the coast, the Oceano Dunes was characterized by major inland villages on rivers and atop the mesa, with more temporary campsites scattered across the dune fields.

Closer to the current project area, a great deal of research has been conducted at the historic Dana Adobe complex (CA-SLO-141) and archaeological site CA-SLO-97/142/H, a combined prehistoric and historic archaeological deposit spanning nearly 3,000 years. A comprehensive review of archaeological studies of the site, and the larger Nipomo area, is available (Albion 2106:25-35). The site is generally bounded by Oakglen Road to the west and Nipomo Creek to the east. The site measures approximately 3,200 feet north to south, and is about 600 feet wide east to west, at its widest point. In addition to the historic Adobe structure and related historic features, the prehistoric component of the site consists of two identifiable concentrations, or loci, with artifacts scattered around and between these loci. The largest of studies, also along Nipomo Creek, identified multiple prehistoric and historic resources within the Nipomo Valley floor (Maki 1999). Based on the results of the field survey and literature searches, the study concludes that the project site does not contain, nor is it located near, any historic resources identified in the National Register of Historic Places or California Register of Historic Resources. The project site does not contain a site under the Historic Site (H) combining designation and does not contain other structures of historic age (50 years or older) that could be potentially significant as a historical resource. Therefore, the project would result in *no impacts* associated with an adverse change in the significance of a historical resources.

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

The Phase I survey did not identify cultural materials or intact archaeological deposits within the Project Area. On June 4, 2019, the report's author conducted an intensive survey of the SLOCAL, Inc. East and West Cannabis Cultivation Projects (APNs 090-261-014, -15). The revised SLO Cal Farms' East project area (moved away from Wineman Road and closer to the western/central portion of the site) was reviewed on April 14, 2019. The survey also reviewed a level stream terrace and upper, level ridges east of the Santa Maria River.

Vegetation communities within the survey area have been significantly affected by agricultural practices and historic development. The entire survey area was systematically surveyed by walking 10-meter northeast-southwest transects. A hand-held Silva Ranger compass was used to maintain transect spacing during the survey. Ground surface visibility in the SLOCAL, Inc. West Cannabis Cultivation area was excellent (100%) due to the nature of the altered landform, which has been previously tilled for hay crop cultivation. Ground surface visibility for the SLOCAL, Inc. East project area varied across the survey area. Along disturbed areas (e.g., cattle and horse grazing trails, the dirt road, rodent burrows, and areas with thin soils and rock outcroppings) the visibility was 100%. This visibility reduced to 40% in locations of tall annual spring grasses. In heavily vegetated areas where visibility was reduced, the report's author inspected rodent burrows back dirt to gain better ground surface visibility and to ascertain the existence of subsurface cultural deposits.

The study concluded the landform has a long history of agriculture cultivation and grading. Currently, the location is used for agricultural grazing with cattle and horses on the property. The parcels surveyed is for this undertaking are situated on a landform altered during agriculture practices and infrastructure, particularly grading. Surface soils are a culturally sterile light to medium clay matrix, with occasional surrounded shale pebbles and naturally occulating Monterey chert cobbles. Although containing thin layers of chert, after close inspection no cultural modifications were observed.

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Additionally, the thin bands of chert are not of the size to form cultural materials. Soils in the southern portion of the study area appear to have more sand, with the northern section containing an increase of white weathering shale.

AB 52 consultation outreach was conducted for this project, and no tribal cultural resources were identified.

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

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

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

Conclusion

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

Mitigation

None are required.

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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

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

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

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

Local Energy Plans and Policies

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

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State Building Code Requirements

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

Vehicle Fuel Economy Standards

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

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

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

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

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manufacturers by 2015 by requiring increased numbers of hydrogen fueling stations throughout the state. The number of stations will grow as vehicle manufacturers sell more fuel cell vehicles. By 2025, when the rules will be fully implemented, the statewide fleet of new cars and light trucks will emit 34 percent fewer global warming gases and 75 percent fewer smog-forming emissions than the statewide fleet in 2016 (CARB 2016).

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

Energy Use in Cannabis Operations

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

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

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

Depending on the site and type of activities, cannabis operations may incorporate a range of measures that promote the conservation of energy resources. For instance, several current operators are known to engage in practices that promote energy conservation and reduce overall energy demands using high-efficiency lighting or through the use of on-site solar arrays. However, many other operations within the County have been observed to engage in activities that are highly inefficient and may result in the wasteful use of energy resources. Such operations may include the use of old equipment, highly inefficient light systems (e.g.,

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incandescent bulbs), reliance on multiple diesel generators, and other similar inefficiencies (County of Santa Barbara 2017).

Discussion

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

Construction Activities

During construction activities, fossil fuels, electricity, and natural gas would be used by construction vehicles and equipment. The energy consumed during construction would be temporary in nature and would be typical of other similar construction activities in the county. Based on the size and scope of proposed earthwork and building construction, the project would have the potential to result in adverse environmental impacts through its use of diesel fuel for construction equipment. Mitigation measures AQ-1, AQ-2 and AQ-4 have been identified to reduce potentially significant air quality impacts associated with use of diesel fuel equipment and would require the project contractor to avoid wasteful, inefficient, or unnecessary consumption of energy resources, such as idling. Upon implementation of these measures, potentially significant environmental impacts associated with consumption of energy resources during construction would be reduced and project construction activities would not result in a conflict with a state or local plan for renewable energy or energy efficiency. Therefore, project construction impacts associated with energy use would be *less than significant with mitigation*.

Project Operations

Electricity and Natural Gas Use. Based on an analysis of cannabis cultivation operations throughout the county, it is assumed that cannabis cultivation projects typically use an insignificant amount of natural gas which is typically associated with cooking appliances and space heating. Cooking appliances are not proposed as a part of the project, and all proposed space heating units would run on electricity. Accordingly, this assessment of impacts is based on electricity use. There is one agricultural accessory structure (500 sf) on the project site; therefore, existing energy demand is minimal.

The project's operational electricity needs would be met by a connection to PG&E infrastructure. In addition, the roof of the proposed processing building will be equipped with a 150 KW solar array. The solar array would produce about 150 kilowatts per hour, or about 510,000 kW per year. To provide a worse-case analysis, the following discussion assumes all cannabis related electricity will be provided by PG&E.

The CBC 2019 Building Energy Efficiency Standards include mandatory energy efficiency standards. However, U-occupancy structures, such as greenhouses used for indoor cultivation activities, are exempt from CBC standards and therefore would not be subject to state-mandated energy efficiency design requirements or practices. As a result, these uses have the potential to result in wasteful, inefficient, or unnecessary energy consumption. Proposed indoor mixed-light cannabis cultivation activities would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during operation if it utilizes

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significantly more energy (greater than 20%) than a typical commercial building of the same size. Based on the California Energy Commission Report prepared by Itron, Inc. (March 2006), a typical commercial building utilizes 21.25 kWh per square foot (kWh/sf) annually (13.63 kWh from electricity and 7.62 kWh from natural gas). Therefore, a project that generates more than 25.5 kWh per square foot per year of energy demand is considered to have energy use that is wasteful, inefficient and unnecessary.

To determine whether a project has the potential to exceed this threshold, the County applies energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form (County of Santa Barbara 2018) which contains energy demand factors for different types of cannabis related activities. For mixed-light indoor cultivation (in a greenhouse), the form assumes an energy demand of 110 kWh/sf of building floor area annually. For indoor cultivation, the form assumes an energy demand of 200 kWh/sf/yr.

The proposed project includes construction of 56,448 square feet of greenhouse floor space for both indoor mixed-light cannabis cultivation and cannabis nursery. Based on the energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form (County of Santa Barbara 2018), the project's expected energy consumption for the mixed-light cultivation activities and indoor nursery would be approximately 6,209,280 kWh per year (kWh/year; see Table 11 below).

Table 11 -- Estimated Operational Energy Use

Project Component	Size (sf)	Rate (kWh/year-sf)	Projected Energy (kWh/year)
Typical Commercial Building of Comparable Size	56,448	21.25	1,199,520
Mixed-Light Cultivation In Greenhouses (includes indoor cultivation and ancillary nursery).	56,448	110	6,209,280
Percent In Excess of Generic Commercial Building			417%

Sources:

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

Based on the demand factors derived from the California Energy Commission Report, a typical non-cannabis commercial building uses approximately 21.25 kWh/year/sf, which would be equivalent to 1,199,520 kWh/year for a 56,448-square-foot building. Based on the energy consumption rates above, the proposed project's indoor cultivation and nursery activities would use 417% more energy than a typical non-cannabis commercial building of the same square footage. This amount of energy use would potentially be wasteful and inefficient when compared to similar sized buildings implementing energy efficiency measures.

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Mitigation Measures ENG-1 and ENG-2 are recommended which would reduce the project's individual and cumulative impacts associated with wasteful and inefficient energy use to a less than significant level through the preparation and implementation of an Energy Conservation Plan which would identify measures to be incorporated into the project to reduce or offset project energy demand that exceeds the demand associated with a typical commercial building of comparable floor area. ENG-1 requires the applicant to implement one or more of the measures identified in the Energy Conservation Plan until the project's energy demand is reduced and/or offset to within 20% of the energy use of a standard commercial building of the same size (in this case, 1,439,424 kWh/year). This may be accomplished by enrollment in one of PG&E's renewable energy programs such as Solar Choice and Regional Renewable Choice. Under the Solar Choice Program, a customer may purchase electricity from a pool of solar generating projects within the PG&E service area. A customer may enroll by phone or by way of the internet. As of the date of this MND, there are a total of six dedicated solar generation facilities in this program with a combined generating capacity of 50.25 megawatts, plus one additional 1.5 MW facility under development.

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

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

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

Fuel Use. Ongoing operation of the project would result in fuel use associated with employee motor vehicle trips and deliveries. The project would employ up to 8 full time and 11 seasonal employees. All vehicles used by employees and deliveries during operation would be subject to applicable state and federal fuel economy standards and State-mandated smog inspections.

All vehicles used by employees and deliveries during operation would be subject to applicable state and federal fuel economy standards and State-mandated smog inspections. Based on adherence to applicable state and federal vehicle fuel regulations and the size and scope of proposed activities, project fuel use would not result in a potentially significant environmental impact and would not be wasteful, inefficient, or unnecessary.

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

Conclusion

The project would result in a potentially significant energy demand and inefficient energy use during long-term operations, which would be considered wasteful, inefficient and unnecessary. Potential impacts related to energy would be less than significant with implementation of mitigation measures ENG-1 and ENG-2.

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Mitigation

Implement mitigation measures AQ-1, AQ-2 and AQ-4, plus the following:

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

- a. A detailed breakdown of energy demand prepared by a certified energy analyst. The energy breakdown shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities, including, but not limited to, lighting, odor management, and climate control equipment. Such quantification shall be expressed in total kWh per year and non-electrical sources shall be converted to kWh per year.
- b. A program for providing a reduction or offset of all energy demand that is 20% or more above a generic commercial building of the same size. In this case, the estimated reduction or offset would be at least: 6,209,280 kWh/yr – 1,439,424 kWh/year = 4,769,856 kWh/yr; and the amount of energy not otherwise reduced, or offset must not exceed 1,439,424 kWh/yr. Such a program (or programs) may include, but is not limited to, the following:
 - i. Evidence that the project will permanently source project energy demands from renewable energy sources (e.g., solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.
 - ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include the following:
 - Participating in an annual energy audit.
 - Upgrading and maintaining efficient heating/cooling/dehumidification systems.
 - Implement energy efficient lighting, specifically LED over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
 - Implementing automated lighting systems.
 - Utilizing natural light when possible.
 - Utilizing an efficient circulation system.
 - Ensuring that energy use is below or in-line with industry benchmarks.
 - Implementing phase-out plans for the replacement of inefficient equipment.
 - Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.
 - iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]

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

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

Sources

Provided in 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 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of 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 project site is located on relatively flat to moderately rolling topography on the east side of the Nipomo Valley. Soils of the project site are described in Section II. Agricultural Resources.

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

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

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

The project site is underlain by moderately consolidated, crudely stratified, poorly sorted sand and sandstone, gravel, conglomerate, and breccia, and rare interbeds of clay, silt, and mudstone comprising proximal to distal facies of alluvial fans.

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

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

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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 within an Alquist-Priolo Fault Hazard Zone, and the nearest potentially capable fault line is located approximately 0.5 miles to the west of the project site based on the County Land Use View mapping tool. All proposed structures would follow the regulations set forth in the CBC and thereby would be compliant with applicable seismic standards. Therefore, there would be *no impact* associated with potential impacts related to the rupture of a known earthquake fault.

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

Ground shaking refers to the motion that occurs in response to local and regional earthquakes. Seismic ground shaking is influenced by the proximity of the site to an earthquake fault, the intensity of the seismic event, and the underlying soil composition. The project would be required to comply with the CBC and other applicable standards to ensure the effects of a potential seismic event would be minimized through compliance with current engineering practices and techniques. The project does not include unique components that would be particularly sensitive to seismic ground shaking or result in an increased risk of injury or damage as a result of ground shaking. Implementation of the project would not expose people or structures to significant increased risks associated with seismic ground shaking; therefore, impacts would be *less than significant*.

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

Based on the Safety Element Liquefaction Hazards Map, the majority of the site exhibits a low potential for liquefaction except for areas along the ephemeral drainage system where a portion of the proposed retention basin will be within a high liquefaction potential area. The project would be required to comply with CBC seismic requirements to address the site's potential for seismic-related ground failure including liquefaction; therefore, the potential impacts would be *less than significant*.

(a-iv) *Landslides?*

The portion of the project site where cannabis activities are proposed has relatively flat to gently rolling topography. Based on the Safety Element Landslide Hazards Map, proposed components are located in an area with a low potential for landslide risk. Therefore, the project would not result in significant adverse effects associated with landslides and impacts would be *less than significant*.

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

The project will result in an area of disturbance of about 10 acres for the construction of 66,948 sf of new buildings and will require about 16,800 cy of cut and 7,000 cy of fill that will be distributed on site.

In accordance with LUO Section 22.05.036, the project will be conditioned to provide an erosion and sedimentation control plan to be reviewed and approved prior to building permit issuance. In addition, the project would be subject to Regional Water Quality Control Board (RWQCB) requirements for preparation of a Storm Water Pollution Prevention Plan (SWPPP) (LUO Section 22.52.130), which may include the preparation of a Storm Water Control Plan to further minimize on-site erosion. Upon implementation of the above control measures, impacts related to soil erosion would be *less than significant*.

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

Based on the Safety Element Landslide Hazards Map, the project site is not located in an area with high landslide risk. Based on the Safety Element and U.S. Geological Survey (USGS) data, the project is not located in an area of historical or current land subsidence (USGS 2019) and the majority of the site is located in an area with low potential for liquefaction risk with the exception of a small portion of the proposed retention basin. Due to the distance to the nearest active fault zone and topography of the project site, lateral spreading is not likely to occur on-site.

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

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

The project site is underlain by the following soil units: Concepcion loam, 5 to 15% slopes; Diablo and Cibo clay, 5 to 30% slopes; Suey silt loam, 2-15% slopes and Tierra loam, 15 to 30%. The Diablo and Cibo clays complexes have high shrink-swell potential (USDA 2019). However, all new construction will be required to comply with applicable California Building Code standards designed to reduce potential risks associated with expansive soils. Therefore, potential impacts associated with expansive soil would be *less than significant*.

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

Proposed development on the project site will be served by a new septic system. According to the NRCS Web Soil Survey, the Diablo and Cibo clay soils of the project site present significant limitations for the use of septic leach fields relating to slow water movement and depth to bedrock. The project site contains ample area for the location of a septic leach field if additional disposal area is needed to meet County and RWQCB standards.

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The proposed septic system will be required to meet current waste disposal regulations. Portable restrooms will also be located on-site for cannabis staff. A proposed ADA compliant restroom is proposed within the processing (metal) building. This building will be connected to the new septic system once it has been permitted / constructed. Therefore, potential impacts associated with having soils incapable of adequately supporting the use of septic tanks would be *less than significant*.

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

The project site does not contain any unique rock outcroppings or other unique geologic features. The project site is underlain by marine and nonmarine (continental) sedimentary rocks (Pleistocene) - Older alluvium, lake, playa, and terrace deposits. This type of underlying geologic material is considered to have low to high paleontological sensitivity with sensitivity increasing with depth past surface soils, approximately 3 to 5 feet (County of Monterey 2014, SWCA Environmental Consultants 2019).

Based on the project description, the project site has been continuously tilled and cultivated for many years which significantly reduces the likelihood of paleontological resources being discovered. Potential impacts to paleontological resources would be *less than significant*.

Conclusion

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

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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VIII. GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

Greenhouse gasses (GHGs) are any gases that absorb infrared radiation in the atmosphere. 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 (CO₂) 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 California Air Resources Board (CARB), transportation (vehicle exhaust) and electricity generation are the main sources of GHGs in the state.

In October 2008, the CARB published the *Climate Change Proposed Scoping Plan*, which is the state's plan to achieve GHG reductions in California required by Assembly Bill (AB) 32. The Scoping Plan included CARB-recommended GHG reductions for each emissions sector of the state's GHG inventory. The largest proposed GHG reduction recommendations were associated with improving emissions standards for light-duty vehicles, implementing the Low Carbon Fuel Standard program, 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 extended the state's GHG reduction goals and require CARB to regulate sources of GHGs to meet the following goals:

- Reduce GHG emissions to 1990 levels by 2020;
- Reduce GHG emissions to 40% below 1990 levels by 2030;
- Reduce GHG emissions to 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

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Scoping Plan incorporates strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05.

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. Accordingly, in March 2012, the SLOAPCD approved thresholds for GHG impacts which were incorporated into their 2012 CEQA Air Quality Handbook. The 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 AB32 and the 2008 Climate Change Scoping Plan which have a target year of 2020. However, in 2015, the California Supreme Court issued an opinion in the case of *Center for Biological Diversity vs California Department of Fish and Wildlife* ("Newhall Ranch") that 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 Handbook are AB 32 based, and project horizons are now beyond 2020, the SLOAPCD 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 (i.e., de 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

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.

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○ 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 baseline¹. 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.

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 estimate the project's projected annual carbon dioxide equivalent emissions in metric tons (MTCO₂e; Table 12). The estimated emissions were then compared with the interim threshold of 690 MMTCO₂e per year to determine significance.

As shown in Table 12, unmitigated GHG emissions are estimated to be 2,303 MTCO₂e. Table 13 provides an estimate of GHG emissions that accounts for the reduction/offset of estimated energy demand associated with mitigation measure ENG-1 in Section VI. Energy. This measure requires the project to reduce or offset estimated energy demand to within 20% of the demand associated with a typical commercial building of comparable floor area, which in this case is about 1,439,424 kWhr/year.

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

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Table 12 – Existing and Projected Operational GHG Emissions

Project Component	Quantity	Emissions Rate (Annual MTCO ₂ e/sf)		Estimated Projected Annual CO ₂ Emissions (MT/year) Without Mitigation ²
		Construction ¹	Operation	
Existing GHG Emissions				
Accessory Building	500 sf	n/a	0.0069	3.45
Livestock Grazing	300 head	n/a	1.4 per head	420.00
Total:				423.45
Mixed-Light Cultivation Greenhouses (Indoor cultivation and nursery greenhouses)	56,448 sf	0.0022	0.036 ³	2,156.31
Outdoor Cultivation	3 acres	--	0.0000199	2.60
Ancillary Processing	10,500 sf	0.0022	0.0116	144.90
Net Change (Increase)				2,303.81

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

Notes:

1. Total construction related GHG emissions divided by the floor area of a typical indoor cannabis cultivation building (22,000 sf). Assumes 34 total construction days including site preparation, grading and building construction, 13 vehicle miles travelled per construction day for workers and 1,000 cubic yards of cut and fill.
2. CalEEMOD version 2016.3.2
3. Total operational emissions based on an energy use factor of 110 kWhr/sf/year and energy provided by Pacific Gas and Electric Co.

Table 13 – Existing and Projected Operational GHG Emissions With Mitigation

Project Component	Quantity	Emissions Rate (Annual MTCO ₂ e/sf)		Estimated Projected Annual CO ₂ Emissions (MT/year) Without Mitigation ²
		Construction ¹	Operation	
Existing GHG Emissions				
Accessory Building	500 sf	n/a	0.0069	3.45
Livestock Grazing	300 head	n/a	1.4 per head	70.00
Total:				423.45
Mixed-Light Cultivation Greenhouses (Indoor cultivation and nursery greenhouses)	56,448 sf	0.0022	0.036 ³	778.90
Outdoor Cultivation	3 acres	--	0.0000199	2.60
Ancillary Processing	10,500 sf	0.0022	0.0116	144.90
Net Change (Increase)				926.48

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

Notes:

1. Total construction related GHG emissions divided by the floor area of a typical indoor cannabis cultivation building (22,000 sf). Assumes 34 total construction days including site preparation, grading and building construction, 13 vehicle miles travelled per construction day for workers and 5 acres of grading.
2. CalEEMOD version 2016.3.2
3. Total operational emissions based on an energy demand of 1,439,424 kWhr/year (See Section VI. Energy) and energy provided by Pacific Gas and Electric Co. Emission factor derived from CalEEMOD and includes emissions associated with energy use, vehicle miles traveled and water use.

Initial Study – Environmental Checklist

As shown by Table 13, implementation of the energy conservation measures identified in ENG-1 and ENG-2 will reduce project-related GHG emissions to about 926 MTCO₂e which is above the interim working threshold of 690 MTCO₂e. Accordingly, mitigation measure GHG-1 is recommended which requires the project to offset GHG emissions until they fall under the target threshold and into conformity with the reduction targets set forth by SB32. In addition, project-related GHG emissions are largely associated with the production of electricity and all electrical utilities in California will be subject to ongoing State-mandated GHG reduction requirements. Therefore, potential impacts associated with GHG emissions and applicable plans, and policies adopted for the purpose of reducing GHG emissions would be *less than significant with mitigation*.

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

Energy inefficiency contributes to higher GHG emissions which in turn may conflict with state and local plans for energy efficiency.

2011 EnergyWise Plan (EWP). As discussed above, the County of San Luis Obispo EnergyWise plan (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. The policy provisions are divided into community-wide measures and measures aimed at reducing GHG emissions associated with County operations. The GHG reduction measures contained in the EWP are generally programmatic and intended to be implemented at the community level. Measure No. 7 of the EWP encourages energy efficient new development and provides incentives for new development to exceed Cal Green energy efficiency standards. The following is a summary of project consistency with the relevant supporting actions identified in Measure No. 7 for promoting energy efficiency in new development.

Supporting Action	Project Consistency
Require the use of energy-efficient equipment in all new development, including but not limited to Energy Star appliances, high-energy efficiency equipment, heat recovery equipment, and building energy management systems.	Mitigation measure ENG-1 requires the project to incorporate strategies to reduce the wasteful, inefficient and unnecessary use of energy.
Encourage new projects to provide ample daylight within the structure through the use of lighting shelves, exterior fins, skylights, atriums, courtyards, or other features to enhance natural light penetration.	The greenhouse buildings associated with the project are designed to allow the use of natural sunlight for cultivation.
Minimize the use of dark materials on roofs by requiring roofs to achieve a minimum solar reflectivity index (SRI) of 10 for high-slope roofs and 64 for low-slope roofs (CALGreen 5.1 Planning and Design).	
Minimize heat gain from surface parking lots.	Parking for proposed cannabis activities is not paved except for one parking space designed for ADA access.
Use light-colored aggregate in new road construction and repaving projects adjacent to existing cities and in some of the communities north of the Cuesta Grade.	All roadways will contain an all-weather aggregate surface.

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San Luis Obispo County 2019 Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS). The 2019 RTP, which was adopted by the SLOCOG Board in June 2019, includes the region's Sustainable Communities' Strategy and outlines how the region will meet or exceed its GHG reduction targets by creating more compact, walkable, bike-friendly, transit-oriented communities, preserving important habitat and agricultural areas, and promoting a variety of transportation demand management and system management tools and techniques to maximize the efficiency of the transportation network. The RTP and SCS provide guidance for the development and management of transportation systems county-wide to help achieve, among other objectives, GHG reduction goals. The RTP/SCS recommend strategies for community planning such as encouraging mixed-use, infill development that facilitate the use of modes of travel other than motor vehicles.

The project consists of a commercial enterprise located in a predominantly agricultural area. As discussed in Section III. Air Quality, the project does not include development of retail or commercial uses that would be open to the public, therefore, land use planning strategies such as mixed-use development and planning compact communities are generally not applicable. The project would result in the establishment of activities that are agricultural in nature and would employ up to 8 full-time regular employees and 11 seasonal employees. The project would likely draw from the local labor pool and would not require a significant number of employees and therefore would not significantly affect the local area's jobs/housing balance.

California Air Resources Board (CARB) 2017 Scoping Plan. Pursuant to AB 32, the California Air Resources Board (CARB or Board) prepared and adopted the initial Scoping Plan to “*identify and make recommendations on direct emissions reductions measures, alternative compliance mechanisms, market-based compliance mechanisms, and potential monetary and non-monetary incentives*” in order to achieve the 2020 goal, and to achieve “*the maximum technologically feasible and cost-effective GHG emissions reductions*” by 2020 and maintain and continue reductions beyond 2020. AB 32 requires CARB to update the Scoping Plan at least every five years.

The 2017 Climate Change Scoping Plan recommends strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05. These strategies include the following:

- Implement SB350 which is aimed at Reduce GHG emissions in the electricity sector;
- 2030 Low Carbon Fuel Standard (LCFS) -- Transition to cleaner/less-polluting fuels that have a lower carbon footprint.
- 2030 Mobile Source Strategy (Cleaner Technology and Fuels [CTF] Scenario) -- Reduce GHGs and other pollutants from the transportation sector through transition to zero-emission and low-emission vehicles, cleaner transit systems and reduction of vehicle miles traveled.
- Implement SB 1383 which is aimed at reducing Short-Lived Climate Pollutants to reduce highly potent GHGs.
- Implement the 2030 California Sustainable Freight Action Plan aimed at improving freight efficiency, transition to zero emission technologies, and increase competitiveness of California's freight system.
- Implement the 2030 Post-2020 Cap-and-Trade Program which is aimed at reducing GHGs across the largest GHG emissions sources.

The strategies described in the 2017 Scoping Plan are programmatic and intended to be implemented state-wide and industry-wide. They are therefore not applicable at the level of an individual project.

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However, as discussed in Section XVII. Transportation, the project is not expected to generate a significant increase in construction-related or operational traffic trips or Vehicle Miles Traveled (VMT) which is consistent with Scoping Plan strategies for reducing vehicle miles traveled. Overall, the project is consistent with adopted plans and policies aimed at reducing GHG emissions. Impacts associated with a potential conflict with adopted GHG reduction plans is *considered less than significant and less than cumulatively considerable with mitigation*.

Conclusion

With mitigation, potential impacts related to GHG emissions would be *less than significant and less than cumulatively considerable* and consistent with plans adopted to reduce GHG emissions.

Mitigation

Implement ENG-1 and ENG-2 plus the following.

GHG-1 Greenhouse Gas Offset Requirements for Phases II through IV. At the time of building permit application, the applicant shall provide to the County Department of Planning and Building for review and approval a program for providing a reduction or offset of GHG emissions to below the working GHG threshold of 690 MTCO₂e. In this case, the estimated reduction or offset would be at least: 926 MTCO₂e – 690 MTCO₂e = 236 MTCO₂e; and the amount of energy not otherwise reduced, or offset must not exceed 690 MTCO₂e. Such a program (or programs) may include, but is not limited to, the following:

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

Sources

See Exhibit A.

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IX. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<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

The Hazardous Waste and Substances Site List (Cortese List), which is a list of hazardous materials sites compiled pursuant to California Government Code (CGC) Section 65962.5, is a planning document used by the state, local agencies, and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. To comply with Government Code Section 65962.5 (known as the “Cortese List”) the following databases/lists were checked in March 2021 for potentially hazardous waste or substances occurring at the project site:

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

The project would not be located in an area of known hazardous material contamination and is not on a site listed on the Cortese List (State Water Resources Control Board [SWRCB] 2015; California Department of Toxic Substance Control [DTSC] 2019).

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

The California Health and Safety Code provides regulations pertaining to the abatement of fire-related hazards and requires that local jurisdictions enforce the CBC, which provides standards for fire resistive building and roofing materials, and other fire-related construction methods. The Safety Element of the County of San Luis Obispo General Plan provides a Fire Hazard Zones Map that indicates unincorporated areas in the county within moderate, high, and very high fire hazard severity zones.

The project would be located within the State Responsibility Area in a moderate fire hazard severity zone. Based on CAL FIRE’s referral response letter, it would take approximately 10 minutes to respond to a call regarding fire or life safety. The closest fire station to the project site is Cal Fire Station 20 in Nipomo, which is approximately two miles southwest. According to the General Plan Safety Element Emergency Response Map, the average emergency response time to the project site is 10-15 minutes (San Luis Obispo County 1999). For more information about fire-related hazards and risk assessment, see Section XX, Wildfire.

The project is not within an Airport Review Area. The closest airport to the site is the Oceano Airport which is located approximately 13 miles to the northwest. The schools nearest the project site are located within the community of Nipomo, about 3.5 miles to the north and northwest.

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Discussion

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

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

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

Project operations would involve the intermittent use of small amounts of hazardous materials such as fertilizer and pesticides that are not expected to be acutely hazardous. In accordance with LUO Section 22.40.050.C.3. all applications for cannabis cultivation must include a list of all pesticides, fertilizers and any other hazardous materials expected to be used, along with a storage and hazardous response plan. As described in the application materials, the following pesticide and fertilizer products will be used on-site: Activia, Regalia, Venerate, Mildew Cure, neem oil, rosemary oil, Dawn dish soap, Monterey County inspect spray, SM99, Dipel, Green Clean, Nutrients Grow/Bloom, guanos, Silica Blast, kelp meal, fish meal, and organic amendments. Totals will only be what is necessary for the upcoming grow cycles, stored on shelves within secondary containment. All staff will be properly trained on the handling practices of chemicals used for the cultivation and what to do in the event of unintended exposure.

Liquid nitrogen is considered a hazardous material and is typically transported in pressurized refillable tanks. In a fire or if heated, a pressure increase will occur, and the container may burst or explode. Storage and use of liquid nitrogen is subject to the standards set forth by the state and federal Occupational Safety and Health Administrations (OSHA). The federal Hazard Communication Standard (29 CFR 1910.1200) sets forth standards to protect employers and employees from hazardous materials in general. The project will be conditioned to comply with the relevant provisions of state and federal laws with respect to the use and storage of all hazardous materials, including liquid nitrogen.

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 inside shipping containers (one for pesticides, one for nutrients) in small containers within spill containment bins.

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The project would be required to comply with all applicable Cal Fire requirements as detailed in the referral response letter of September 7, 2021, (Dell Wells, Fire Captain), including, but not limited to, preparation of a fire safety plan and compliance with relevant provisions of the California Fire Code. Compliance with the UC and the recommendations of Cal Fire will ensure that potential impacts associated with hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials would be *less than significant*.

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

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

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

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

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

Based on the project description, the project is not located within one-quarter mile of a school.

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

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

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

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

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

The project does not require any road closures and would be required to be designed to accommodate emergency vehicle access. The project would not impair implementation or physically interfere with County hazard mitigation or emergency plans; therefore, 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?*

The project is located within a State Responsibility Area but is not located within a “very high” severity risk area which could present a significant fire safety risk. The proposed project was reviewed by Cal Fire. Per the letter from Cal Fire of September 7, 2021, (Dell Wells, Fire Captain), the applicant will be required to prepare a fire safety plan for review and approval prior to occupancy. Potential impacts associated with the exposure of people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires is considered *less than significant*.

Conclusion

The project was referred to the Environmental Health Department for review and comment. Their response letter of October 6, 2021 (Leslie Terry) states that the project will be required to submit a Hazardous Materials Flow Chart prior to operation.

The project includes the use of potentially hazardous materials during construction and operation. Mitigation measures have been identified below to reduce potential impacts associated with routine transport, use, and disposal of these materials, as well as potential hazards associated with upset and accident conditions and wildland fire risk. Upon implementation of measures HAZ-1 and HAZ-2, potential impacts associated with hazards and hazardous materials would be *less than significant with mitigation*.

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 (f) and 8307 (b) require compliance with Department of Pesticide Regulations.

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 on-site 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 type="checkbox"/>	<input checked="" type="checkbox"/>
(d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Setting

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

DRAINAGE – The project site consists of flat to gently rolling terrain. The areas of disturbance are located in a flat area west of the existing ag accessory building. As discussed in Section III., Biological Resources, the project site is crossed by an ephemeral drainage; however, all project-related facilities will be located a minimum of 100 feet from the top of bank of the nearest drainage.

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

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

SEDIMENTATION AND EROSION – Soil type, amount of disturbance and slopes are key aspects to analyzing potential sedimentation and erosion issues. When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.110) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Per the County's Stormwater Program, the County Department of Public Works is responsible for ensuring that new construction sites implement Best Management Practices (BMPs) during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1 acre or more must obtain coverage under the SWRCB's Construction General Permit. The Construction General Permit requires the preparation of a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. There are several types of projects that are exempt from preparing a SWPPP, including routine maintenance to existing developments, emergency construction activities, and projects exempted by the SWRCB or RWQCB.

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

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

There are no water wells located on the SLO Cal East project site. Historically SLO Cal East has been served by water wells located on the SLO Cal West site. SLO Cal west water wells have historically provided water for agricultural activities on both sites.

County Land Use Ordinance (LUO) Section 22.40.050 C.1. requires all applications for cannabis cultivation to include a detailed water management plan that discusses the proposed water supply, conservation measures and any water offset requirements. In addition, Section 22.40.050 D. 5. requires that a cultivation project located within a groundwater basin with a Level of Severity III (LOS III) provide an estimate of water demand prepared by a licensed professional or other expert, and a description of how the new water demand will be offset. For such projects, the water use offset ratio is 1:1. If the project is within an Area of Severe Decline the offset requirement is 2:1, unless a greater offset is required by the review authority through the permit review process. The project site is located on the fringe of the Santa Maria Groundwater Basin (LOS III Basin) but is not located within the basin as determined by the February 2019 Final Groundwater Basin Boundary Modifications published by the California Department of Water Resources. The project is not located within an Area of Severe Decline. Therefore, no water use offset is required.

The project was referred to the Environmental Health Department for review and comment. Their response letter of October 6, 2021 (Leslie Terry) states that, if the on-site population reaches 25 persons or more the water supply will be required to be permitted as a public water system.

Discussion

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

The project will involve 16,800 cy of cut and 7,000 cy of fill over an area of about 10 acres. Accordingly, a sedimentation and erosion control plan will be required subject to the review and approval of the County Building Division in accordance with LUO Section 22.52.120. The purpose of the plan is to minimize potential impacts related to erosion, and may include requirements for specific erosion control materials, setbacks from creeks, and measures to prevent siltation. In addition, the project is located outside of a stormwater management area and proposes a disturbance area greater than 1.0 acre, therefore, the project will be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) by a qualified SWPPP developer in order to demonstrate compliance with the Federal Clean Water Act which prohibits certain discharges of stormwater containing pollutants.

All potentially hazardous materials proposed to be used on-site would be stored, refilled, and dispensed on-site in full compliance with applicable County Department of Environmental Health standards. All pesticides would be registered and regulated by federal and state government codes, with the County Agricultural Commissioner being the primary local regulator. By maintaining a minimum setback from the nearest creek or water feature, and compliance with existing County and state water quality, sedimentation, and erosion control standards, the project would not result in a

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violation of any water quality standards, discharge into surface waters, or otherwise alter surface water quality; therefore, impacts would be *less than significant*.

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

Based on the Water Demand Analysis prepared for the project (Table 14), the project would result in a water demand of approximately 13.69 acre-feet per year.

Table 14 – Total Projected Water Demand – SLO Cal East

Use	Area (SF)	Demand Factor (Gallons / SF/ Year)	Gross Demand In Gallons per Year	Gross Demand In Acre-Feet Per Year
Outdoor Cultivation	130,680	21 ¹	2,744,280	8.42
Indoor Cultivation	22,000	33 ¹	726,000	2.23
Indoor Ancillary Nursery	30,000	33 ¹	990,000	3.04
Sub-Total:			4,460,280	13.69
Livestock Grazing	--	25 gallons per day per animal ²	1,372,500 ³	4.21
Total Demand:			5,832,780	17.90

Sources:

1. Berkeley Cannabis Research Center, 2021
2. Thomas Maloney, Union College, September 2018
3. 25 gallons per day per animal x 300 head of livestock x 183 days

As discussed in the Baseline Conditions, for the last two decades the site has been used for livestock grazing and has been dry farmed for grain crops. An existing groundwater well (designated Well #1), located on the adjacent parcel to the west under common ownership (the SLO Cal West site), will be used to supply water for cannabis crop irrigation for SLO Cal East and SLO Cal West. Both parcels are served by an existing system of underground irrigation pipes that extend from wells located on the SLO Cal West site.

Based on a well pump test dated February 13, 2020, existing Well #1 produces 55 gpm. Therefore, to supply the daily water demand for the SLO Cal East project, the well would need to pump about 5 hours per day (assuming a daily demand of 15,980 gallons and 3,300 gallons per hour produced by the well pumping at 55 gallons per minute). Therefore, there is sufficient water production capacity to serve the expected demand associated with cannabis cultivation.

As discussed in the setting, the project site is not located within a groundwater basin designated by Bulletin 118 of the Department of Water Resources and has not been assigned a Level of Severity by the Resource Management System (RMS). Under the RMS, a groundwater basin that has not been assigned a Level of Severity is not in a state of overdraft and is presumed to be capable of meeting water demand over at least the next 15 years. The project site is not subject to a water use offset requirement.

Therefore, impacts related to available surface or groundwater would be *less than significant*.

In addition, 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 for cannabis exceed the permitted quantity (13.69 AFY), the permittee will be required to undertake corrective measures to bring water demand back to within the permitted amount. Lastly, the project will be conditioned to apply Best Management Practices for water conservation to maintain water use at or below the water analysis

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projections as described in the applicant's Water Management Plan. Such BMPs include, but are not limited to, the following:

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

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.

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

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

The project would result in approximately 10 acres of site disturbance and will require 16,800 cubic yards of cut and 7,000 cubic yards of fill. A sedimentation and erosion control plan must be prepared to minimize the potential for soil erosion, which would be subject to the review and approval of the County Building Division in accordance with LUO Section 22.52.120 to minimize potential impacts related to erosion, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation.

The project would be required to comply with all National Pollution Discharge Elimination System (NPDES) requirements and prepare a SWPPP that incorporates BMPs during construction. Water quality protection measures would include protection of stockpiles, protection of slopes, protection of all disturbed areas, protection of access roads, and perimeter containment measures. Therefore, potential impacts associated with erosion and siltation from substantial alteration of the existing on-site drainage pattern would be *less than significant*.

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

The project would result in an increase in impervious surface area on the project site as a result of the installation of hoop structures with plastic covers, construction of 56,448-square-feet of greenhouse floor space and associated flatwork.

The project would be subject to post-construction stormwater requirements through preparation and implementation of a SWPPP, which would identify appropriate Best Management Practices to capture and treat runoff before it leaves the site. The preliminary grading, drainage, and erosion control plan prepared for the project also identifies measures such as hydroseeding of all disturbed surfaces and installation of fiber rolls throughout the site to slow runoff and capture sediment. Based on required compliance with applicable state and County drainage and stormwater control regulations, the project's impacts associated with increased surface runoff resulting in flooding on- or off-site would be *less than significant*.

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

The project would be subject to post-construction stormwater requirements through preparation and implementation of a SWPPP, which would identify appropriate Best Management Practices to capture and treat runoff before it leaves the site. Based on required compliance with applicable state and County drainage and stormwater control regulations, the project's impacts associated with increased surface runoff resulting in exceedance of the capacity of existing or planned drainage systems or provide substantial additional sources of polluted runoff would be *less than significant*.

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

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

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

Based on the Safety Element Flood Hazard Map, the areas of disturbance are not located within a 100-year flood zone (County of San Luis Obispo 2013). Based on the San Luis Obispo County Tsunami Inundation Maps, the project site is not located in an area with potential for inundation by a tsunami (CDOC 2019). The project site is not located within close proximity to a standing body of water with the potential for a seiche to occur. Therefore, the project site has no potential to release pollutants due to project inundation and *no impacts* would occur.

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

The project is not located within a groundwater basin designated by the Department of Water Resources. Therefore, a groundwater management plan has not been prepared for the basin. As discussed in the setting, the project is required to comply with relevant permitting of the RWQCB. Therefore, there would be *no impact* associated with conflict or obstruction of a water quality control plan or sustainable groundwater management plan.

Conclusion

The project will result in less than significant impacts associated with water supply, water quality and hydrology. 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 (a) and (b) require 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, and 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;

Mitigation

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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

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

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

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

Surrounding uses are identified on Page 16 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County LUO, South County Area Plan, SLOAPCD CEQA Handbook, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., County Fire/CAL FIRE for Fire Code, SLOAPCD for Clean Air Plan, etc.).

Initial Study – Environmental Checklist

The proposed project is subject to the following Planning Area Standard(s) of the South County Area Plan, South County Inland Sub-Area:

- Compliance with Countywide Design Plan when adopted.
- Protection of groundwater recharge areas.
- Public right-of-way dedications.
- Areawide circulation linkages.
- Provision of equestrian, pedestrian and bike paths in new development.
- Limitations on use, Nipomo and Santa Maria Valley.

Discussion

(a) *Will the project physically divide an established community?*

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

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

The project would be consistent with the property's land use designation and the guidelines and policies for development within the applicable area plan, inland LUO, and the COSE. The project was found to be consistent with standards and policies set forth in the County of San Luis Obispo General Plan, the South County Area Plan, the SLOAPCD Clean Air Plan, and other land use policies for this area. The project would be required to be consistent with standards set forth by County Fire/CAL FIRE and the County Public Works Department.

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

Conclusion

The project, as it may be conditioned, is consistent with the LUO and with the applicable Planning Area Standards of the South County Area Plan, South County Inland Sub-area.

Mitigation

Implement the mitigation measures recommended in the topical sections of this initial study.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

XII. MINERAL RESOURCES

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

Setting

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

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

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

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

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

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

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

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

Initial Study – Environmental Checklist

Mineral products historically produced in the county have included petroleum, natural gas, mercury, gypsum, sand and gravel, construction stone, and clay.

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?*

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

Conclusion

The project will have no impact on the availability of mineral resources.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

XIII. NOISE

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

Setting

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

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

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

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- Outdoor sports and recreation
- Offices

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

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

Table 15 -- Maximum Allowed Exterior Noise Level Standards

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

Notes:

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

Discussion

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

Temporary (Construction Related) Noise. The County LUO noise standards are subject to a range of exceptions, including noise sources associated with construction, provided such activities do not take place before 7 a.m. or after 9 p.m. on weekdays, or before 8 a.m. or after 5 p.m. on Saturday or Sunday. Noise associated with agricultural land uses (as listed in Section 22.06.030), traffic on public roadways, railroad line operations, and aircraft in flight are also exempt.

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

Permanent Operational Noise. The project proposes the use of HVAC and odor management systems that would be a permanent source of stationary noise. When operating concurrently, noise associated with the use of wall- or roof-mounted HVAC and odor mitigation equipment associated with the proposed greenhouses and processing building would be expected to generate noise levels of approximately 70 dBA at distance of 5 feet from the source.

Noise attenuates (diminishes) at a rate of 6 dB per doubling of distance (OSHA Technical Manual, Section III, Chapter 5). As proposed, the greenhouse buildings and the metal building proposed for processing will be located at least 747 feet from a property line shared with a parcel not under common ownership, which would result in noise generation of approximately 42 dBA. Therefore, if operation of HVAC, odor management and generator systems occur simultaneously, it would result in a noise level that falls below the maximum level and average hourly nighttime level allowed by the

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County's noise standards at the nearest property line shared with a parcel not under common ownership. Operational noise impacts would be *less than significant*.

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

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

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

The nearest airstrip in proximity to the project site is Oceano Airport located approximately 13 miles to the northwest. The project site is not located within an Airport Review designation or adjacent to a private airstrip. The project site is not located within or adjacent to an airport land use plan or within 2 miles of a public airport or private airstrip; therefore, *no impact would occur*.

Conclusion

Short-term construction activities would be limited in nature and duration and conducted during daytime periods per LUO standards. The project is not expected to exceed the nighttime peak and hourly average equivalent noise level standards set forth in the LUO. No other potentially significant impacts were identified, and no mitigation measures are necessary.

Mitigation

None are required.

Sources

See Exhibit A.

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XIV. POPULATION AND HOUSING

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

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

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

The project site is currently developed with an agricultural accessory structure (hay barn). Currently there are no residences on-site.

Discussion

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

The project proposes cannabis activities within a rural area and would employ up to 8 full-time and 11 seasonal employees. Workers would likely be sourced from the local labor pool and would not require new or additional housing as a result of the proposed project. The project would not generate a substantial number of new employment opportunities that would encourage population growth in the area. The project does not include the extension or establishment of roads, utilities, or other infrastructure that would induce development and population growth in new areas. In addition, the project would be subject to inclusionary housing fees to offset any potential increased need for

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housing in the area. Therefore, the project would not directly or indirectly induce substantial growth and impacts would be *less than significant*.

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

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

Conclusion

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

Mitigation

None are required.

Sources

See Exhibit A.

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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 checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

Fire Protection. Fire protection and emergency medical services are provided by County Fire/Cal Fire. The Nipomo Fire Station (Station 20), located at 450 Pioneer Street serves Nipomo and nearby areas beyond the Urban Reserve Line, providing fire prevention and emergency medical services. Traditionally, one of the busiest fire stations in the county, Station 20 has a large and varied response area that has seen substantial growth over the past five years. Nipomo firefighters respond to incidents from the Nipomo core village, along a large stretch of Highway 101 from the Santa Maria river bridge north to the City of Arroyo Grande, and east through the Highway 166 corridor. For most calls, Cal Fire response times are about 5 to 10 minutes. The response times are within the performance standards as outlined in the Cal Fire/San Luis Obispo County Strategic Plan.

Law Enforcement. The Nipomo Valley relies on the County Sheriff and the California Highway Patrol for police protection services. The primary station serving the community is the Sheriff's coastal substation, located at 1681 Front Street in the community of Oceano, about 13 miles to the northwest. The Sheriff's substation in Oceano serves a large geographic area that extends from Avila Beach to the Santa Barbara County line. Response times for the Sheriff's office vary, based on allocated personnel, existing resources, time and day of week and prioritized calls for law enforcement services. Response times to the project site are expected to be 5-10 minutes.

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Other services, including investigative and emergency dispatch services, are provided at the County Operations Center on Kansas Avenue, midway between Morro Bay and San Luis Obispo near Highway 1. Additional police protection services are provided by the California Highway Patrol (CHP). The nearest Highway Patrol office is located near the California Boulevard-Highway 101 interchange in San Luis Obispo.

Schools. The Nipomo Valley is served by the Lucia Mar Unified School District.

Solid Waste. Collection and recycling services within the Nipomo area transport solid waste to Cold Canyon Landfill at 2268 Carpenter Canyon Road, between the cities of San Luis Obispo and Arroyo Grande.

At Cold Canyon Landfill, waste is processed at the Resource Recovery Park (RRP) and Materials Recovery Facility (MRF). The landfill does not compost, but green waste and wood waste are processed (chipped/ground) for either use as cover for the working face of the landfill or being hauled to another out-of-county facility. Commercial operations that use roll-off services and/or construction and demolition waste removal services may choose any permitted hauler.

A public facility fee program (i.e., development impact fee program) has been adopted to address impacts related to public facilities (county) and schools (State Government Code 65995 et seq.). Fees are assessed annually by the County based on the type of proposed development and proportional impact and collected at the time of building permit issuance. Fees are used as needed to finance the construction of and/or improvements to facilities required to serve new development.

Discussion

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

Fire protection?

The project will be conditioned to comply with all fire safety rules and regulations including the California Fire Code and Public Resources Code prior to issuance of building permits. The project was reviewed by County Fire/CAL FIRE and a referral response letter was received (September 7, 2021, Dell Wells, Fire Captain), which describes requirements for the applicant to implement to comply with County Fire/CAL FIRE standards. Based on the limited amount of development proposed, the project would not result in a need for new or altered fire protection services. In addition, the project would be subject to development impact fees to offset the project's contribution to demand for fire protection services. Therefore, impacts would be *less than significant*. Additional information regarding fire hazard impacts is discussed in Section VII, Hazards and Hazardous Materials.

Police protection?

The applicant has prepared a Security Plan which is subject to the review and approval of the County Sheriff's Department. The project will be conditioned to implement the security measures and protocols in the Security Plan as well as with any additional recommendation or requirements provided by the County Sheriff's Office. In addition, the project will be subject to development impact fees to offset the project's contribution to the cumulative demand on law enforcement services. Therefore, impacts related to police services would be *less than significant*.

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Schools?

Parks?

Other public facilities?

Based on the project description, the project is not expected to generate additional population to the area that would require the construction of additional schools, parks or other public facilities.

Conclusion

Regarding cumulative effects, public facility (County) and school (State Government Code 65995 et seq.) fee programs have been adopted to address this impact and will reduce the cumulative impacts to less-than-significant levels. No significant public services/utility impacts would occur as a result of the proposed project; therefore, no mitigation measures are necessary.

Mitigation

No additional mitigation measures are required.

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 project will be located on privately-owned parcels that would support cannabis activities and would not be open to the general public. The County's Parks and Recreation Element does not show a potential trail corridor on the project site.

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?*
- (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 proposes cannabis activities within a semi-rural area and would employ up to 8 people full-time and 11 seasonal employees. The small number of full time workers and the seasonal nature of proposed cannabis activities are not expected to increase the demand on existing or planned recreational facilities in the County. The project is not proposed in a location that would affect any existing trail, park, recreational facility, coastal access, and/or natural area. Therefore, there would be *no impacts* to recreation facilities.

Conclusion

The project would not induce population growth or create a significant need for additional park or recreational facilities; therefore, *no impacts would occur*.

Mitigation

No mitigation measures are required.

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 County has established Level of Service (LOS) "C" or better for rural roadways. The project site is developed with a hay barn and currently generates a very low volume of traffic. The project will take access from South Thompson Avenue, an arterial road serving primarily large agricultural parcels located between SR166 to the south and Rancho Road to the north. Traffic counts taken on South Thompson Avenue north of SR166 in 2005 showed an afternoon peak hour volume of 343 vehicles. A referral was sent to Public Works to assess the project's traffic impacts and compliance with County driveway standards.

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?*

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

Operational Impacts

Roadway Capacity. Based on the referral response from the Department of Public Works (David Grimm, April 25, 2019) the project is expected to generate about 23 average daily trips and 2.2 afternoon peak hour trips. The additional 2.2 PM peak hour trips on South Thompson Avenue will increase the traffic volume by less than 1% per day. Marginal increases in traffic can be accommodated by existing local streets and the project would not result in any long-term changes in traffic or circulation or reduce the Level of Service below LOS "C". The project does not propose uses that would interfere or conflict with applicable policies related to circulation, transit, roadway, bicycle, or pedestrian systems or facilities. The project would be consistent with the County Framework for Planning (Inland) and consistent with the projected level of growth and development identified in the 2019 RTP. Therefore, potential impacts would be *less than significant*.

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

The County of San Luis Obispo is developing a model and method for evaluating vehicle miles traveled for proposed land use development projects. This program will incorporate the State's direction and recommended screening criteria for types of projects that would not have an impact to circulation due to Vehicle Miles Traveled (VMT). This screening criteria includes small projects that generate low levels of traffic or VMT. The State screening level equates to 110 average daily trips (ADT). The project is estimated to generate about 23 ADT which is well below the screening level.

Based on the nature and location of the project, the project would not generate a significant increase in construction-related or operational traffic trips or vehicle miles traveled. The project would not substantially change existing land uses and would not result in the need for additional new or expanded transportation facilities. The project would be subject to standard development impact fees to offset the relative impacts on surrounding roadways. Therefore, potential 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 would not change roadway design and does not include geometric design features that would create new hazards or an incompatible use. Therefore, impacts would be less than significant.

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

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

Conclusion

The project would not alter existing transportation facilities or result in the generation of substantial additional trips or vehicle miles traveled. Payment of standard development fees and compliance with existing regulations would ensure potential impacts were reduced to less than significant.

Mitigation

None are required.

Sources

See Exhibit A.

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XVIII. TRIBAL CULTURAL RESOURCES

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

Setting

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

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

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

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

In accordance with AB 52 Cultural Resources requirements, outreach to four Native American tribes has been conducted: Northern Salinan, Xolon Salinan, tiṭvu yak tiḥini Northern Chumash, and Northern Chumash Tribal Council.

Discussion

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

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

The County has provided notice of the opportunity to consult with appropriate tribes per the requirements of AB 52. Based on the cultural resources survey discussed in Section V. Cultural Resources, the project site does not contain any known tribal cultural resources that have been listed or been found eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1. Potential impacts associated with the inadvertent discovery of tribal cultural resources would be subject to LUO 22.10.040 (Archaeological Resources), which requires that in the event resources are encountered during project construction, construction activities shall cease, and the County Planning and Building Department shall be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with state and federal law. Therefore, there would be *no impact* related to a substantial adverse change in the significance of tribal cultural resources.

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

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

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Conclusion

The project will have a less than significant impact on tribal cultural resources. No archaeological monitoring is recommended during grading activities unless previously undiscovered cultural materials are unearthed during project grading or construction. Per County of San Luis Obispo Land Use Ordinance Section 22.10.040, if during any future grading and excavation, buried or isolated cultural materials are unearthed, work in the area should be halted immediately within 10 feet of the find until the find can be examined by a qualified archaeologist and appropriate recommendations made. No significant impacts to cultural resources are expected to occur and no additional mitigation measures are necessary.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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XIX. UTILITIES AND SERVICE SYSTEMS

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

Setting

The County Department of Public Works provides water and wastewater services for specific County Service Areas (CSAs) that are managed through issuance of water/wastewater "will serve" letters. The Department of Public Works currently maintains CSAs for the communities of Nipomo, Oak Shores, Cayucos, Avila Beach, Shandon, the San Luis Obispo County Club, and Santa Margarita. Other unincorporated areas in the county rely on on-site wells and individual wastewater systems. Regulatory standards and design criteria for on-site wastewater treatment systems are provided by the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of On-site Wastewater Treatment Systems (California OWTS Policy).

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Per the County's Stormwater Program, the Department of Public Works is responsible for ensuring that new construction sites implement BMPs during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb one acre or more must obtain coverage under the SWRCB's Construction General Permit. PG&E is the primary electricity provider and both PG&E and SoCalGas provide natural gas services for urban and rural communities within the county. The project would be served by a domestic well for water and a proposed septic system and leach field for wastewater disposal. The project's energy needs would be provided by PG&E and supplemented, in part, by a solar array proposed on the roof of the metal building and energy storage proposed within this building.

There are three landfills in San Luis Obispo County: Cold Canyon Landfill, located near the city of San Luis Obispo; Chicago Grade Landfill, located near the community of Templeton; and Paso Robles Landfill, located east of the city of Paso Robles. The project's solid waste needs would be served by Mid-State Solid Waste and Recycling and the Chicago Grade Landfill.

Discussion

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

The project would not result in a substantial increase in demand on water, wastewater, or stormwater collection, treatment, or disposal facilities that would require the construction of new or expanded water, wastewater, or stormwater facilities. The project, with incorporation of the recommended mitigation measures, would not result in a substantial increase in energy demand, natural gas, or telecommunications; no new or expanded facilities would be required. No utility relocations are proposed. Therefore, impacts would be *less than significant*.

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

The project site is not located within a Bulletin 118 groundwater basin. Water for the project site will be provided by a well located on the adjacent SLO Cal West property (APN 090-261-015) (see Section X. Hydrology). Based on a well pump test dated February 13, 2020, the existing well produces 55 gpm. Therefore, to supply the daily water demand for the SLO Cal East project, the well would need to pump about 5 hours per day (assuming a daily demand of 15,980 gallons and 3,300 gallons per hour produced by the well pumping at 55 gallons per minute). Therefore, there is sufficient water supply to serve the expected demand associated with cannabis cultivation.

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

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

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- (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?*

Cold Canyon Landfill provides solid waste disposal for the Nipomo area. Currently, the maximum permitted throughput to the landfill is limited to 1,650 tons per day (CalRecycle 2016). However, the Cold Canyon Landfill recently received approvals from the County and the state in 2013 to allow continued waste expansion and disposal operations through 2040. With planned expansions through 2040, the maximum total throughput would increase to 2,050 tons (City of San Luis Obispo 2014). The landfill has a design capacity of 23,900,000 cubic yards (cy) and a remaining capacity of 14,500,000 cy, or 60.7 percent which is more than enough to serve the project. The project will recycle and compost green waste before disposal. Potential impacts associated with solid waste disposal will be *less than significant*.

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

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

Conclusion

No significant impacts to utilities and service systems are expected. 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. All projects are required to comply with the waste management provisions set forth in Section 8308.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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XX. WILDFIRE

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

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

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

- Identifies the departments and agencies designated to perform response and recovery activities and specifies tasks they must accomplish;

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

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

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

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

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

Discussion

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

The project does not require any road closures and would be designed to accommodate emergency vehicle access. Implementation of the proposed project would not have a permanent impact on any adopted emergency response plans or emergency evacuation plans. Temporary construction activities and staging would not substantially alter existing circulation patterns or trips. The project does not require any road closures and would be designed to accommodate emergency vehicle access. Access to adjacent areas would be maintained throughout the duration of construction activities. Lastly, the project will be conditioned to meet the fire safety requirements set forth in the referral response letter from CalFIRE dated September 7, 2021, (Dell Wells, Fire Captain).

Based on the County's Land Use View tool and Dam and Levee Failure Plan, the project is not located within an area that would be inundated in the event of failure of the Lopez Dam (Lopez Lake). The project would not impair implementation or physically interfere with County hazard mitigation or emergency plans; therefore, *no impacts* related to emergency plans would occur.

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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?*

The site is located within a State Responsibility Area. Based on the County's fire response time map, it would take approximately 10 minutes to respond to a call regarding fire or life safety. The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and Public Resources Code, which includes improvements to South Thompson Avenue and the interior access for SLO Cal West and SLO Cal East. To accommodate emergency vehicle access, the interior accessway would be required to have a minimum 20 foot width and be built to Public Works standards. Other items required include a turnaround, water storage tank or storage pond, and a 10-foot wide fuel modification zone along both sides of the interior accessway. The County Fire Department (CAL FIRE) prepared a Fire Safety Plan letter for the project, and the applicant will be required to comply with the requirements of the plan for the life of the project.

Cannabis activities would be located on relatively level slopes. Winds in the area vary from about 7- 8 miles per hour and primarily come from the west (May - September) and north (September - May). As described in Section 6, Geology and Soils, the potential for landslides in the project area is low. Therefore, potential impacts would be *less than significant*.

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

The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and Public Resources Code, which includes improvements to the existing access road/driveway to accommodate emergency vehicle access, vegetation clearing or trimming around all existing and proposed structures, and installation of water storage tanks for fire protection. These infrastructure improvements would reduce fire risk. Therefore, potential impacts would be *less than significant*.

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

The cannabis activities would be located on a fairly level portion of the project site. Winds in the area vary from 7-8 miles per hour and primarily come from the west (May - September) and north (September - May). As described in Section VII., Geology and Soils, the potential for landslides in the project area is low. In addition, the project is not proposing disturbance in areas of steep slopes that would be conducive to the formation of debris flows in the nearby existing channels. The project does not include any design elements that would expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, impacts would be *less than significant*.

Conclusion

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

Mitigation

No mitigation measures are required.

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Sources

See Exhibit A.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

Setting

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

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Discussion

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

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

- (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 State 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 State CEQA Guidelines state that the discussion of cumulative impacts should reflect the severity of the impacts as well as the likelihood of their occurrence. However, the discussion need not be as detailed as the discussion of environmental impacts attributable to the project alone. Furthermore, the discussion should remain practical and reasonable in considering other projects and related cumulatively considerable impacts.

Existing and Reasonably Foreseeable Cannabis Facilities

According to the applications received to date by the County, there is one additional cannabis project in the area that is considered reasonably foreseeable for the purposes of assessing cumulative impacts. That project, referred to as SLO Cal West (DRC2019-00050), is located at 2155 South Thompson Avenue, directly west of, and adjacent to, the SLO Cal East (DRC2019-00051) project site (Figure 14). As summarized in Table 16 below, the cannabis activities and improvements for SLO Cal West are virtually identical to those proposed for SLO Cal East. More specifically, the SLO Cal West project is a Minor Use Permit to establish both indoor and outdoor cannabis cultivation along with ancillary nursery, processing and transport. The project will involve the placement of water tanks, a composting area, as well as roadway improvement. Access to SLO Cal West will be directly from South Thompson Avenue; access through the SLO Cal West site will be shared with the SLO Cal East project (see Figures 1 - 4). The SLO Cal West cannabis operation will typically require a total of eight full-time employees. The remaining cannabis activities will operate from 6 am – 9 pm, 7 days a week, year round. Outdoor cannabis cultivation would have up to three harvests per year, and, depending on the weather, would occur in March/April, June/July and October/November. Indoor cultivation would have up to four harvests per year. During harvests, there would be up to

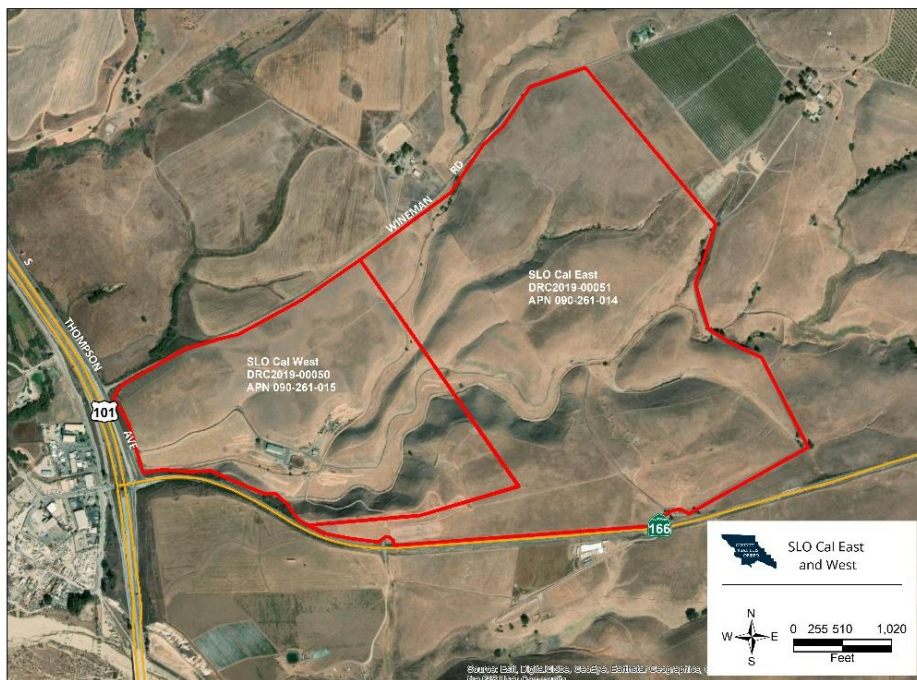
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eleven additional seasonal employees. No changes in operating hours would occur with proposed harvests. At most there will be 19 employees total during harvest activities at SLO Cal West. Wastewater service for employees will be provided by a new restroom and proposed new septic system and leach field. The project application materials for SLO Cal West includes a water management plan which indicates that cannabis activities will result in a maximum total water demand of between 13.69 acre-feet per year. Water will be provided by an existing well located on the SLO Cal West property. Table 16 provides a summary of the cumulative development associated with DRC2019-00050 (SLO Cal West) and DRC2019-00051 (SLO Cal East).

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Table 16 – Project Components SLO Cal West (DRC2019-00050) and SLO Cal East (DRC2019-00051)

Project Cannabis Components	DRC2019-00050 SLO Cal West		DRC2019-00051 SLO Cal East		Both Projects Total Gross	
	Gross Square Feet	Gross Acres	Gross Square Feet	Gross Acres	Gross Square Feet	Gross Acres
Outdoor Cultivation	163,350	3.75	163,350	3.75	326,700	7.50
Mixed-Light Indoor Cultivation	27,216	0.62	27,216	0.62	54,432	1.25
Indoor Ancillary Nursery	29,232	0.67	29,232	0.67	58,464	1.34
Ancillary Processing	10,500	0.24	10,500	0.24	21,000	0.48
Other Site Improvements (parking, water tanks, roadway, etc.)	200,742	4.61	145,020	3.33	345,762	7.94
<i>Total Site Disturbance:</i>	<i>431,742</i>	<i>9.90</i>	<i>375,318</i>	<i>8.62</i>	<i>806,358</i>	<i>18.51</i>
Other Project Components	DRC2019-00050 SLO Cal West		DRC2019-00051 SLO Cal East		Both Projects Total Gross	
Cannabis Canopy (<i>Outdoor & Indoor Cultivation, & Ancillary Nursery</i>)	152,680 sf (3.51 acres)		152,680 sf (3.51 acres)		305,360 sf 7.01 acres	
Employees	8 fulltime employees Up to 11 seasonal (Maximum 19 total)		8 fulltime employees Up to 11 seasonal (Maximum 19 total)		16 fulltime employees Up to 22 seasonal (Maximum 38 total)	
Estimated Maximum Water Demand	13.69 AFY		17.9 AFY		31.5 AFY	
Average Daily Motor Vehicle Trips	23		23		46	
Estimated Unmitigated Energy Demand for Indoor Cultivation & Nursery	6,209,280 kWhr/year		6,209,280 kWhr/year		12,418,560 kWhr/Year	
Estimated Unmitigated GHG Emissions	2,280 MT/year CO ₂ e		2,303 MT/year CO ₂ e		4,611 MT/year CO ₂ e	

Figure 14 -- Reasonably Foreseeable Future Development Scenario Map


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Aesthetics

The analysis provided in Section I, Aesthetic and Visual Resources, provides an overview of the visual setting and concludes that potential project-specific impacts would be less than significant with mitigation identified to eliminate off-site nighttime light overspill. When considered with other reasonably foreseeable cannabis projects in the vicinity the project's contribution to cumulative impacts to visual resources are considered *less than cumulatively considerable* because:

- The areas where cannabis activities are proposed on the project site and on the adjacent project site are largely screened from public vantage points by the intervening terrain and vegetation.
- Where the cannabis operations on both project sites are visible from public vantage points, the views are brief and at a considerable distance.
- The size and scale of facilities associated with each project are consistent with the scale and character of agricultural facilities on surrounding properties.
- The cannabis cultivation operation proposed for SLO Cal West is subject to a discretionary permit and project-specific environmental review which will identify potentially significant project-specific environmental effects. If the project has the potential to adversely impact visual resources, it will be required to implement visual screening and/or other measures to mitigate those impacts
- All cannabis cultivation projects are subject to standard County mitigation measures to eliminate off-site nighttime light overspill.

Agriculture and Forestry Resources

The analysis provided in Section II, Agriculture and Forestry Resources, indicates that the SLO Cal East project would not result in the permanent conversion of Prime Farmland or Farmland of Statewide Importance, based on the FMMP, and no potential impacts to forest land or timberland would occur. The project would not result in a conflict with existing zoning for agricultural use or Williamson Act contract.

According to data from the US Web Soil Survey, the reasonably foreseeable cannabis activities proposed for the project on the SLO Cal West site are located primarily on Diablo and Cibo clay soils the Linne-Calodo complex with 9 to 30% slopes. This soil complex is classified as *Grazing and Farmland of Local Importance* by the FMMP and are therefore, not Prime Farmland. Therefore, when considered with the potential impacts of other reasonably foreseeable 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 have the potential to exceed SLOAPCD thresholds of significance for construction emissions, resulting in a potentially cumulatively considerable contribution to the county's non-attainment status under state air quality standards for ozone and fugitive dust. With implementation of recommended mitigation measures AQ-1, AQ-2, and AQ-4, project construction, operational, and cumulative impacts would be less than significant. Table 9 in Section III. provides an estimate of the combined construction related emissions associated with the subject project and the project proposed for SLO Cal West. As shown in Table 9, the cumulative and project-specific

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emissions will exceed APCD thresholds for construction activities. This project will be subject to project-specific environmental review and will be subject to comparable mitigation measures to reduce construction related emissions to a less-than-significant level.

The analysis provided in Section III, Air Quality, concludes that the project's potential other emissions (such as those leading to odor) would be less than significant based on the distance of proposed odor-emitting uses from the project property lines, the Odor Management Plan, and proposed odor control technology to be implemented within proposed structures. All surrounding proposed cannabis development projects would be required to comply with County LUO ordinance cannabis odor control requirements, including preparation of an odor control plan, minimum setback distances, and installation of sufficient ventilation controls to prevent odors from being detected off-site.

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

Biological Resources

The analysis provided in Section IV, Biological Resources, concludes that the project would have a less-than-significant impact upon implementation of the identified avoidance and mitigation measures for special-status wildlife species and their habitats. With implementation of measures BIO-1 through BIO-12, potential impacts to biological resources would be less than significant.

The analysis provided in Section IV is supported by a BRA prepared for the subject property and the adjoining parcel to the east where the SLO Cal East project is proposed. Therefore, the analysis and recommended mitigation measures address the cumulative impact of the proposed project and the reasonably foreseeable project to the east.

With implementation of the recommended mitigation measures impacts associated with the project when combined with the impacts associated the reasonably foreseeable project would be *less than cumulatively considerable*.

Cultural Resources

The analysis provided in Section V. Cultural Resources, the Phase I cultural resources survey prepared for the SLO Cal East and West sites concludes that project development on either site would not result in significant impacts to cultural resources.

Accordingly, when considered with the potential impacts of other reasonably foreseeable development in the area, project impacts associated with cultural resources would be *less than cumulatively considerable*.

Energy

Cannabis cultivation operations typically use an insignificant amount of natural gas. Accordingly, this assessment of cumulative energy impacts is based on electricity use. The analysis provided in Section VI, Energy, states that the indoor cultivation and nursery activities could result in an annual energy demand of 6,209,280 kWh per year. In addition, the project proposed on the SLO Cal West Site would result in about the same amount of energy demand from indoor cultivation and nursery activities. Table 17 provides a summary of total electricity demand associated with development of

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Table 17 -- Projected Unmitigated Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects

Project	Total Electricity Demand from Proposed Cannabis Cultivation ¹ (Kilowatt-Hours/Year)	Total Electricity Demand (Gigawatt Hours/Year)	Electricity Consumption in San Luis Obispo County in 2018 ² (Gigawatt Hours)	Total Demand in San Luis Obispo County with Proposed Cannabis Cultivation (Gigawatt Hours/Year)	Percent Increase Over 2018 Electricity Demand
DRC2019-00051 SLO Cal East	6,209,280	6.2			
DRC2019-00052 SLO Cal West	6,209,280	6.2			
Total	12,418,560	12.4	1,765.9	1,777	0.62%

¹Source: CalEEMOD 2016 v.3.2.

²Source: California Energy Commission 2019.

both projects compared with the total estimated electricity demand for San Luis Obispo County in 2018. Table 17 indicates that electricity demand in San Luis Obispo County could increase by as much as 0.62% if both cultivation projects are developed as proposed.

The project's contribution to the overall increased demand for electricity would have the potential to result in potentially cumulatively considerable environmental impacts the wasteful, inefficient and unnecessary use of energy. Mitigation measures ENG-1 and ENG-2 require the applicant to prepare and implement an Energy Conservation Plan to identify strategies to reduce or offset for cannabis-related electricity demand. In addition, all proposed cannabis cultivation projects within the county would be subject to discretionary review by County staff. Indoor and mixed-light cultivation projects, such as the project proposed on the adjacent parcel where SLO Cal West is proposed, that are determined to have the potential to result in potentially significant impacts from their proposed energy use would be required to implement comparable mitigation measures to reduce their energy demand and use sources that result in less GHG emissions.

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

Geology and Soils

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

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The reasonably foreseeable project located on the SLO Cal West site will be subject to discretionary review and will be evaluated for potentially significant environmental effects, including potential impacts associated with geology and soils, geologic hazards and other geologic resources, including paleontological resources. If this review determines the project will have potentially significant impacts associated with geology and soils it will be required to implement mitigation measures to reduce these risks.

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

Greenhouse Gas Emissions

As discussed in Section VIII, Greenhouse Gas Emissions, the project is estimated to generate approximately 926 metric tons of CO₂ emissions per year after implementation of the energy reduction measures recommended by ENG-1 and ENG-2. Accordingly, the project will exceed the working GHG threshold of 690 metric tons of CO₂ emissions per year and will have a project specific or cumulatively considerable adverse impact. However, with implementation of recommended mitigation measures GHG-1 and GHG-2 the project will be consistent with the cumulative greenhouse gas reduction strategies identified by AB32, SB32 and the County's EnergyWise Plan.

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

Hydrology and Water Quality

As discussed in Section X. Hydrology and Water Quality, compliance with existing regulations and/or required plans would adequately reduce potential impacts associated with hydrology and water quality to be less than significant. Water demand associated with the project site and the project proposed on the adjacent parcel where the SLO Cal West project is proposed would be about 27.38

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acre-feet per year. The cumulative demand associated with both projects is considered *less than cumulatively considerable* because:

- The project site is not located within a Bulletin 118 groundwater basin as identified by the Department of Water Resources. Therefore, the basin has not been assigned a Level of Severity by the Resource Management System (RMS). Under the RMS, a groundwater basin that has not been assigned a Level of Severity is not in a state of overdraft and is presumed to be capable of meeting water demand over at least the next 15 years.
- All proposed cannabis cultivation projects located in the county are subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation.
- All potentially hazardous materials (e.g., pesticides, fertilizers, etc.) proposed to be utilized for these projects would be required to comply with the applicable storage, refilling, and dispensing County Department of Environmental Health standards.
- All cannabis cultivation projects within the county would also be required to comply with applicable riparian, wetland, and other waterway setbacks established by the Regional Water Quality Control Board.

Noise

As discussed in Section XIII., noise associated with proposed HVAC, odor management and portable generator systems would be less than significant. Reasonably foreseeable future cannabis cultivation projects, including the project proposed for the SLO Cal West site, would require discretionary permits and would be reviewed by County staff for potentially significant environmental impacts, including impacts associated with noise. Future projects with potential to generate noise above County standards or noise that would adversely affect surrounding sensitive receptors would be required to implement measures to reduce associated impacts. In addition, most cultivation activities would be required to adhere to the established setback distances from property lines as detailed in the LUO and these setbacks would allow noises to dissipate to some degree before reaching surrounding land uses.

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

Population and Housing

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

The cannabis activities proposed for the SLO Cal East and SLO Cal West projects are expected to employ as many as 22 total employees during peak operations. The 2050 employment forecast does not account for employment in the cannabis industry because of the formerly illegal status of the industry. However, the small increase in projected population is not expected to result in a

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substantial increased demand for housing throughout the county. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to impacts related to housing and population is considered *less than cumulatively considerable*.

Public Services

The project and surrounding reasonably foreseeable future development would be subject to adopted public facility (County) and school (CGC Section 65995 et seq.) fee programs to offset impacts to public services. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to potential public services impacts would be less than cumulatively considerable.

Transportation

As discussed in Section XVII, Transportation, the project would not result in a conflict with a plan or policy addressing the circulation system, or increase hazards due to a geometric design feature. Total trip generation associated with the project site and the project proposed on the SLO Cal West site would be about 46 trips per day during peak operations which would be short term and temporary and would not reduce the level of service of South Thompson Road. Surrounding reasonably foreseeable future cannabis cultivation projects would be subject to discretionary review and potential impacts associated with these thresholds would be analyzed and required to be reduced on a case-by-case basis. Therefore, the project's potential impacts associated with these thresholds would be less than cumulatively considerable.

County Fire/CAL FIRE requirements will be enforced as conditions of approval.

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

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

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Other Impact Issue Areas

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

- 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 AQ-1 through AQ-4, HAZ-1, HAZ-2 and HAZ-3, 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

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

Sources

See Exhibit A.

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Exhibit A - Initial Study References and Agency Contacts

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

Contacted	Agency	Response
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input checked="" type="checkbox"/>	County Environmental Health Services	In File**
<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 type="checkbox"/>	Air Pollution Control District	Not Applicable
<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 (CDFW)	None
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	In File**
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input checked="" type="checkbox"/>	Nipomo Community Services District	Not Applicable
<input checked="" type="checkbox"/>	Other: <u>South County Advisory Council</u>	In File**
	Other: <u>AB52</u>	In File**
<input checked="" type="checkbox"/>	Other: <u>Assessor</u>	In File**
<input checked="" type="checkbox"/>	Other: Building Division	In File**
<input checked="" type="checkbox"/>	Other: <u>Agricultural Preserve Review Committee (APRC)</u>	In File**

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

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

<input checked="" type="checkbox"/> Project File for the Subject Application	<input type="checkbox"/> Design Plan
<input checked="" type="checkbox"/> <u>County Documents</u>	<input type="checkbox"/> Specific Plan
<input type="checkbox"/> Coastal Plan Policies	<input type="checkbox"/> Annual Resource Summary Report
<input type="checkbox"/> Framework for Planning (Coastal/Inland)	<input type="checkbox"/> Circulation Study
<input checked="" type="checkbox"/> General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:	<input checked="" type="checkbox"/> <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 type="checkbox"/> Regional Transportation Plan
<input type="checkbox"/> Economic Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input 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 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 checked="" 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 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 type="checkbox"/> Other
<input checked="" type="checkbox"/> Energy Wise Plan	
<input checked="" type="checkbox"/> South County Area Plan/South County sub area	

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

Project application materials

Ag Commissioner's Office, letter of November 20, 2020

Air Pollution Control District (APCD) letter of May 2, 2019

Central Coast Archaeological Research Consultants, April 2020, *Cultural Resources Survey of the SLO CAL, Inc. East and West Cannabis Cultivation, Nipomo, San Luis Obispo County, California*

Building Department, letter of April 22, 2019

Cal Fire, San Luis Obispo County Fire Department, letter of September 7, 2021

Cody McLaughlin Architects, submitted August 2021. 2155 South Thompson Avenue. SLOCAL West Site Plans.

Department of Public Works, letter of April 25, 2019

Environmental Health Department letter of October 6, 2021

Kevin Merk Associates, LLC, Revised June 2020, *Biological Resources Assessment*, 2155 South Thompson Avenue Nipomo, California Cannabis Project (APNs 090-261-014 and 090-261-015) San Luis Obispo, County California

Kevin Merk Associates, LLC, April 21, 2021, *Supplemental Biological Resources Information for the SLOCAL Farms Cannabis Cultivation Project at 2155 South Thompson Avenue, Nipomo, San Luis Obispo County, California*.

Berkeley Cannabis Research Center, 2021, *Cannabis H₂O Water Use & Sustainability in Cultivation, New Frontier Data*, co-authored by Resource Innovation Institute.

SLOCAL Farms, submitted June 2, 2021, *Water Management Plan*.

SLOCAL Farms, submitted August 2021, Project Description.

SLOCAL Farms, submitted January 2022, Odor Management Plan.

SLOCAL Farms, submitted March 2022, Neighborhood Compatibility Plan.

Other County References

California Department of Conservation (CDOC). 2015. CGS Information Warehouse: Regulatory Maps <http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps> accessed August 2018

San Luis Obispo County. 1999. General Plan Safety Element. <https://www.slocounty.ca.gov/getattachment/893b6c58-7550-4113-911c-3ef46d22b7c8/Safety-Element.aspx> accessed August 2018

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California Department of Forestry and Fire Protection (CAL FIRE). 2007. "Draft Fire Hazard Severity Zones in Local Responsibility Areas." Available at <http://frap.fire.ca.gov/webdata/maps/san_luis_obispo/fhszl06_1_map.40.pdf>

California Department of Toxic Substances Control (DTSC). 2019. EnviroStor. Available at <<https://www.envirostor.dtsc.ca.gov/public/>>

California Department of Transportation (Caltrans). 2019. California Scenic Highways Mapping Tool. Available at: <<https://www.arcgis.com/home/webmap/viewer.html?useExisting=1&layers=f0259b1ad0fe4093a5604c9b838a486a>>.

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County of San Luis Obispo. 2016. 2015/2016 County Bikeways Plan. July 6th, 2016.

County of San Luisa Obispo. 2014 Integrated Regional Water Management Plan, Appendix J

County of Santa Barbara. 2017. Final Environmental Impact Report (EIR) for the Cannabis Land Use Ordinance and Licensing Program. December 2017.

_____. 2018. County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form.

County of San Luis Obispo Staff. 2019. California Emissions Estimator Model (CalEEMod) Results.

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

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

Diblee, Thomas W., Jr. 2004. Geologic Map of the Creston & Shedd Canyon Quadrangles, San Luis Obispo County, California. National Geologic Map Database. Available at: <https://ngmdb.usgs.gov/Prodesc/proddesc_71748.htm>.

Pacific Gas and Electric (PG&E). 2019. Delivering Low-Emission Energy. Available at: <https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page>.

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<<http://geotracker.waterboards.ca.gov/>>

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<<https://www.cpuc.ca.gov/environment/info/horizonh2o/estrella/docs/Templeton%20Route%20Alts%20PRTR.pdf>>.

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<https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/california/sanluisCA1983/sanluisCA1983.pdf>

U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS). 2017. Web Soil Survey. Available at <<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>> Accessed April 17, 2019.

United States Geological Survey (USGS). 2019. Areas of Land Subsidence in California. Available at:
https://ca.water.usgs.gov/land_subsidence/california-subsidence-areas.html

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Exhibit B - Mitigation Summary

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

Aesthetic and Visual Resources

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

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

Air Quality

AQ-1 Construction Equipment Emissions Controls. Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

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

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- Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- Electrify equipment when feasible;
- Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

AQ-2 Fugitive Dust Construction Control Measures. Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

- Reduce the amount of the disturbed area where possible;
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;
- All dirt stock-pile areas shall be sprayed daily and covered with tarps or other dust barriers as needed;
- Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- All trucks hauling, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code (CVC) Section 23114;
- “Track-Out” is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in CVC Section 23113 and California Water Code 13304. To prevent ‘track out’, designate access points and require all employees, subcontractors, and others to use them. Install and operate a ‘track-out prevention device’ where vehicles enter and exit unpaved roads onto paved streets. The ‘track-out prevention device’ can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need

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periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified;

- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
- All PM₁₀ mitigation measures required should be shown on grading and building plans;
- The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). Contact the APCD Compliance Division (Tim Fuhs; 805-781-5912), with the name and telephone number of designated persons prior to the start of any grading, earthwork or demolition;
- Provide training to all site workers regarding dust control policies and practices and maintain records of training;
- Take additional measures as needed to ensure dust from the project site is not impacting areas outside the project boundary; and
- All of these fugitive dust mitigation measures shall be shown on grading and building plans.

AQ-3 Prior to the onset of ground disturbing activities, the applicant shall prepare a geologic investigation of the project site by a qualified professional to determine if Naturally Occurring Asbestos (NOA) is present within the area of disturbance, including the access roadway. If the investigation determines that NOA is not present, an exemption request shall be filed with the San Luis Obispo Air Pollution Control District (APCD). If NOA is found at the site, the applicant shall comply with all relevant requirements outlined in the California Air Resources Board Air Toxics Control Measure (ATCM) for Construction. This may include, but is not limited to, development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD.

AQ-4 Operational fugitive dust impacts. For the life of the project, implement one of the following:

- a. Limit the number of round trips using the access roadway from South Thompson Avenue to three or fewer per day.
- b. For the life of the project, maintain the unpaved road with a dust suppressant (See Technical Appendix 4.3 of the APCD's CEQA Handbook for a list of APCD-approved suppressants) such that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402). To improve the dust suppressant's long-term efficacy, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less.

Biological Resources

BIO-1 Best Management Practices. Best Management Practices (e.g. straw wattles, Environmental Sensitive Area exclusion fencing, gravel bags, silt fencing, etc.) shall be installed prior to the start of

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any cannabis-growing activities to avoid direct inadvertent impacts to the unnamed drainage on the northern edge of the project site. Best Management Practices shall be installed to avoid any indirect impacts to these drainages that may occur from erosion/sedimentation.

Project activity occurring within 50 feet of aquatic habitat (e.g., swales, drainages, ponds, vernal pool, etc., identified in biological report) or 100 feet from a wetland 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.

BIO-2 Site Maintenance and General Operations. The following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

- The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.
- Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.
- Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).
- Ground disturbance, including excavation, maintenance, and staging of equipment and vehicles within 60 feet of small mammal burrows shall be avoided.
- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
- Washing of concrete, paint, equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.
- Equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.
- Any temporary construction lighting shall avoid nighttime illumination of suitable habitat features (i.e. drainages, riparian corridor, sensitive species habitat). Temporary construction lighting shall be kept to the minimum amount necessary and shall be directed toward active work areas and away from open spaces and/or drainages.

Federal and State Waters and Wetlands.

- If construction occurs during or immediately following rain, temporary site stabilization methods will be used to prevent inadvertent erosion and sedimentation into adjacent aquatic habitat. An erosion and sediment control plan shall be developed outlining Best Management Practices

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(BMPs), which shall be implemented to prevent erosion and sedimentation into the aquatic habitats during construction. 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 BMPs. BMPs shall be installed and maintained for the duration of construction or until the site has been stabilized.

- If project design changes resulting in drainage crossings or other direct impacts to mapped aquatic resources, all applicable agency permits with jurisdiction over the project area (i.e. CDFW, RWQCB, and/or Corps) should be obtained, as needed, prior to construction. All additional mitigation measures required by these agencies would be implemented as necessary throughout the project.

BIO-3 Pre-construction surveys for Crotch Bumblebee (CBB) and Western Bumblebee (WBB). The following actions shall be undertaken to avoid and minimize potential impacts to CBB and WBB:

- Surveys - The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for CBB and WBB within suitable habitat (i.e. small mammal burrows, grassland areas, upland scrubs) on the project site. Survey(s) can be conducted over an extended period of time to document and establish the presence of the bees within the areas of disturbance.
- CBB or WBB Take Avoidance - If the survey(s) establish the presence of CBB or 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 of the Department in consultation with CDFW. The Management Plan shall include at least the following:
 - Avoidance measures to include a minimum 50-foot no-disturbance buffer to avoid take and potentially significant impacts.
 - If ground-disturbing activities will occur during the overwintering period (October through February), the applicant, in coordination with the Department, shall consult with CDFW to identify specific measures to be undertaken to avoid take as defined by the California Endangered Species Act (CESA).

Take Authorization - If CBB or WBB are detected prior to, or during project implementation, the applicant shall consult with CDFW to avoid take and/ or to obtain applicable take authorization.

BIO-4 California Red-legged Frog (CRLF). The following measures shall be implemented to mitigate potential impacts to CRLF:

- Site preparation, including vegetation clearance, soil disturbance, and grading shall not occur: (a) during the typical rainy season (November 1 to April 1), (b) during the nighttime (between 30 minutes before dusk and 30 minutes after dawn), (c) during an actual or predicted rain event of 0.25-inches or greater or within 24 hours after an actual rain event, and (d) near isolated pools.
- If remaining construction activities (such as wall construction or interior work) are proposed during the rainy season, **prior to obtaining a building permit or continuing construction**, the applicant shall prepare a Management Plan prepared by a qualified professional. The project's Management Plan is subject to the review and approval of the United States Fish & Wildlife Service (USFWS) and San Luis Obispo County Planning & Building Department **prior to any continuation of construction or building**.

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- c. The Management Plan shall address items including, but not limited to: (a) monitoring that will occur during construction related activities (e.g., monitoring duration, time, frequency), (b) procedures if a CRLF or other sensitive species is encountered during construction related activities, (c) pre-construction worker training, (d) the construction schedule proposed to minimize impacts to sensitive species (i.e., completing construction activities closest to potential CRLF habitat first), and (e) the filing of a post-construction report “lessons learned” on the effectiveness of the required measures.
- d. Construction activities conducted during the wet season shall not occur: (a) during the nighttime (between 30 minutes before dusk and 30 minutes after dawn), or (b) during an actual or predicted rain event of 0.25-inches or greater, or within 24 hours after an actual rain event. All construction materials and equipment will be staged in the parking lot adjacent to the construction site at SLO Cal East. The applicant will complete construction activities closest to potential CRLF habitat (the ephemeral drainage system) first, followed by activities that are further from the potential habitat.

BIO-5 Western Pond Turtle Pre-Construction Survey. A qualified biologist(s) shall conduct a pre-construction survey within 24 hours prior to the onset of work activities within and around areas proposed for construction and staging activities. If this species is found and the individuals are likely to be injured or killed by work activities, the approved biologist shall be allowed sufficient time to move them from the project site before work activities begin. The biologist(s) must relocate any western pond turtle the shortest distance possible to a location that contains suitable habitat that is not likely to be affected by activities associated with the project.

Access routes, staging, and construction areas shall be limited to the minimum area necessary to achieve the project goal and minimize potential impacts to western pond turtle habitat including locating access routes and construction staging areas outside of wetlands and riparian areas to the maximum extent practicable.

BIO-6 Pre-construction survey for special-status reptiles and amphibians. A qualified biologist shall conduct a pre-construction survey immediately **prior to initial project activities** (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat for California legless lizard (*Anniella pulchra*), Blainville's (coast) horned lizard (*Phrynosoma blainvillii*), and Western spadefoot (*Spea hammondi*). 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 reptile or amphibian species are discovered during surveys or monitoring, they will be allowed to leave the area on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact.

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

BIO-7: Preconstruction Survey for Sensitive and Nesting Birds. If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

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- A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- If special-status avian species are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
- The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species.

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

BIO-8 Pre-construction Survey for Burrowing Owl (BUOW) (*Athene cunicularia*). If work is planned to occur within 150 meters (approximately 492 feet) of BUOW 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. Habitat for BUOW includes areas with generally short, sparse vegetation and few shrubs, level to gentle topography and well-drained soils including grasslands, shrub steppe, desert, some agricultural areas, ruderal grassy fields, vacant lots, and pastures. 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 BUOW Mitigation, which specifies that 7- to 20-meter transects shall be walked, such that the entire project area is visible. These surveys may be completed concurrently with American badger, or other special-status species surveys. If occupied BUOW 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

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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 BUOW survey shall be repeated.

BIO-9 Annual Pre-activity Survey for Burrowing Owl (BUOW) & Other Grassland Nesting Sensitive Bird Species. Applicant or project proponent shall hire a qualified biologist to complete an annual pre-activity survey for BUOW and other grassland nesting sensitive bird species no more than 14 days **prior to the start of initial ground disturbance** associated with the outdoor grow sites to ensure special-status bird species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active BUOW burrows within the grow site areas. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of the burrows is not feasible, the County shall be contacted for further guidance. The County will contact the appropriate resource agencies. The County will contact the appropriate resource agencies.

BIO-10 Bat Roost Avoidance. A qualified biologist shall conduct a survey before any grading or removal of trees, particularly trees 12 inches in diameter or greater at 4.5 feet above grade with loose bark or other cavities within 48 hours prior to removal of trees. If no active roosts are found, no further action shall be required. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing surveys.

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

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

BIO-11 Pre-construction survey for American badgers (*Taxidea taxus*). A qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days **prior to the start of initial project activities** to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.

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- a. If a potential den is discovered, the den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger.
- 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), measured outward from the burrow entrance. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.
- 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.

BIO-12 Nighttime Lighting. To minimize the effects of exterior lighting on special-status wildlife species, the applicant shall submit a Light Pollution Prevention Plan to the County Planning Department for approval that incorporates the following measures to reduce impacts related to night lighting:

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

Energy

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

- a. A detailed inventory of energy demand prepared by a Certified Energy Analyst. The inventory shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities including, but not limited to, lighting, odor management, processing, manufacturing and climate control equipment. The quantification of demand associated with electricity shall be expressed in total kilowatt hours (kWh) per year; demand associated with natural gas shall be converted to kWh per year.

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- b. A program for providing a reduction or offset of all energy demand that is 20% or more than a generic commercial building of the same size. In this case, the estimated reduction or offset would be at least: 6,209,280 kWhr/yr – 1,439,424 kWh/year = 4,769,856 kWhr/yr; and the amount of energy not otherwise reduced or offset must not exceed 1,439,424 kWhr/yr. Such a program (or programs) may include, but is not limited to, the following:
 - i. Evidence that the project will permanently source project energy demands from renewable energy sources (i.e. solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.
 - ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include, but is not limited to, the following:
 - 1. Participating in an annual energy audit.
 - 2. Upgrading and maintaining efficient heating/ cooling/ dehumidification systems.
 - 3. Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
 - 4. Implementing automated lighting systems.
 - 5. Utilizing natural light when possible.
 - 6. Utilizing an efficient circulation system.
 - 7. Ensuring that energy use is below or in-line with industry benchmarks.
 - 8. Implementing phase-out plans for the replacement of inefficient equipment.
 - 9. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.
 - iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]
 - iv. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of the project energy demand that is 20% or more above a generic commercial building of the same size.

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

Greenhouse Gas Emissions

GHG-1 Greenhouse Gas Offset Requirements for Phases II through IV. At the time of building permit application, the applicant shall provide to the County Department of Planning and Building for review and approval a program for providing a reduction or offset of GHG emissions to below the working GHG threshold of 690 MTCO₂e. In this case, the estimated reduction or offset would be at least: 926 MTCO₂e – 690 MTCO₂e = 236 MTCO₂e; and the amount of energy not otherwise reduced, or offset must not exceed 690 MTCO₂e. Such a program (or programs) may include, but

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is not limited to, the following:

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

Hazards and Hazardous Materials

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

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Appendix A

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

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

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

Section 8102 – Annual State License Application Requirements

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

Section 8106 – Cultivation Plan Requirements

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

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(3) A pest management plan.

Section 8108 -- Cannabis Waste Management Plans

Section 8216 – License Issuance in an Impacted Watershed

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

Section 8304 – General Environmental Protection Measures

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

Section 8305 – Renewable Energy Requirements

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

Section 8306 -- Generator Requirements

Section 8307 – Pesticide Use Requirements

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

Section 8308 – Cannabis Waste Management

Bureau of Cannabis Control

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

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

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

California Department of Fish and Wildlife (CDFW)

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

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

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

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

DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM FOR SLO CAL EAST MINOR USE PERMIT (DRC2019-00051)

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

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

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

AESTHETICS & VISUAL RESOURCES

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

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

Monitoring: Light pollution prevention plan shall be submitted for review and approval by the County Department of Planning and Building at the time of application for construction permits. Compliance will be verified by the County Department of Planning and Building.

AIR QUALITY

AQ-1 Construction Equipment Emissions Controls. Prior to issuance of construction

permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

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

Monitoring: Required during construction. Grading plans shall be checked for the incorporation of required measures prior to the issuance of construction permits. Compliance will be verified by the County Department of Planning and Building.

AQ-2 Fugitive Dust Construction Control Measures. Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

- Reduce the amount of the disturbed area where possible;
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;
- All dirt stock-pile areas shall be sprayed daily and covered with tarps or other

dust barriers as needed;

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

- Provide training to all site workers regarding dust control policies and practices and maintain records of training; and
- Take additional measures as needed to ensure dust from the project site is not impacting areas outside the project boundary.
- All of these fugitive dust mitigation measures shall be shown on grading and building plans.

Monitoring: Required during construction. Grading plans shall be checked for the incorporation of required measures prior to the issuance of construction permits. Compliance will be verified by the County Department of Planning and Building.

AQ-3 Prior to the onset of ground disturbing activities, the applicant shall prepare a geologic investigation of the project site by a qualified professional to determine if Naturally Occurring Asbestos (NOA) is present within the area of disturbance, including the access roadway. If the investigation determines that NOA is not present, an exemption request shall be filed with the San Luis Obispo Air Pollution Control District (APCD). If NOA is found at the site, the applicant shall comply with all relevant requirements outlined in the California Air Resources Board Air Toxics Control Measure (ATCM) for Construction. This may include, but is not limited to, development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD.

Monitoring: Required during construction. A geologic investigation shall be prepared by a qualified professional and submitted for review to the County Department of Planning and Building and APCD prior to the issuance of construction permits. Compliance will be verified by the County Department of Planning and Building prior to the issuance of construction permits.

AQ-4 Operational fugitive dust impacts. For the life of the project, implement one of the following:

- a. Limit the number of round trips using the access roadway from South Thompson Avenue to three or fewer per day.
- b. For the life of the project, maintain the unpaved road with a dust suppressant (See Technical Appendix 4.3 of the APCD's CEQA Handbook for a list of APCD-approved suppressants) such that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402). To improve the dust suppressant's long-term efficacy, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less.

Monitoring: Grading plans shall be checked for the incorporation of required measures prior to the issuance of construction permits. Compliance will be verified during construction and quarterly by the County Department of Planning and Building.

BIOLOGICAL RESOURCES

BIO-1: Best Management Practices. Best Management Practices (e.g., straw wattles, Environmental Sensitive Area exclusion fencing, gravel bags, silt fencing, etc.) shall be installed prior to the start of any cannabis-growing activities to avoid direct inadvertent impacts to the unnamed drainage on the northern edge of the project site. Best Management Practices shall be installed to avoid any indirect impacts to these drainages that may occur from erosion/sedimentation.

Project activity occurring within 50 feet of aquatic habitat (e.g., swales, drainages, ponds, vernal pool, etc., identified in biological report) or 100 feet from a wetland 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: Best Management Practices shall be listed on the approved grading plans. Implementation shall be verified during construction and quarterly by the Department of Planning and Building.

BIO-2 Site Maintenance and General Operations. The following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

- The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.
- Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.
- Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).
- Ground disturbance, including excavation, maintenance, and staging of equipment and vehicles within 60 feet of small mammal burrows shall be avoided.
- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.

- Washing of concrete, paint, equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.
- Equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.
- Any temporary construction lighting shall avoid nighttime illumination of suitable habitat features (i.e., drainages, riparian corridor, sensitive species habitat). Temporary construction lighting shall be kept to the minimum amount necessary and shall be directed toward active work areas and away from open spaces and/or drainages.

Federal and State Waters and Wetlands.

- If construction occurs during or immediately following rain, temporary site stabilization methods will be used to prevent inadvertent erosion and sedimentation into adjacent aquatic habitat. An erosion and sediment control plan shall be developed outlining Best Management Practices (BMPs), which shall be implemented to prevent erosion and sedimentation into the aquatic habitats during construction. 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 BMPs. BMPs shall be installed and maintained for the duration of construction or until the site has been stabilized.
- If project design changes resulting in drainage crossings or other direct impacts to mapped aquatic resources, all applicable agency permits with jurisdiction over the project area (i.e., CDFW, RWQCB, and/or Corps) should be obtained, as needed, prior to construction. All additional mitigation measures required by these agencies would be implemented as necessary throughout the project.

Monitoring: Construction/ grading plans shall be checked for the incorporation of required measures prior to the issuance of construction permits. Compliance will be verified during construction and quarterly by the County Department of Planning and Building.

BIO-3 Pre-construction surveys for Crotch Bumblebee (CBB) and Western Bumblebee (WBB). The following actions shall be undertaken to avoid and minimize potential impacts to CBB and WBB:

- a. Surveys - The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for CBB and WBB within suitable habitat (i.e., small mammal burrows, grassland areas, upland scrubs) on the project site. Survey(s) can be conducted over an extended period of time to document and establish the presence of the bees within the areas of disturbance.
- b. CBB or WBB Take Avoidance - If the survey(s) establish the presence of CBB or 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 of the Department in consultation with CDFW. The Management Plan shall include at least the following:

- i. Avoidance measures to include a minimum 50-feet no-disturbance buffer to avoid take and potentially significant impacts.
- ii. If ground-disturbing activities will occur during the overwintering period (October through February), the applicant, in coordination with the Department of Planning and Building, shall consult with CDFW to identify specific measures to be undertaken to avoid take as defined by the California Endangered Species Act (CESA).

Take Authorization - If CBB or WBB are detected prior to, or during project implementation, the applicant shall consult with CDFW to avoid take and/ or to obtain applicable take authorization.

Monitoring: Evidence that preconstruction surveys for CBB and WBB have been undertaken within the timeframe prescribed shall be provided to the Department of Planning Building. Compliance will be verified by the County Department of Planning and Building prior to, and during construction. Preparation, approval, and implementation of a Biological Resource Management Plan will be verified by the County Department of Planning and Building prior to, and during construction.

BIO-4 California Red-legged Frog (CRLF). The following measures shall be implemented to mitigate potential impacts to CRLF:

- a. Site preparation, including vegetation clearance, soil disturbance, and grading shall not occur: (a) during the typical rainy season (November 1 to April 1), (b) during the nighttime (between 30 minutes before dusk and 30 minutes after dawn), (c) during an actual or predicted rain event of 0.25-inches or greater or within 24 hours after an actual rain event, and (d) near isolated pools.
- b. If remaining construction activities (such as wall construction or interior work) are proposed during the rainy season, **prior to obtaining a building permit or continuing construction**, the applicant shall prepare a Management Plan prepared by a qualified professional. The project's Management Plan is subject to the review and approval of the United States Fish & Wildlife Service (USFWS) and San Luis Obispo County Planning & Building Department **prior to any continuation of construction or building**.
- c. The Management Plan shall address items including, but not limited to: (a) monitoring that will occur during construction related activities (e.g., monitoring duration, time, frequency), (b) procedures if a CRLF or other sensitive species is encountered during construction related activities, (c) pre-construction worker training, (d) the construction schedule proposed to minimize impacts to sensitive species (i.e., completing construction activities closest to potential CRLF habitat first), and (e) the filing of a post-construction report "lessons learned" on the effectiveness of the required measures.
- d. Construction activities conducted during the wet season shall not occur: (a) during the nighttime (between 30 minutes before dusk and 30 minutes after dawn), or (b) during an actual or predicted rain event of 0.25-inches or greater, or within 24 hours after an actual rain event. All construction materials and equipment will be staged in the parking lot adjacent to the construction site at SLO Cal East. The applicant will complete construction activities closest to potential CRLF habitat (the ephemeral drainage system) first, followed by activities that are further from the potential habitat.

Monitoring: Evidence that preconstruction surveys for CRLF avoidance have been undertaken within the timeframes prescribed for each species shall be provided to the Department of Planning and Building prior to any construction or pre-construction activities. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

BIO-5 Western Pond Turtle Pre-Construction Survey. A qualified biologist(s) shall conduct a pre-construction survey within 24 hours prior to the onset of work activities within and around areas proposed for construction and staging activities. If this species is found and the individuals are likely to be injured or killed by work activities, the approved biologist shall be allowed sufficient time to move them from the project site before work activities begin. The biologist(s) must relocate any western pond turtle the shortest distance possible to a location that contains suitable habitat that is not likely to be affected by activities associated with the project.

Access routes, staging, and construction areas shall be limited to the minimum area necessary to achieve the project goal and minimize potential impacts to western pond turtle habitat including locating access routes and construction staging areas outside of wetlands and riparian areas to the maximum extent practicable.

Monitoring: Evidence that preconstruction surveys for Western Pond Turtle have been undertaken within the timeframes prescribed for each species shall be provided to the Department of Planning and Building prior to any construction or pre-construction activities. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

BIO-6 Pre-construction survey for special-status reptiles and amphibians. A qualified biologist shall conduct a pre-construction survey immediately **prior to initial project activities** (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat for California legless lizard (*Anniella pulchra*), Blainville's (coast) horned lizard (*Phrynosoma blainvillii*), and Western spadefoot (*Spea hammondi*). 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 reptile or amphibian species are discovered during surveys or monitoring, they will be allowed to leave the area on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact.

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

Monitoring: Evidence that preconstruction surveys for special-status reptiles and amphibians have been undertaken within the timeframes prescribed for each species shall be provided to the Department of Planning and Building prior to any construction or pre-construction activities. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

BIO-7 Preconstruction Survey for Sensitive and Nesting Birds. If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning,

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

- A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- If special-status avian species are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
- The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species.

If 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: Evidence that preconstruction surveys for sensitive and nesting birds have been undertaken within the timeframe prescribed shall be provided to the Department of Planning and Building. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

BIO-8 Pre-construction Survey for Burrowing Owl (BUOW) (*Athene cunicularia*). If work is planned to occur within 150 meters (approximately 492 feet) of BUOW 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. Habitat for BUOW includes areas with generally short, sparse vegetation and few shrubs, level to gentle topography and well-drained soils including grasslands, shrub steppe, desert, some agricultural areas, ruderal grassy fields, vacant lots, and pastures. 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 BUOW Mitigation, which specifies that 7- to 20-meter transects shall be walked, such that the entire project area is visible. These surveys may be completed concurrently with American badger, or other special-status species surveys. If occupied BUOW 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 BUOW survey shall be repeated.

Monitoring: Evidence that preconstruction surveys for BUOW have been undertaken within the timeframe prescribed shall be provided to the Department of Planning and Building prior to any construction or pre-construction activities. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

BIO-9 Annual Pre-activity Survey for Burrowing Owl (BUOW) & Other Grassland Nesting Sensitive Bird Species. Applicant or project proponent shall hire a qualified biologist to complete an annual pre-activity survey for BUOW and other grassland nesting sensitive bird species no more than 14 days **prior to the start of initial ground disturbance** associated with the outdoor grow sites to ensure special-status bird species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active BUOW burrows within the grow site areas. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of the burrows is not feasible, the County shall be contacted for further guidance. The County will contact the appropriate resource agencies. The County will contact the appropriate resource agencies.

Monitoring: Evidence that pre-activity surveys for BUOW and other grassland nesting sensitive bird species have been undertaken within the timeframe prescribed shall be provided to the Department of Planning and Building prior to any construction or start of initial ground disturbance associated with the outdoor cultivation sites. Compliance will be verified prior to construction, during construction, and quarterly by the County Department of Planning and Building.

BIO-10 Bat Roost Avoidance. A qualified biologist shall conduct a survey before any grading or removal of trees, particularly trees 12 inches in diameter or greater at 4.5 feet above grade with loose bark or other cavities within 48 hours prior to removal of trees. If no active roosts are found, no further action shall be required. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing surveys.

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

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

Monitoring: Evidence that preconstruction surveys to avoid bat roosts have been undertaken within the timeframes prescribed for each species shall be provided to the Department of Planning Building prior to any construction or pre-construction activities. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

BIO-11 Pre-construction Survey for American badgers (*Taxidea taxus*). 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, 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.
- 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), measured outward from the burrow entrance. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

- 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: Evidence that preconstruction surveys for American Badger have been undertaken within the timeframe prescribed shall be provided to the Department of Planning and Building prior to any construction or pre-construction activities. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

BIO-12 Nighttime Lighting. To minimize the effects of exterior lighting on special-status wildlife species, the applicant shall submit a Light Pollution Prevention Plan to the County Planning Department for approval that incorporates the following measures to reduce impacts related to night lighting:

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

Monitoring: Light Pollution Prevention Plan shall be provided to the Department of Planning and Building for review and approval prior to building permit issuance. Compliance will be verified by the County Department of Planning and Building prior to the start of cultivation activities and during quarterly monitoring.

ENERGY

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

- a. A detailed inventory of energy demand prepared by a Certified Energy Analyst. The inventory shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities including, but not limited to, lighting, odor management, processing, manufacturing and climate control equipment. The quantification of demand associated with electricity shall be expressed in total kilowatt hours (kWh) per year; demand associated with natural gas shall be converted to kWh per year.

- b. A program for providing a reduction or offset of all energy demand that is 20% or more than a generic commercial building of the same size. In this case, the estimated reduction or offset would be at least: 6,209,280 kWhr/yr – 1,439,424 kWhr/yr = 4,769,856 kWhr/yr; and the amount of energy not otherwise reduced, or offset must not exceed 1,439,424 kWhr/yr. Such a program (or programs) may include, but is not limited to, the following:
- i. Evidence that the project will permanently source project energy demands from renewable energy sources (i.e., solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.
 - ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include, but is not limited to, the following:
 - 1. Participating in an annual energy audit.
 - 2. Upgrading and maintaining efficient heating/ cooling/ dehumidification systems.
 - 3. Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
 - 4. Implementing automated lighting systems.
 - 5. Utilizing natural light when possible.
 - 6. Utilizing an efficient circulation system.
 - 7. Ensuring that energy use is below or in-line with industry benchmarks.
 - 8. Implementing phase-out plans for the replacement of inefficient equipment.
 - 9. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.
 - iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]
 - iv. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of the project energy demand that is 20% or more above a generic commercial building of the same size.

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

Monitoring: Energy Conservation Plan shall be submitted and approved by the Department of Planning and Building. Compliance will be verified by the County Department of Planning and Building.

GREENHOUSE GAS EMISSIONS

GHG-1 Greenhouse Gas Offset Requirements for Phases II through IV. At the time of building permit application, the applicant shall provide to the County Department of Planning and Building for review and approval a program for providing a reduction or offset of GHG emissions to below the working GHG threshold of 690 MTCO₂e. In this case, the estimated reduction or offset would be at least: $926 \text{ MTCO}_2\text{e} - 690 \text{ MTCO}_2\text{e} = 236 \text{ MTCO}_2\text{e}$; and the amount of energy not otherwise reduced, or offset must not exceed 690 MTCO₂e. Such a program (or programs) may include, but is not limited to, the following:

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

Monitoring: Greenhouse Gas Emissions shall be submitted and approved by the Department of Planning and Building prior to Phase II. Compliance will be verified by the County Department of Planning and Building.

HAZARDS AND HAZARDOUS MATERIALS

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

September 09, 2022

Monitoring: Required during all construction activities. Implementation and 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

Austen Connella

Name (Print)

9/19/2022

Date