



Negative Declaration & Notice Of Determination

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

ENVIRONMENTAL DETERMINATION NO. ED19-173

DATE: August 23, 2019

PROJECT/ENTITLEMENT: 7840 Cougar Ridge LLC (Previously Helios Dayspring) Minor Use Permit (DRC2018-00040)

APPLICANT NAME: 7840 Cougar Ridge LLC **Email:** helios@nhcgroverbeach.com
ADDRESS: 7840 Cougar Ridge Way, Santa Maria, CA 93454
CONTACT PERSON: Helios Dayspring **Telephone:** 805-356-5151

PROPOSED USES/INTENT: Request from 7840 Cougar Ridge LLC (previously HELIOS DAYSPRING) for a Minor Use Permit (DRC2018-00040) for up to one acre of outdoor (hoop house) cannabis cultivation, 1,000 square feet of ancillary outdoor nursery and up to 4,907 square feet of ancillary processing activities that would include drying, curing and storage on three contiguous parcels totaling approximately 123 acres. The applicant has an existing cannabis cultivation that includes 30,350 square feet of hoop houses, 1,000 square feet of ancillary nursery, three existing structures for drying and curing (640 square feet), five existing storage containers (1,514 square feet), a barn for pesticide and fertilizer storage (235 square feet), and three 10,000-gallon water tanks. The applicant proposes to expand the existing cultivation to include an additional 21,600 square feet of hoop houses, one 170-square foot drying structure, one 170-square foot storage structure, seven new 10,000-gallon water tanks, and conversion of an existing 2,178-square foot garage into a drying room. Overall, the operation will consist of 51,950 square feet of hoop houses and 5,907 square feet of ancillary uses (drying, storage and open nursery). A modification from the fencing standards set forth in Section 22.40.050.D.6 of the County’s Land Use Ordinance (LUO) is requested; a modification from the setback standards set forth in Section 22.40.050.D.3.b of the County’s LUO is requested to reduce the setback from 300 feet to 158 feet from the northern property line, 154 feet from the eastern property line, and 200 feet from the southern property line.

LOCATION: The project is located at 7710 and 7840 Cougar Ridge Way, and 7855 Suey Creek Road in the South County Inland Sub Area of the South County Planning Area.

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

STATE CLEARINGHOUSE REVIEW: YES NO

OTHER POTENTIAL PERMITTING AGENCIES: CA Department Fish & Wildlife, CA. Department of Food and AG, and Regional Water Quality Control Board

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

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

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

Notice of Determination

State Clearinghouse No. _____

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

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

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

Eric Hughes

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency



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

Project Title & No. 7840 Cougar Ridge LLC (Previously Helios Dayspring) Minor Use Permit ED19-173 (DRC2018-00040)

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

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

Eric Hughes		08.22.2019
Prepared by (Print)	Signature	Date
Xzandrea Fowler		8.22.2019
Reviewed by (Print)	Signature	Date

Initial Study – Environmental Checklist

Project Environmental Analysis

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

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

A. Project

DESCRIPTION: Request by 7840 COUGAR RIDGE LLC (previously HELIOS DAYSPRING) for a Minor Use Permit (MUP) for up to one acre of outdoor (hoop house) cannabis cultivation, 1,000 square feet of ancillary outdoor nursery and up to 4,907 square feet of ancillary processing activities that would include drying, curing and storage. The project would employ up to nine people during harvest and would operate seven days per week between the hours of 6:00 AM and 2:00 PM.

The project site is located on a 123-acre site in a mountainous area east of the community of Nipomo and north of State Route 166 (Figures 1 and 2). The project site is in the Rural Lands land use category and consists of three contiguously owned parcels at 7710 and 7840 Cougar Ridge Way, and 7855 Suey Creek Road (Assessor Parcel Numbers 048-151-044, 048-151-037, 048-151-043). The project is located in the South County Inland Planning Area.

Cannabis cultivation activities have been established on the project site and registered as Cooperative/Collective registration CCM2016-00299 under Urgency Ordinance 3334. Cannabis activities are currently conducted in 10 locations on the project site (Figure 3) and include 30,350 square feet of hoop structures and 1,000 square feet of open supportive (ancillary) nursery. The current operation also utilizes three existing structures for drying and curing, five existing storage containers and a barn for storage of pesticides and fertilizers, and three 10,000-gallon water tanks (13.5 feet in height). The project site contains two single-family residences which would not be used in the proposed cannabis operations.

The applicant proposes to expand the existing cultivation and processing activities by constructing nine new hoop structures, one new 170-square foot drying structure and one new 170-square foot storage structure on a moderately-sloping site located in the southeast portion of APN 048-151-043. An existing detached garage (2,178 square feet) is proposed to be converted into drying space. In addition, seven new 10,000-gallon water tanks would be installed. Overall, the operation would consist of 51,950 square feet of hoop houses plus 5,907 square feet of ancillary uses (drying, storage and open nursery).

As shown in Figures 3 through 6 and summarized in Tables 1 and 2, the project would have a total of 24 hoop houses. Two of the existing hoop houses (Numbers 13 and 14) would no longer be used for

Initial Study – Environmental Checklist

cannabis activities. The new outdoor cultivation site would be located in a relatively disturbed area with 21,600 square feet of site disturbance, supporting up to 17,769 square feet of canopy.

Initial Study – Environmental Checklist

Table 1 – Project Components: Detailed Summary

Cultivation Component	Footprint (sf)	Canopy (sf)	Ancillary Component	Footprint (sf)
(E) Hoop House 1	2,907	2,470	(E) Nursery 1 outdoor	500
(E) Hoop House 2	2,948	2,505	(E) Nursery 2 outdoor	500
(E) Hoop House 3	1,783	1,515	(E) Drying 1	170
(E) Hoop House 4	1,285	1,092	(E) Drying 2	300
(E) Hoop House 5	1,292	1,098	(E) Drying 3	170
(E) Hoop House 6	2,479	2,107	(E) Storage 1	170
(E) Hoop House 7	2,202	1,871	(E) Storage 2	322
(E) Hoop House 8	2,179	1,852	(E) Storage 3	400
(E) Hoop House 9	2,673	2,272	(E) Storage 4	300
(E) Hoop House 10	2,031	1,726	(E) Storage 6	322
(E) Hoop House 11	790	671	(E) Barn (for storage)	235
(E) Hoop House 12	785	667	(E) Garage (for drying)	2,178
(E) Hoop House 13	Removed from Use		--	--
(E) Hoop House 14	Removed from Use		--	--
(E) Hoop House 15	2,333	1,983	--	--
(E) Hoop House 16	2,248	1,910	--	--
(E) Hoop House 26	2,415	2,052	--	--
Total Existing Cultivation to Remain	30,350	25,791	Total Existing Ancillary	5,567
(N) Hoop House 17	2,400	1,449	(N) Drying 4	170
(N) Hoop House 18	2,400	2,040	(N) Storage 5	170
(N) Hoop House 19	2,400	2,040	--	--
(N) Hoop House 20	2,400	2,040	--	--
(N) Hoop House 21	2,400	2,040	--	--
(N) Hoop House 22	2,400	2,040	--	--
(N) Hoop House 23	2,400	2,040	--	--
(N) Hoop House 24	2,400	2,040	--	--
(N) Hoop House 25	2,400	2,040	--	--
Total New Cultivation	21,600	17,769	Total New Ancillary	340
Total Cultivation	51,950	43,560	Total Ancillary	5,907

sf = Square Feet

(E) = Existing

(N) = New/Proposed

Initial Study – Environmental Checklist

Table 2 – Project Components: Simple Summary

Project Component/Use	Footprint/Area of Disturbance (sf)	Cannabis Canopy (sf)
Existing		
Outdoor Cultivation (in hoop structures)	30,350	25,791
Ancillary Nursery	1,000	n/a
Ancillary Processing (drying and storage)	4,567	n/a
Sub-Total:	35,917	25,791
Proposed		
Outdoor Cultivation – 9 New hoop structures	21,600	17,769
Ancillary Processing (drying and storage)	340 s	n/a
Sub-Total:	21,940	17,769
Total Project:	57,857	43,560

Access to the site would be provided by Cougar Ridge Way via an existing driveway. No road improvements would be required, and no grading would be required. Multiple parking areas (3,600 square feet total) are proposed around the site to accommodate 21 parking spaces.

The applicant is currently working with Pacific Gas & Electric to bring electrical service to the project site. Security lighting would be designed and installed with motion detectors; the project will be conditioned to require that all lighting be designed to cast downward and not off site. The site is currently partially fenced; no new fencing is proposed for the existing grow sites. The proposed new cultivation area (Hoop Houses 17-25) drying and storage structures will be enclosed and screened from public view by an eight-foot high wooden fence. The project will be conditioned to provide landscaping around the exterior of the fence to ensure compatibility with the surrounding conditions. No exterior signage is proposed.

No on-site composting is proposed. All green cannabis waste will be taken offsite for processing. Roots and associated unusable soil or other waste material such as soil bags or planting support materials would be consolidated within the hoop house areas in 40-gallon, lidded refuse containers prior to collection for disposal offsite by an approved hauler.

Water for existing and proposed cannabis activities would be provided by four existing wells; water demand associated with existing and proposed cannabis activities is estimated to be 0.60 acre feet. The site is served by two existing septic systems; however, employees will utilize portable restrooms to be located adjacent to cultivation areas and serviced regularly by an approved contractor.

Ordinance Modification: The project request includes a modification from the setback provisions set forth in Section 22.40.050.D.3.b of the County Land Use Ordinance (LUO), which establishes a minimum 300-foot setback from the property line for outdoor cultivation. As described in Sections 22.40.050.D.3.e and 22.40.050.E.7, the setback may be modified with a Minor Use Permit if specific conditions of the site and/or vicinity make the required setback unnecessary or ineffective; and if the modification of the setback will not allow nuisance odor emissions from being detected offsite. The requested modification would reduce the required 300-foot setback as follows:

- Existing Hoop House 1 would be 296 feet from the northern property line;

Initial Study – Environmental Checklist

- Existing Hoop House 5 would be 158 feet from the northern property line;
- Existing Hoop House 16 would be 154 feet from the eastern property line; and
- Proposed Hoop Houses 18-25 would be 200 feet from the southern property line of APN 048-151-043.

The applicant states that the 300-foot setback is unnecessary for this particular project based on the following circumstances:

- Many of the setback encroachments are for existing cultivation areas that have been in place and have not caused nuisances.
- Using the setback as an odor mitigation tactic is ineffective in this instance as the nearest residence is over 750 feet away from any of the proposed cultivation areas on site.
- The steeply sloping topography results in substantial vertical and horizontal separation between neighboring uses, thereby creating a barrier for nuisance odors and visibility.

Ordinance Modification: The project request also includes a modification from the fencing provisions set forth in Section 22.40.050.D.6 of the LUO, which establishes fencing requirements for cannabis cultivation. The LUO requires that cannabis plants shall not be easily visible from off-site and all cannabis cultivation activities shall occur within a secure fence at least six (6) feet in height that fully encloses the cultivation area(s) and prevents easy access to the site cultivation areas. The LUO further states that this requirement may be waived or modified through Minor Use Permit approval, provided the review authority first finds that specifically identified characteristics of the site or site vicinity would make the required fencing or screening unnecessary or ineffective.

The proposed cultivation area (Hoop Houses 18-25) adjacent to Suey Creek Road/Cougar Ridge Way would have fencing of solid wood at least eight feet in height and, therefore, would comply with the ordinance. However, fencing is not proposed around the other existing grow sites. The applicant has provided the following justification for this modification:

- The project site's rural setting, steep topography, and proposed siting of cultivation areas provide adequate screening from offsite.
- The steep topography provides limited access to the site.
- Further, the dense vegetation, including poison oak, contributes to the secure locations of the operation. Due to the natural terrain, vegetation, and remote setting, no additional fencing is proposed.

Initial Study - Environmental Checklist

Figure 1 -Regional Location



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★ Project Location

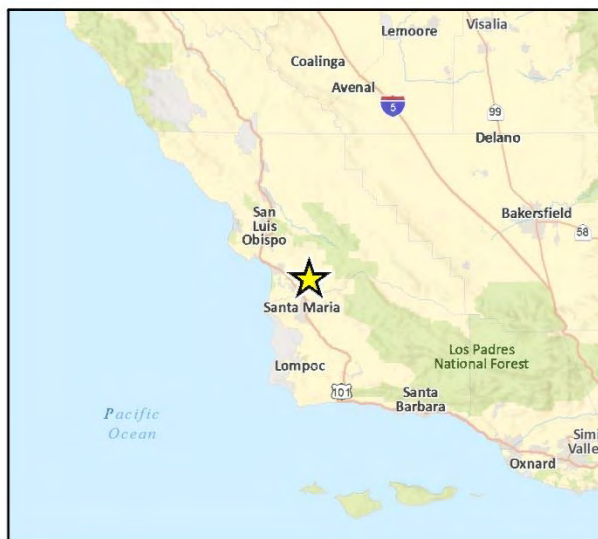
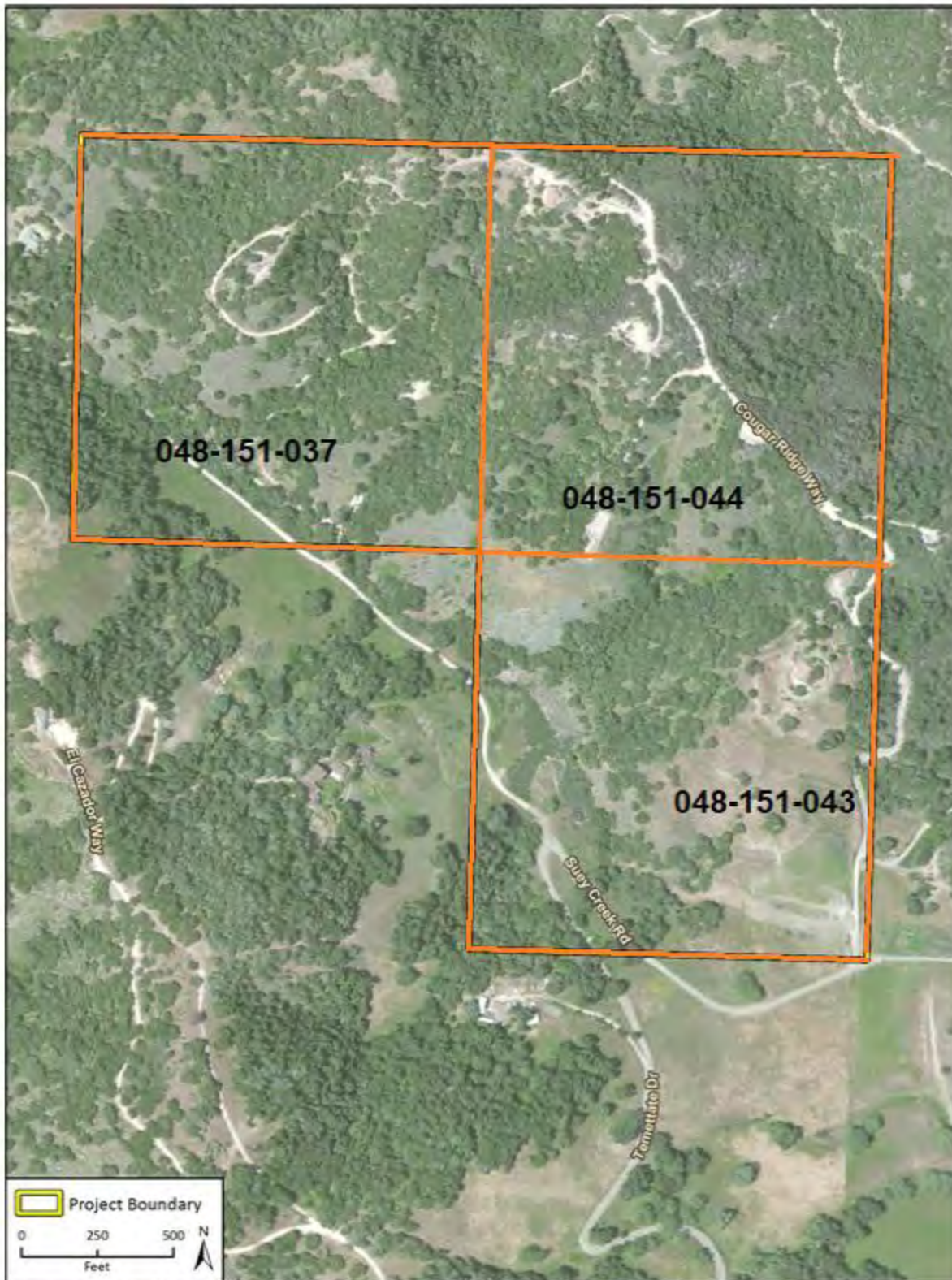


Fig. 1 Regional Location

Initial Study – Environmental Checklist

Figure 2 –Project Location



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Figure 3 – Location of Existing and Proposed Cannabis Activities



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Figure 4 –Site Plan (Northwest Parcel)



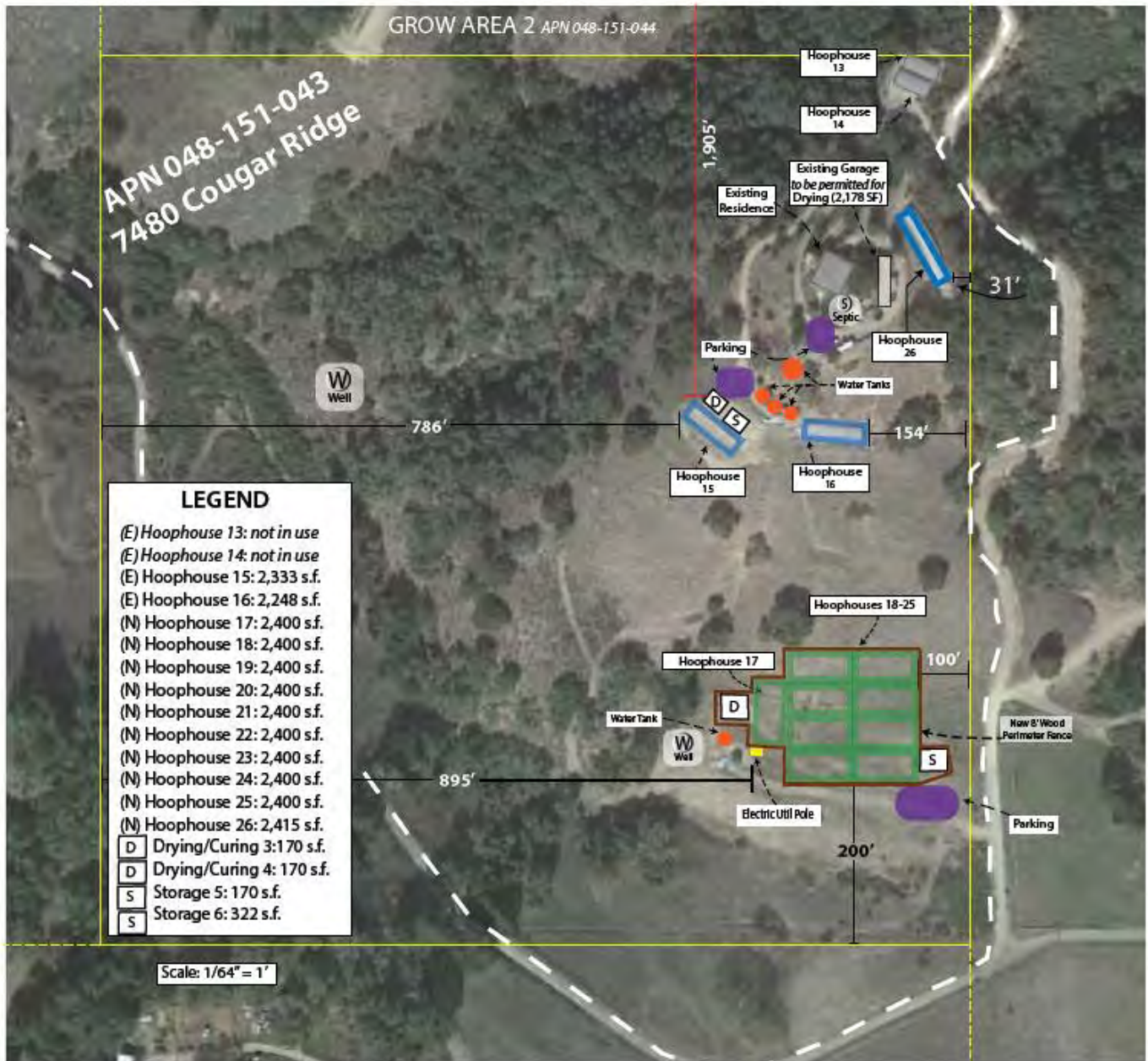
Initial Study – Environmental Checklist

Figure 5 –Site Plan (Northeast Parcel)



Initial Study – Environmental Checklist

Figure 6 –Site Plan (Southern Parcel)



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ASSESSOR PARCEL NUMBER(S): 048-151-044, 048-151-037, 048-151-043

Latitude: 35.08366 ° N

Longitude: 120.40407 ° W

SUPERVISORIAL DISTRICT # 4

Other Public Agencies Whose Approval is Required

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

B. Existing Setting

Plan Area: South County

Sub: South County

Comm:

Land Use Category: Rural Lands

Combining Designation: None

Parcel Size: 122.9 acres

Topography: Nearly level to to steeply sloping

Vegetation: Grasses; Chaparral ; Oak woodland; Scrub; Ruderal/Disturbed

Existing Uses: Single-family residence(s) ;accessory structures ;blue line creek

Surrounding Land Use Categories and Uses:

North: Rural Lands;

East: Rural Lands;

South: Rural Lands;

West: Rural Lands;

C. Environmental Analysis

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

Initial Study – Environmental Checklist

I. AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Except as provided in Public Resources Code Section 21099, would the project:</i>				
(a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Setting. The project site is located in a rural, mountainous area of the County at the intersection of Suey Creek Road and Cougar Ridge Way, about 6 miles north of State Route 166. Suey Creek Road is a rural collector that connects properties in the area with State Route 166 to the south and the community of Nipomo to the west. The predominant land uses in the area are ranches, rural residences and grazing on parcels ranging in size from 40 acres to over 160 acres.

Traffic volumes on Suey Creek Road are fairly low, reflecting the sparse number of ranches and rural residence. Traffic counts taken by the County in 2014 for Suey Creek Road north of State Route 166 revealed a PM peak volume of 139. Traffic counts taken by the Caltrans in 2016 for SR 46 at Green Valley Road revealed an average daily traffic of 258 and a peak hour volume of 39. Suey Creek Road is not an Officially Designated Scenic Highway and is not listed as “eligible” for Scenic Highway designation by the Department Transportation. Suey Creek Road is not listed as a “Suggested Scenic Corridor” on Table VR-2 of the Conservation and Open Space Element and is not subject to the County’s Scenic Protection Standards.

The natural landcover of the surrounding landscape is predominantly evergreen mixed forest, dense oak woodland and oak savanna. The combining patterns of mature native vegetation, dense oak woodlands and gently to steeply-sloping topography with occasional agricultural operations create a landscape with a moderate to high degree of visual interest and memorability. Accordingly, the quality of the existing visual

Initial Study – Environmental Checklist

environment throughout the region is considered moderately high.

The project site is currently developed with two single family residences, a garage and an existing un-paved road that extends onto the project site from Cougar Ridge Way. As discussed in the project description, the existing cannabis cultivation activities include 14 hoop houses located throughout the site (Figure 3) along with three drying structures, five storage containers and a barn.

Discussion

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

The project is not located in a designated scenic view open to the public. Impacts would be less than significant.

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

The project site is not visible from a Designated State Scenic Highway. Impacts would be less than significant. The project site will not require the removal of existing trees or other significant site disturbance.

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

The project would result in new site disturbance of about 23,000 square feet (about ½ acre) from the construction of nine (9) new hoop houses for outdoor cultivation, one new drying structure, one new storage container, and seven new water tanks.

The nine new hoop structures, new drying and storage buildings would be located on a south-facing slope in the southeast portion of APN 048-151-043 at the intersection of Suey Creek and Cougar Ridge Way (Figure 7). As shown on Figure 8, the area would be readily visible from both roadways.

The water tanks would be 13.5 feet in height and installed in proximity to existing cultivation sites throughout the project site.

Project impacts to aesthetic and visual resources are considered less than significant because:

- Traffic volumes on Suey Creek Road and Cougar Ridge Way are very low in the vicinity of the project site because of the sparse number of properties served. Therefore, the opportunity to view the area of new disturbance from a public vantage is correspondingly low.
- Views of the remaining portions of the project site from Suey Creek Road and Cougar Ridge Way are screened by existing vegetation and the intervening topography.
- New structures associated with the project would not silhouette against any ridgelines as viewed from public roadways.
- The project would not require the removal of existing significant vegetation or trees.
- The proposed water tanks would be set back from Suey Creek Road, such that they would only be partially visible and would be obscured by intervening structures, trees, and fencing.

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- The proposed new area of disturbance would be enclosed by an eight-foot tall cedar wooden fence to minimize visibility. Further, the project will be conditioned to provide landscaping around the proposed fence to ensure compatibility with the visual character of the area.
- The project will be consistent with LUO Section 22.40.050.D.6 that requires cannabis plants associated with cultivation to not be easily visible from offsite.
- With respect to night lighting/glare, at the time new development is proposed, the applicant will be required by ordinance to provide a lighting plan showing shielded exterior street and home lighting in order to screen light sources from neighboring properties and from the street.

Project design in addition to standard conditions of approval would ensure the project would be compatible with adjacent uses and surrounding visual character (agricultural and rural residential).

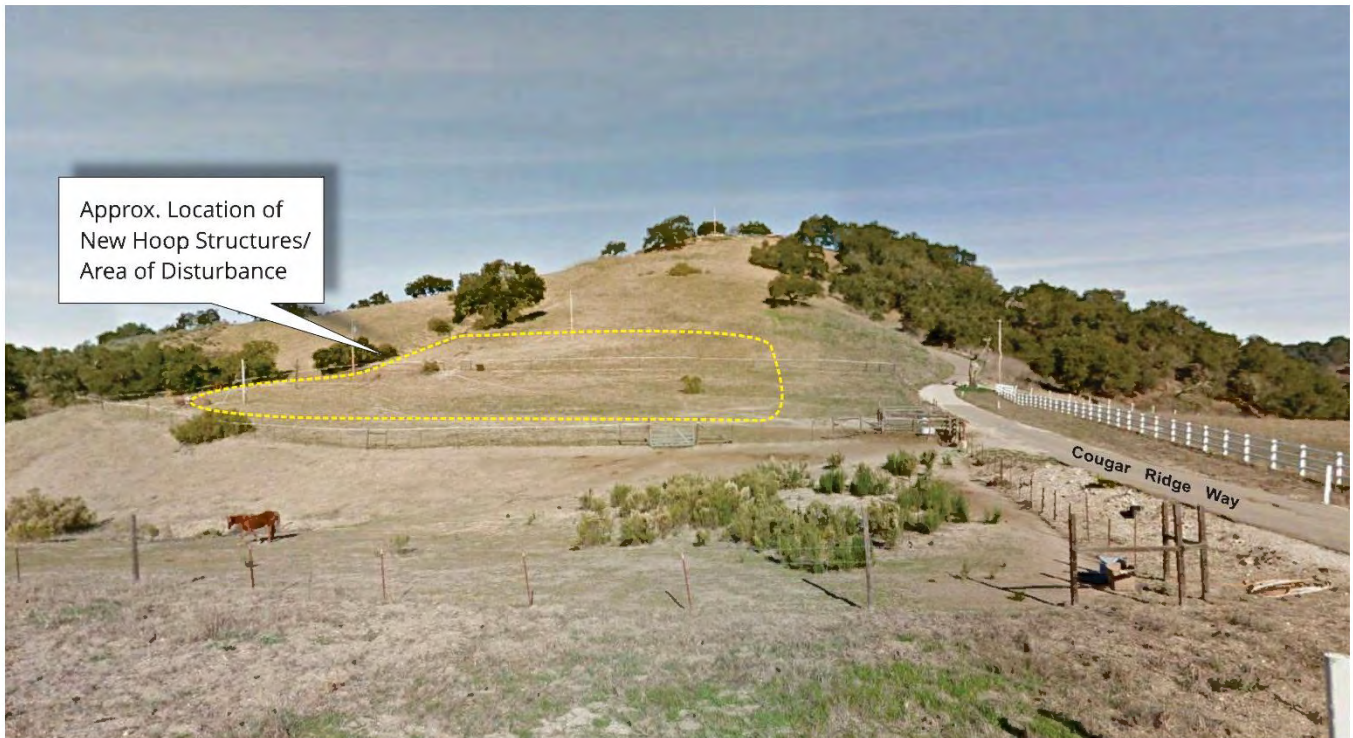
Initial Study – Environmental Checklist

Figure 7 – Approximate Location of New Hoop Structures/Site Disturbance



Initial Study – Environmental Checklist

Figure 8 – View of Area of New Disturbance From Suey Creek Road



Initial Study – Environmental Checklist

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

Security lighting would be shielded and motion-activated. Security lighting fixtures would not exceed 1,000 total lumens and would be directed downwards to reduce spillover. Lighting at the project access gate would be downward directed and consistent with other entry gate lighting in the vicinity of the site and consistent with LUO Section 22.10.060 B through F. As such, impacts from new lighting would be less than significant. No sources of glare are proposed; therefore, no daytime impacts related to glare would result from the project.

Conclusion

There is no evidence that additional measures beyond those required by ordinance or codes are needed. No mitigation measures above what is already required by ordinance are necessary.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

II. AGRICULTURE AND FORESTRY RESOURCES

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

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| (a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| (c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Setting

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

Land Use Category: Rural Lands

State Classification: Grazing Land, Other Land

Initial Study – Environmental Checklist

Historic/Existing Commercial Crops: Cannabis

In Agricultural Preserve? No

Under Williamson Act contract? No

The site is nearly level to steeply sloping, with an average slope of 37 percent. Table SL-2 of the Conservation/Open Space Element lists the important agricultural soils of San Luis Obispo County. Soils on the project site and total acreages are shown here in Table 2 and then described in detail below.

Table 3 – Classifications of Soils On Site

Soil	Classification
Santa Lucia Shaly Clay Loam (30 to 50 percent slopes)	N/A
Santa Lucia Shaly Clay Loam (50 to 75 percent slopes)	N/A
Santa Lucia Very Shaly Clay Loam (9 to 15 percent slopes)	N/A
Tierra Loam (9 to 15 percent slopes)	Other Productive Soils

Based on the County's Conservation/Open Space Element, the project site contains "Other Productive Soils." The Department of Conservation Farmland and Monitoring Program classifies the soils on site as grazing land and other land. Based on Natural Resources Conservation Service Soil classifications, the soil type(s) and characteristics on the site include:

Santa Lucia Shaly Clay Loam (30 to 50 percent slopes)

Present on hillslopes and mountain slopes at elevations of 20 to 3,010 feet. The parent material of this soil is shaly clayey residuum weathered from shale. The natural drainage class is well drained. This soil has very high runoff risk and no frequency of flooding. This soil is not classified as prime farmland.

Santa Lucia Shaly Clay Loam (50 to 75 percent slopes)

Present on hillslopes and mountain slopes at elevations of 20 to 2,850 feet. The parent material of this soil is residuum weathered from acid shale. The natural drainage class is well drained. This soil has very high runoff risk and no frequency of flooding. This soil is not classified as prime farmland.

Santa Lucia Very Shaly Clay Loam (9 to 15 percent slopes)

Present on hills and mountains at elevations of 100 to 2,500 feet. The parent material of this soil is residuum weathered from acid shale. The natural drainage class is well drained. This soil has high runoff risk and no frequency of flooding. This soil is not classified as prime farmland.

Tierra Loam (9 to 15 percent slopes)

Present on terraces and fluvial terraces at elevations of zero to 1,530 feet. The parent material of this soil is alluvium derived from sedimentary rock. The natural drainage class is moderately well drained. This soil has very high runoff risk and no frequency of flooding. This soil is not classified as prime farmland.

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Discussion

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

There is no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance located on the project site. Therefore, there would be no impact.

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

As discussed in the Setting, the project site is not under Williamson Act Contract or in an Agricultural Preserve. As such, the project would not conflict with existing zoning.

- (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 is not zoned for forest land or timberland. Therefore, no impacts are expected.

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

The project site does not contain forest land. Therefore, no impacts are expected.

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

The project site is in a predominantly rural and agricultural area with grazing and sparse agricultural operations in the immediate vicinity. The project site does not expected to adversely impact these activities or the productivity of nearby agricultural operations. Impacts would be less than significant.

Conclusion

The project site does not contain Important Farmland or forest land. Impacts would be less than significant and no mitigation measures are necessary.

Sources

See Exhibit A.

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III. AIR QUALITY

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

Setting

The project site is located in the South Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (APCD). The APCD is in non-attainment for the 24-hour state standard for particulate matter (PM₁₀) and the eight-hour state standard for ozone (O₃) (SLOAPCD 2015). The APCD adopted the 2001 Clean Air Plan in 2002, which sets forth strategies for achieving and maintaining Federal and State air pollution standards. The APCD identifies significant impacts related to consistency with the 2001 Clean Air Plan by determining whether a project would exceed the population projections used in the Clean Air Plan for the same area, whether the vehicle trips and vehicle miles traveled generated by the project would exceed the rate of population growth for the same area, and whether applicable land use management strategies and transportation control measures from the Clean Air Plan have been included in the project to the maximum extent feasible. The APCD developed and updated their CEQA Air Quality Handbook (2012) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. The Handbook includes screening criteria for project impacts. 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).

Thresholds of Significance for Construction Activities. The APCD’s CEQA Handbook establishes thresholds of significance for construction activities (Table 3). According to the Handbook, a project with grading in excess of 4.0 acres and/or a project that will move 1,200 cubic yards of earth per day can exceed the construction 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 seven lbs per day can result in a significant impact.

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Table 4 – Thresholds of Significance for Construction

Pollutant	Threshold ¹		
	Daily	Quarterly Tier 1	Quarterly Tier 2
ROG+NOx (combined)	137 lbs	2.5 tons	6.3 tons
Diesel Particulate Matter	7 lbs	0.13 tons	0.32 tons
Fugitive Particulate Matter (PM ₁₀), Dust2		2.5 tons	
Greenhouse Gases (CO ₂ , CH ₄ , N ₂ O, HFC, CFC, F6S)	Amortized and Combined with Operational Emissions		

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

Notes:

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

Thresholds of Significance for Operations. Table 1-1 of the APCD’s CEQA Handbook provides screening criteria based 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. A project consisting of 54 single family residences generating 529 average daily motor vehicle trips would be expected to exceed the threshold for greenhouse gas emissions.

The APCD 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 APCD estimates, an unpaved roadway of one mile in length carrying 6.0 round trips would likely exceed the 25 lbs/day PM₁₀ threshold.

The nearest sensitive receptor is a single-family residence located just over 750 feet east of the project site.

Discussion

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

The project site is located within the area governed by the South County Area Plan and cannabis activities are an allowable use in the Rural Lands land use category. The project is consistent with the general level of development anticipated and projected in the SLOAPCD’s Clean Air Plan; therefore, impacts related to consistency with the SLOAPCD’s Clean Air Plan would be *less than significant*.

The project would not conflict with or obstruct the Clean Air Plan because it does not include additional development growth or urban sprawl, nor would it result in a long-term increase in vehicle miles traveled. Impacts would be less than significant.

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- (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?*

As proposed, the project would result in the disturbance of about one-half acre for the installation of nine new hoop houses, one storage container, one drying container, and seven new water tanks. This would result in the creation of dust during the construction phase, as well as short- and long-term vehicle emissions associated with ongoing cannabis activities. The project would move less than 1,200 cubic yards/day of material and would disturb less than four acres of area, and as such, would be below the thresholds triggering construction-related mitigation. Impacts would be less than significant.

From an operational standpoint, based on Table 1-1 of the CEQA Air Quality Handbook (2012), the project would not exceed operational thresholds triggering mitigation and would therefore not result in a cumulatively considerable impact to air quality.

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

Sensitive receptors are people or other organisms that may have a significantly increased sensitivity or exposure to air pollution by virtue of their age and health (e.g. schools, day care centers, hospitals, nursing homes), regulatory status (e.g. federal or state listing as a sensitive or endangered species), or proximity to the source. The nearest sensitive receptor to the proposed area of new construction is a single-family residence, located just over 750 feet east of the project site. The project would require minimal site disturbance and no grading. Additionally, the access road, which is on the east side of the site, is paved until one-quarter mile leading to the site. No dust effects from the project are anticipated.

Construction of the new hoop structures and drying/storage buildings is not expected to require the use of large diesel-powered construction equipment or significant amounts of grading. Therefore, impacts to sensitive receptors would be less than significant.

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

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

The project includes outdoor cannabis cultivation, ancillary nursery as well as drying and processing of cannabis grown on-site. These activities often produce potentially objectionable odors during the flowering, harvest, drying, and processing phases and these odors could disperse through the air and be sensed by surrounding receptors.

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The prevailing winds in the project vicinity are from the north and west during the daylight hours. As discussed above, the nearest offsite residence is a ranch house about 750 feet to the east, and slightly downwind, of the project site.

As required by LUO Section 22.40.050 cannabis cultivation *must* be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite.

The project would comply with the above ordinance provisions because it is located in sparsely populated area surrounded by rural and agricultural uses on parcels that range in size from 40 acres to over 160 acres. As noted above, the outdoor cultivation areas (hoop houses) would be just over 750 feet from the nearest off-site residence. As such, there is not a substantial number of people in the vicinity of the project. The area’s topography is complex, consisting of vegetated steep canyons and hillsides.

Additionally, the project will be conditioned to participate in an ongoing compliance monitoring program through which compliance with the odor management standards of LUO Section 22.40.050 would be assessed and verified. Any verified nuisance odor violation would require corrective action. Therefore, this impact would be less than significant.

Conclusion

Project design combined with regulatory compliance would ensure that any impacts are less than significant. Therefore, no mitigation measures are necessary.

Sources

See Exhibit A.

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"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<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 type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The following are existing elements on or near the proposed project site relating to potential biological concerns:

On-site Vegetation: Non-native grasses, coast live oak trees (*Quercus agrifolia*), California sagebrush (*Artemisia californica*), coyote brush (*Baccharis pilularis*), Santa Margarita manzanita (*Arctostaphylos pilosula*)

Name and distance from blue line creek(s): Los Berros Creek

Habitat(s): Anthropogenic/disturbed, annual brome grassland, oak woodland, coyote brush scrub, California sagebrush scrub, manzanita scrub

Site's tree canopy coverage: Approximately 40%

A Biological Resources Assessment (BRA) dated July 2018, was prepared by Terra Verde Environmental Consulting, LLC. for the proposed project. The study examined the entirety of the project site, with emphasis

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placed on the project footprint. The BRA included a California Natural Diversity Database (CNDDDB) records search, and a field survey conducted on May 22, 2018.

Habitat types on site include: 1) Anthropogenic/disturbed, 2) Oak woodland dominated by coast live oak trees, 3) Annual brome grassland, 4) Coyote brush scrub, 5) California sagebrush scrub, and 6) Manzanita scrub. Los Berros creek is located in the southern portion of the project site and five ephemeral swales are located along the western ridge slope (Figure 9).

One special-status plant species, Santa Margarita manzanita (*Arctostaphylos pilosula*), was detected on the project site during the field survey (Terra Verde Environmental Consulting, LLC. 2018). Based on the CNDDDB records search, the BRA determined that the following special-status plant species have the potential to occur on site:

- Douglas' Fiddleneck (*Amsinckia douglasiana*)
- Santa Margarita manzanita (*Arctostaphylos pilosula*)
- Mile's milk-vetch (*Astragalus didymocarpus*)
- Cambria morning-glory (*Calystegia subacaulis* subsp. *Episcopalis*)
- Paniculate tarplant (*Deinandra paniculata*)
- Umbrella larkspur (*Delphinium umbraculorum*)
- Mesa horkelia (*Horkelia cuneata* var. *puberula*)
- San Luis Obispo County lupine (*Lupinus ludovicianus*)
- Jone's bush-mallow (*Malacothamnus jonesii*)
- Hubby's phacelia (*Phacelia hubbyi*)
- Black-flowered figwort (*Scrophularia atrata*)
- Chaparral ragwort (*Senecio aphanactis*)

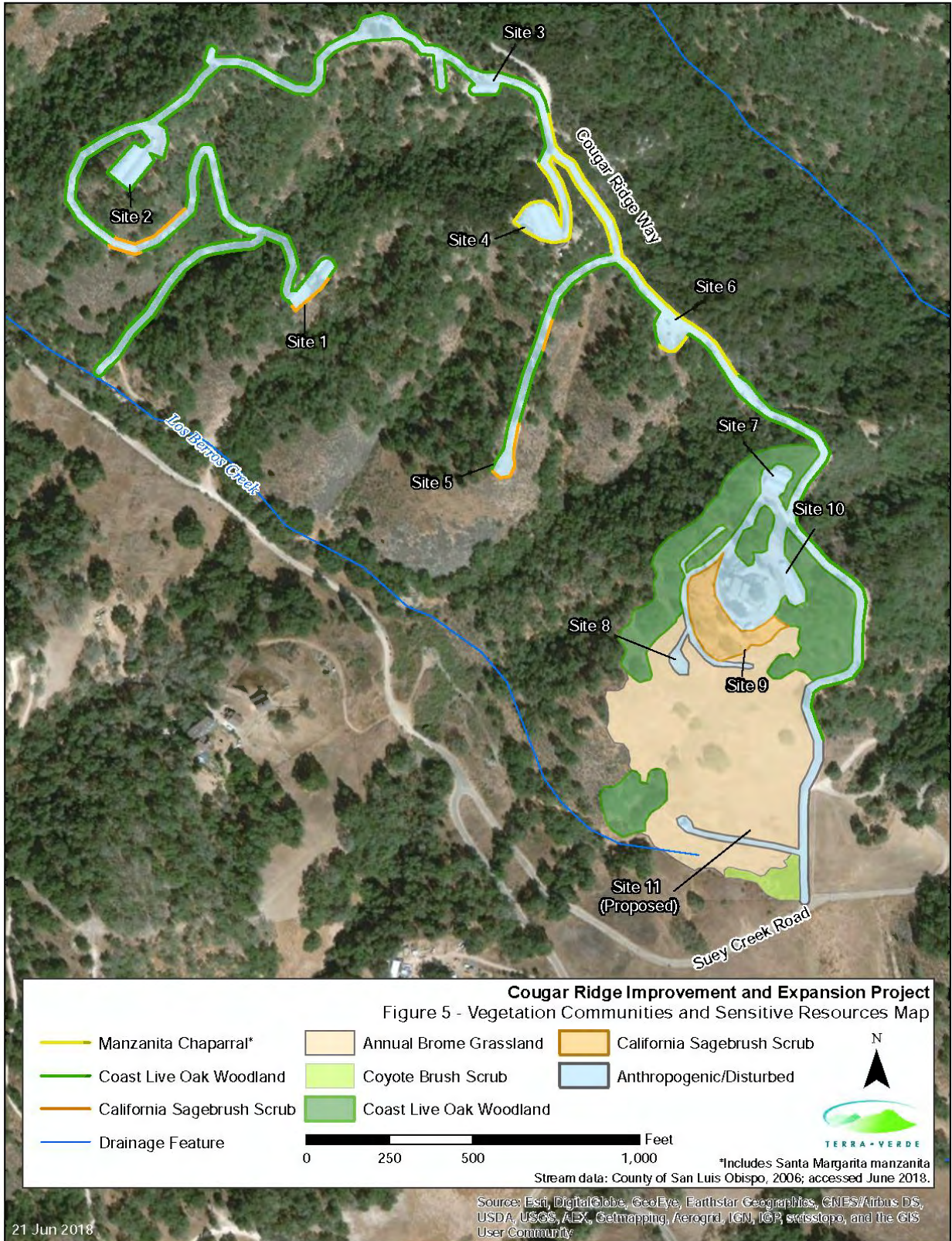
Although suitable to marginally suitable habitat is present on site for these special status plant species, the BRA determined that none of these species are expected to occur on site except for Santa Margarita manzanita (*Arctostaphylos pilosula*), as mentioned above.

No special status wildlife species were detected during the field surveys (Terra Verde Environmental Consulting, LLC. 2018). Based on the CNDDDB records search, the following special status animal species were identified as having some potential to occur on site based on the presence of suitable habitat:

- Pallid bat (*Antrozous pallidus*)
- California red-legged frog (*Rana draytonii*)
- Northern California legless lizard (*Anniella pulchra*)
- Nesting birds

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Figure 9 –Habitat Types



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Discussion

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

Construction of the nine new hoop structures along with the drying and storage buildings and water storage tanks will result in about 0.5 acres of site disturbance. The BRA concluded that none of the potentially occurring species are expected to occur on site aside from Santa Margarita manzanita (*Arctostaphylos pilosula*). Santa Margarita manzanita (*Arctostaphylos pilosula*) was observed adjacent to the previously disturbed areas during the field survey, however no vegetation removal and/or trimming is proposed within or surrounding this area. As such, impacts would be less than significant regarding special status plant species.

California red-legged frog (*Rana draytonii*) is not expected to occur on site due to the ephemeral nature of Los Berros Creek and lack of nearby water. The project site is in the upper watershed of Los Berros Creek, and a small segment of the seasonal drainage exists near the road. No aquatic habitat is present, and no areas with a sufficient hydroperiod to support CRLF were observed. As such, this species would not be impacted by project implementation.

As designed, no direct impacts to pallid bat (*Antrozous pallidus*) or northern California legless lizard (*Anniella pulchra*) are expected to occur. However, if project design changes and impacts occur to the understory of oak woodland, scrub habitat, or any trees containing roosting cavities, direct and indirect impacts may occur as a result of project-related disturbances during construction or removal of habitat. General site maintenance measures are required (see MM BIO-1 and MM BIO-2).

- (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?*

Los Berros Creek and five ephemeral swales occur on site. Los Berros Creek falls within the jurisdiction of the U.S. Army Corps of Engineers, Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW). Further, due to their ephemeral connectivity to Los Berros Creek, the swales would likely be considered waters of the state and under the jurisdiction of CDFW and RWQCB. Though no direct impacts are proposed to Los Berros Creek or the ephemeral swales, indirect impacts may occur as a result of silt and sedimentation during construction. As such, avoidance and protection measures for Los Berros Creek and the five ephemeral swales would be required (see MM BIO-1, MM BIO-4 and MM BIO-5).

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

No wetlands were observed within the project site. There would be no impact.

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

Suitable foraging and nesting habitat is present for migratory birds throughout the property. Although none were identified during the survey, the potential cannot be completely ruled out due to the movement of these species. Further, although no tree trimming or removal would be

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required, the project may directly or indirectly affect sensitive and nesting bird species through habitat loss (e.g., annual grassland habitat) or project-related disturbances during construction and operation that may deter nesting or cause nests to fail. Preconstruction surveys for sensitive and nesting birds would be required to ensure impacts remain less than significant (MM BIO-3).

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

Individual coast live oak trees and areas of coast live oak woodland are present throughout the property. As designed, the project would not result in the removal or trimming of any oak trees. However, if construction activities are sited immediately adjacent to oak trees or oak woodland, they may directly or indirectly impact oak trees. In order to avoid direct and/or indirect impacts to oaks trees, protective measures would be needed (MM BIO-2).

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

There are no habitat conservation plans that apply to the project site. The project would not conflict with the provisions of any applicable habitat or natural community conservation plans and there would be no impact.

Conclusion

Potential impacts to biological resources are considered less than significant with incorporation of the mitigation measures that require general site maintenance measures, protective fencing around native habitat, avoidance measures for nesting birds, and avoidance and protection measures for potentially jurisdictional waters. These mitigation measures are included as MM BIO-1 through MM BIO-5. Implementation of the following mitigation measures would ensure impacts to biological resources are less than significant.

Mitigation

BIO-1 Site Maintenance and General Operations. The following general measures are recommended to minimize impacts during active construction:

- a. The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing. No work shall occur outside these limits.
- b. In the vicinity of sensitive resources and habitats (e.g., Los Berros Creek, ephemeral swales, coast live oak woodland, manzanita chaparral), signs shall be posted at the boundary of the work area indicating the presence of sensitive resources.
- c. Staging of equipment and materials shall occur in designated areas at least 100 feet from Los Berros Creek and the ephemeral swales.
- d. Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
- e. Washing of concrete, paint, or equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent spilled fuel from leaving the site.

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- f. Any chemicals used shall be prevented from entering Los Berros Creek or the ephemeral swales.
- g. Construction equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

- BIO-2 Protective Fencing.** Prior to issuance of a construction permit: Orange protective fencing shall be installed around native habitat in all areas where oak woodland occurs within 50 feet of proposed development. A qualified biologist shall confirm the placement of the temporary orange fencing. The protective fencing shall be maintained during all construction activities and crews informed of the restricted area.
- BIO-3 Avoidance of Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the proposed expansion area for nesting birds within one week prior to activity beginning on site. If nesting birds are located on or near the proposed cultivation area, they shall be avoided until they have successfully fledged or the nest is no longer deemed active. A non-disturbance buffer of 250 feet will be placed around non-listed, passerine species, and a 500-foot buffer will be implemented for raptor species. All activity will remain outside of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If special-status avian species are identified, no work will begin until an appropriate buffer is determined in consultation with the California Department of Fish and Wildlife and/or the US Fish and Wildlife Service.
- BIO-4 Avoidance of Federal and State Waters.** All proposed cultivation and ancillary uses shall be located a minimum of 100 feet from the edge of Los Berros Creek and the ephemeral swales.
- BIO-5 Protection of Federal and State Waters.** If work must occur during the rainy season, temporary stabilization Best Management Practices (BMPs) shall be implemented, as necessary, to prevent erosion and sedimentation into Los Berros Creek and the ephemeral swales. 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. The BMPs shall be installed and maintained until the disturbance areas are stabilized.

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

The project site is located in an area historically occupied by the Obispeno Chumash and Salinan. No historic structures are present on site.

Heritage Discoveries Inc. conducted and prepared a Phase I Archaeological Survey, which included a records and literature search, as well as a field inspection of the site. The literature and records search was conducted in June 2018 at the Central Coast Information Center (CCIC), University of California, Santa Barbara. The search did not reveal any listed properties or any archaeological sites within the study area; however, a prehistoric archaeological site is located immediately south of the project site and a historic site is located 0.5-mile northeast of the project site. No cultural resources were identified during a field inspection conducted by Heritage Discoveries in May 2018.

Discussion

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

No historic resources have been identified on site. Therefore, the project would not cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5. Impacts would be less than significant.

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

No archaeological resources were identified during the Phase I survey. Therefore, the project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5. Potential impacts would be less than significant.

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

No human remains have been associated with the project site. However, per County LUO Section 22.10.040, if during any grading and excavation, buried or isolated cultural materials are unearthed, work in the area shall halt until they can be examined by a qualified archaeologist and appropriate recommendations made. Compliance with County regulations would ensure impacts remain less than significant.

Conclusion

Compliance with County regulations would ensure impacts to cultural resources/human remains would be less than significant. No mitigation measures are necessary.

Sources

See Exhibit A.

VI. ENERGY

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

Setting

Two existing temporary generators (less than 50 horsepower) are located adjacent to the existing curing/drying buildings to provide power during harvest. The applicant is currently working with Pacific Gas & Electric to bring electrical service to the project site, at which time a permit for power would be obtained and the temporary generators would be removed. PG&E currently serves the existing single-family residences.

Discussion

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

The project proposes outdoor cultivation and ancillary uses. Electricity use would be minimal. Electricity would be used for security lighting, storage space lighting, and equipment in the drying units. Due to the low amount of electrical demand, potential impacts related wasteful or inefficient energy usage would be less than significant.

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

No applicable state or local plans for renewable energy or energy efficiency pertain to this project or project site, and the proposed operation would not obstruct any such plans. Potential impacts would be less than significant.

Conclusion

Potential impacts related to energy would be less than significant. Thus, no mitigation measures are necessary.

Sources

See Exhibit A.

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VII. GEOLOGY AND SOILS

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

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

Setting

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

Topography: Nearly level to steeply sloping

Within County's Geologic Study Area?: No

Landslide Risk Potential: Moderate to High

Liquefaction Potential: Low

Nearby potentially active faults?: None

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

Shrink/Swell potential of soil: Moderate

Other notable geologic features? None

The project site is not located within the Geologic Study Area designation and is not within a high liquefaction area. Soils on site include Santa Lucia Shaly Clay Loam and Tierra Loam. The site's potential for landslide hazards are considered moderate to high. The project site is not located in an Alquist Priolo Fault Zone, and no active fault lines cross the project site (California Geologic Survey 2018).

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

Discussion

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

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

The project site is not located in an Alquist Priolo Fault Zone, and no active fault lines cross the project site (California Geologic Survey 2018). Impacts would be less than significant.

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

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The project site is not located in an Alquist Priolo Fault Zone, and no active fault lines cross the project site (California Geologic Survey 2018). However, the West Huasna Fault, which is potentially active, may cross the project site. No new structures for human occupation are proposed as part of the project and any new construction will be subject to the relevant provisions of the California Building Code. Therefore, the project site would not be susceptible to rupture of a known earthquake fault or strong seismic ground shaking. Impacts would be less than significant.

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

The project site is located in an area of low liquefaction potential. Impacts would be less than significant.

(a-iv) Landslides?

Although portions of the site contain soils with moderate to high landslide potential, the cultivation sites would be located on relatively level ground. Impacts related to landslides would be less than significant.

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

The project proposes minimal site disturbance and no grading. Impacts would be less than significant.

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

The project site would not be impacted by, or cause an increase in, landslide potential, as described in (a) above. The project is not proposing any development or activities that would cause instability of the soil or induce lateral spreading, subsidence, liquefaction or collapse. Impacts would be less than significant.

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

Soils of the project site exhibit a low potential for expansiveness. Impacts would be less than significant.

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

The project site has two adequate septic systems but is proposing portable restrooms for employees. The project will be conditioned to demonstrate adequate wastewater capacity prior to the onset of cannabis activities. Therefore, impacts would be less than significant.

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

There are no unique geologic features on site. No paleontological resources are known to exist in the area. The record search and field survey conducted as part of the Phase I Archaeological Survey did not identify any prehistoric materials located on the project site (Heritage Discoveries Inc. 2018). Therefore, significant impacts are not anticipated.

Conclusion

Implementation of the standard erosion and sedimentation control plans (and the SWPPP if required), in addition to compliance with ordinance requirements, will ensure that potential impacts associated with geology and soils are less than significant. Therefore, no mitigation measures are necessary.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

VIII. GREENHOUSE GAS EMISSIONS

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

Setting

Greenhouse gas (GHG) emissions are said to result in an increase in the earth’s average surface temperature. This is commonly referred to as global warming. The rise in global temperature is associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth’s climate system. This is also known as climate change. These changes are now thought to be broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.

In 2006, the State of California passed the Global Warming Solutions Act of 2006, commonly referred to as Assembly Bill (AB) 32, which set the GHG emissions reduction goal for the State into law. The law requires that by 2020, State emissions must be reduced to 1990 levels by reducing GHG emissions from significant sources via regulation, market mechanisms, and other actions. Senate Bill (SB) 32, passed in 2016, set a statewide GHG reduction target of 40 percent below 1990 levels by 2030.

In March 2012, the San Luis Obispo County Air Pollution Control District (APCD) approved thresholds for GHG emission impacts, and these thresholds have been incorporated the APCD’s CEQA Air Quality Handbook. APCD determined that a tiered process for residential / commercial land use projects was the most appropriate and effective approach for assessing the GHG emission impacts. The tiered approach includes three methods, any of which can be used for any given project:

- Qualitative GHG Reduction Strategies (e.g. Climate Action Plans): A qualitative threshold that is consistent with AB 32 Scoping Plan measures and goals; or,
- Bright-Line Threshold: Numerical value to determine the significance of a project’s annual GHG emissions; or,
- Efficiency-Based Threshold: Assesses the GHG impacts of a project on an emissions-per-capita basis.

For most projects the Bright-Line Threshold of 1,150 metric tons CO₂/year (MT CO₂e/yr) will be the most applicable threshold. In addition to the residential/commercial threshold options proposed above, a bright-

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line numerical value threshold of 10,000 MT CO₂e/year was adopted for stationary source (industrial) projects.

It should be noted that projects that generate less than the above-mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the California Air Resources Board (or other regulatory agencies) and will be “regulated” either by CARB, the Federal Government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio standards and the Clean Car standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.

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

Discussion

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

No land use for cannabis cultivation/operations exists in the CEQA Air Quality Handbook, so for the purpose of estimating operational GHG emissions, this project may be considered an Industrial Project (sub-category: General Light Industry). Using the GHG threshold information described in the Setting section, the project is expected to generate less than the Bright-Line Threshold for stationary source (industrial) projects of 10,000 metric tons of GHG emissions. Therefore, the project’s potential direct and cumulative GHG emissions are found to be less than significant and would not be a cumulatively considerable contribution to GHG emissions. Section 15064(h)(2) of the CEQA Guidelines provides guidance on how to evaluate cumulative impacts. If it is shown that an incremental contribution to a cumulative impact, such as global climate change, is not “cumulatively considerable,” no mitigation is required. Because this project’s emissions fall under the threshold, no mitigation is required.

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

Since the project would not have a significant impact related GHG emissions, it would not conflict with any plans, policies or regulations adopted for the purpose of reducing emissions.

Conclusion

Impacts would be less than significant. No mitigation measures are necessary.

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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Setting

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

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

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

According to CalFire’s San Luis Obispo County Fire Hazard Severity Zone map, the project site is within a state responsibility area and within a “very high” severity risk area for fire. The closest fire station to the project site is San Luis Obispo County Fire Station 20, which is approximately 5.4 miles from the site. According to referral response from CalFire dated April 25, 2018, the average response time to the project site would be approximately 35 minutes.

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

Discussion

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

Construction activities: The project includes the installation of nine new hoop houses, one storage container, one drying container, and seven new water tanks. No construction activities are proposed. Impacts would be less than significant.

Operational activities: . Project operations would involve the intermittent use of small amounts fertilizer and pesticides that are not expected to be acutely hazardous. The project will be conditioned to conduct all cannabis activities in compliance with the approved Operations Plan, as well as all required County permits, State licenses, County ordinance, and State law and regulation. In accordance with LUO Section 22.40.050 D. 3. all applications for cannabis cultivation must include

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a list of all pesticides, fertilizers and any other hazardous materials expected to be used, along with a storage and hazardous response plan.

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

There are no schools within one-quarter mile of the project site. The nearest school is William Rice Elementary School, located approximately eight miles southwest of the project site. Impacts would be less than significant.

- (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?*

As discussed in the Setting above, the project site is not found on the 'Cortese List' (which is a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5). There would be no impact.

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

The project is not located in an Airport Review area and would therefore not expose workers to aviation-related hazards. No impact would occur.

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

No adopted emergency response or evacuation plans pertain to the project site. Therefore, no impacts are anticipated.

- (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 in a State Responsibility Area and is in a Very High Fire Severity Zone. The project has been reviewed by CalFire / San Luis Obispo County Fire Department. Per the letter from Fire Captain Dell Wells dated April 25, 2018, specific concerns with this project primarily relate to additional potential sources of ignition. The County will include standard conditions as recommended by Captain Wells to ensure that potential impacts related to wildfire hazards are less than significant. General requirements would include:

- A Fire Safety Plan shall be prepared per CalFire approval and maintained on site. This Plan will include fire prevention actions, fire suppression actions, emergency reporting, and evacuation plans.
- The grade for all roads and driveways shall not exceed 16 percent. Design criteria shall be in accordance with the County Public Works Road Improvement Standards. Roads that are at grades of 12-16 percent shall be on non-skid asphalt or concrete surface.
- All roads shall:
 - Be able to support Fire Apparatus (40,000 pounds)

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- Provide vertical clearance of 13 feet 6 inches
- Maintain a 10-foot fuel reduction zone on both sides
- Minimum driveway width shall be 10 feet for less than 50 feet of length, 12 feet for driveways 50 to 199 feet in length, and 16 feet for greater than 200 feet in length.
- Turnarounds must be provided if a driveway exceeds 300 feet in length and shall be within 50 feet of the structure.
- Gates shall meet Section 503.5 of the California Fire Code requirements for access. All gates shall be set back from the road by a minimum of 30 feet from the edge of the roadway; shall be two feet wider on each side of the road; shall automatically open upon exiting; shall of a KNOX switch; shall have an approved means of emergency operation at all times; and shall be maintained operational at all times.
- Vegetation clearance shall 10 feet from roadways, driveways, turnouts, cul-de-sacs, hammerheads, and fire hydrants. Residential structures, accessory structures and permitted structures other than greenhouses shall have a 30 feet of dry vegetation clearance and another 100 feet of vegetation reduction.
- Buildings shall be setback 30 feet from the property line.
- The project shall include installation of 5,000-gallon steel water storage tanks.
- Standard addressing and directional signage requirements will apply to the project.
- Two fire extinguishers shall be placed with each generator used at the site and each cultivation area will have a fire extinguisher based on Fire Code and California Title 19 requirements.
- All electrical wiring will meet the requirements of the California Electrical Code and California Fire Code.
- Future buildings will require a Fire Safety Plan from CalFire / San Luis Obispo County Fire of any structures and will meet California Fire Code. A Fire Protection Engineer may be required to submit a technical report on the commercial and residential structures.
- Prior to occupancy or final inspection, whichever occurs first, the applicant shall obtain final inspection and approval from Cal Fire for all required fire/life safety measures.

The current roads and driveways associated with this project meet CalFire standards for the proposed project (Wells 2018). With the standard conditions, the project would not expose people or structures to risk of loss, injury or death involving wildland fires.

Conclusion

All requirements would be in accordance with County Ordinances and CalFire/San Luis Obispo Fire Department Standards. No significant impacts related to hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

Sources

See Exhibit A.

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X. HYDROLOGY AND WATER QUALITY

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

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Setting

The project is not located within an impacted water basin. The project proposes to use two on-site wells as its water source.

The topography of the site is nearly level to steeply sloping, with the project footprint sited on nearly level areas. The closest creek from the proposed development is the Los Berros Creek, located on site. As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility.

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

Within the 100-year Flood Hazard designation? No

Closest creek? Los Berros Creek Distance? On site

Soil drainage characteristics: Well drained

For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.110) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins or installing surface water flow dissipaters. The drainage plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

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

Soil erodibility: Low

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120) to minimize 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 responsible for monitoring this program.

Discussion

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

With regards to project impacts on water quality, the following conditions apply:

- No additional grading is proposed;
- The project would be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- The project footprint is not on highly-erodible soils, nor on moderate to steep slopes;
- The project is more than 100 feet from the closest creek (Los Berros) or surface water body;
- All hazardous materials and/or wastes would be properly stored on site, which include secondary containment should spills or leaks occur.

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These conditions and County standards would reduce the project's water quality impacts to 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?*

Wallace Group prepared a Water Use Evaluation (March 2018) for the proposed project using the Central Coast Regional Water Quality Control board's (CCRWQCB) water use rates. As described in the report, the project would use approximately 0.60 acre feet per year (AFY), as depicted in Table 4 below.

Table 5 –Annual Water Demand Estimate

Use	Rate	Gross Demand (gallons/year)	Gross Demand (AFY)
Hoop House Grow: 43,560 SF	43,560 SF canopy area x 0.03 gal/SF/day x 150 days	196,020	0.60
Total New Water Demand			0.60

On the project site, four existing wells have served the property and have been used for previous cannabis cultivation and for the existing residences, as shown in Table 5 below.

Table 6 –Well Locations and Yields

Well Location	Type/Date of Well yield Test	Measured Well Yield
7710 Cougar Ridge	5 hour (2002)	23 GPM
7840 Cougar Ridge (West)	4 hour (2018)	16 GPM
7480 Cougar Ridge (East)	4 hour (2018)	11 GPM
7855 Suey Creek	4 hour (2018)	7 GPM

The well pump test and water quality analyses from 2018 conclude that the wells produce sufficient water to meet the project's water demand. While the project would use groundwater, the low demand associated with cannabis activities are not expected to substantially decrease groundwater supplies or adversely impact surrounding wells. Further, the project would not result in the addition of impervious surfaces that would interfere substantially with groundwater recharge. Impacts to water supply would be less than significant.

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

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

The new area of site disturbance would be located approximately 100 feet from the upland extent of Los Berros Creek. Further, the project would not result in the construction of new structures or additional impervious surfaces. Impacts to the existing drainage pattern of the site would be less than significant.

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

The proposed project is not located within the 100-year floodplain. The project site is located in Zone X, an area of minimal flood hazard (Federal Emergency Management Agency 2012). No structures for human occupation are proposed with the project. The project would, therefore, not expose people to risks from flooding, nor would it impede or redirect flood flows. The project site is not located in a dam inundation area and is not subject to flooding risks from dam failure. The project site is located inland from the coast and is not subject to tsunami hazards, nor is it located near any impounded bodies of water that could present hazards from seiches. No impacts would occur.

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

The project proposes cultivation and ancillary uses; therefore, the project would not result in the addition of impervious surfaces. While the project would use groundwater, it would not affect any impacted groundwater basins. Therefore, potential impacts related to water quality and groundwater management would be less than significant.

Conclusion

Adherence to existing regulations and compliance with the sedimentation and control plan would adequately address surface water quality impacts during construction and operation of the project. Based on compliance with existing regulations and requirements, potential water and hydrology impacts would be less than significant, and no mitigation measures are necessary.

Sources

See Exhibit A.

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XI. LAND USE AND PLANNING

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

Setting

The proposed project is subject to the following Planning Area Standard(s) as found in the County’s LUO:

- 1) LUO Chapter 22.98 – South County Planning Area
- 2) LUO Chapter 22.98 – South County Inland Sub Area

Under the County’s Cannabis regulations in the LUO, cannabis cultivation is allowed within the Rural Lands land use category.

Discussion

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

Based on the project description, the project will not physically divide an established community. Impacts would be less than significant.

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

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

Cannabis activities, such as those contemplated by this project, are allowed in the Rural lands land use category subject to the relevant provisions of LUO Section 22.040 et seq. 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.

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The project is not within or adjacent to a Habitat Conservation Plan area. Since the project proposes cultivation and ancillary uses, it is consistent and compatible with the surrounding rural lands. Impacts would be less than significant.

Conclusion

No inconsistencies were identified and therefore no additional measures above what will already be required were determined necessary.

Sources

See Exhibit A.

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

Discussion

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

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

Conclusion

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

Sources

See Exhibit A.

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XIII. NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project result in:</i>				
(a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 of the project site is characterized by intermittent vehicle noise from Suey Creek Road and Cougar Ridge Way, along with various agricultural activities on properties surrounding the project site. Noise-sensitive land uses typically include residences, schools, nursing homes, and parks. The nearest existing noise-sensitive land use is a residence located approximately 750 feet to the east of the proposed area of new cultivation activities.

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

Table 7. Maximum Allowed Exterior Noise Level Standards

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

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

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The Noise Element of the County's General Plan includes projections for future noise levels from known stationary and vehicle-generated noise sources. Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area.

Discussion

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

Construction Impacts: Construction activities associated with installation of hoop houses, storage/drying units, and water tanks would generate a small amount of additional noise that would be temporary and localized. County regulations (County Code Section 22.10.120.A) limit the hours of construction to daytime hours between 7:00 AM and 9:00 PM weekdays, and from 8:00 AM to 5:00 PM on weekends. Impacts would be less than significant.

Operational Impacts: The proposed project does not include any features that would generate a permanent or consistent source of stationary noise during operation. The project would generate approximately six average daily trips, which is consistent with surrounding rural residential and agricultural land uses in the area. The project includes the use of two existing generators (less than 50 horsepower) located adjacent to the existing curing/drying buildings to provide power during harvest.

The applicant is currently working with Pacific Gas & Electric to bring electrical service to the project site, at which time a permit for power would be obtained and the temporary generators would be removed. They generate noise levels of approximately 57 dBA at 25 feet from the source. The generators are diesel-powered and located within existing graded areas that are over 1,000 feet from any residence. Assuming noise attenuates (diminishes) at a rate of 6 dB per doubling of distance the resulting noise is anticipated to be below the maximum allowable nighttime level (65 dB) at the nearest property lines.

The project is located within a rural area and based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area. Noise generated by vehicular traffic on Cougar Ridge Way and Suey Creek Road would be comparable to background noise levels generated by existing vehicular traffic. Operation of the project would not expose people to significant increased noise levels in the long term. Impacts would be less than significant.

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

No groundborne vibrations or noises would be generated by the project and, therefore, no impacts are expected.

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

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

Initial Study – Environmental Checklist

Conclusion

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

Sources

See Exhibit A.

Initial Study – Environmental Checklist

XIV. POPULATION AND HOUSING

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

Setting

In its efforts to provide for affordable housing, the County currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the County. The County's Inclusionary Housing Ordinance requires provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions. As of 2018, per the Department of Finance's Population and Housing estimates, the County of San Luis Obispo contains approximately 280,101 persons, and approximately 121,661 total housing units (DOF 2018).

Discussion

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

The proposed project would not result in the construction of any housing. The project is expected to employ up to nine people during harvest periods. This increase in employment would not result in a substantial increase in employment in the County. Therefore, the project would not result in a need for a significant amount of new housing, 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 site includes two existing single-family residences that would remain on site and would not be used for cannabis activities. Therefore, the project would not displace existing housing and impacts would be less than significant.

Conclusion

The project would not result in a need for a significant amount of new housing and would not displace existing housing. The project would be conditioned to provide payment of the housing impact fee for

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commercial projects. No significant population/housing impacts are anticipated, and no mitigation measures are necessary.

Sources

See Exhibit A.

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

Setting

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

Police: County Sheriff

 Location: Oceano (Approximately 12 miles to the west)

Fire: CalFire (formerly CDF) Hazard Severity: Very High Response Time: 35 minutes

Location: Approximately 5.4 miles to the southwest

School District: Lucia Mar Unified School District

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Discussion

- (a) *Would the project result in substantial adverse physical impacts associated with the provision of 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 California Department of Forestry and Fire Protection (CalFire) provides mutual and automatic aid supporting the County of San Luis Obispo. The nearest CalFire station (Station 20) is located 5.4 miles to the southwest at 450 Pioneer Street.

The referral response from CalFire dated April 25, 2018, provides the general project conditions that are necessary for the project to meet CalFire standards. The project will be conditioned to comply with these requirements. Therefore, the project would not induce the need for new fire protection facilities. Impacts would be less than significant.

Police protection?

The project site is in the existing service range for the County Sheriff Department. The project includes a detailed security plan that must be reviewed by the County Sheriff. Incorporation of security measures would serve to reduce the need for police/sheriff enforcement. Since the site is currently in the existing service range, it would not require the construction of additional police protection facilities. Therefore, this impact would be less than significant.

Schools?

Parks?

As discussed in Section XIV, Population and Housing, the project does not include the construction of any habitable structures and would not increase population. As such, the project would not generate new demand for schools or parks. Therefore, impacts would be less than significant.

Other public facilities?

No other public facilities would be impacted by the project.

Conclusion

Regarding cumulative effects, public facility (County) and school (State Government Code 65995 et seq.) fee programs have been adopted to address the project's contribution to cumulative impacts and will reduce potential cumulative impacts to less than significant levels. No significant public service impacts are anticipated, and no mitigation measures are necessary.

Sources

See Exhibit A.

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XVI. RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

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

Discussion

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

The proposed project is not a residential project or large-scale employer and would not result in a significant population increase. Construction and operation of the proposed project would not have any adverse effects on existing or planned recreational opportunities in the County. Impacts would be less than significant.

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

The project does not include recreational facilities. In addition, the project would not induce population, thereby requiring the construction or expansion of recreational facilities elsewhere. Impacts would be less than significant.

Conclusion

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

Sources

See Exhibit A.

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XVII. TRANSPORTATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 has established the acceptable Level of Service (LOS) on roads for this rural area as “C” or better. Suey Creek Road and Cougar Ridge Way are currently operating at an acceptable level of service in the project vicinity. The project site currently has two residences along with ongoing cannabis activities which generate a very low volume of traffic.

The primary vehicular access to the project site is provided by Suey Creek Road which extend northward from State Route 166. Counts taken by the County in 2014 on Suey Creek Road north of SR166 showed an average daily traffic volume of 258 and a PM peak hour volume of 39.

A referral was sent to Public Works to assess the proposed project’s impacts to the roads and compliance with County driveway standards. Public Works had no concerns and note that the applicant must satisfy any Caltrans concerns.

Discussion

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

The project would not involve construction or operational activities that would adversely affect public transit, bikeways, or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities. No impact would occur.

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

Construction: The project includes installation of nine new hoop houses for outdoor cultivation operations along with new buildings for drying and storage. Project construction would temporarily add trips to County roadways in the project vicinity through the duration of construction activities. This minimal level of trip generation would not have an adverse effect on traffic operations or increase congestion on area roadways in the long-term. Therefore, potential impacts related to construction would be less than significant.

Operation: Once operational, the project is expected to result in nine new average daily trips (ADT), including one PM peak hour trip (Orosz Engineering Group, Inc. 2018). As such, operational trip generation would be minimal and impacts would be less than significant.

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

The project does not propose any features or incompatible uses that would delay, disrupt, or result in unsafe conditions. Impacts would be less than significant.

(d) *Result in inadequate emergency access?*

The existing grade and widths of the access roads and driveways are permissible per CalFire standards. Therefore, the project would not result in inadequate emergency access. Impacts would be less than significant.

Conclusion

The project would not conflict with applicable transportation plans or significantly increase vehicle trips to the circulation system. Therefore, the project's transportation impacts would be less than significant, and no mitigation measures are necessary.

Sources

See Exhibit A.

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XVIII. TRIBAL CULTURAL RESOURCES

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

Setting

The project site is located in an area historically occupied by the Obispeno Chumash and Salinan.

In order to meet AB 52 Cultural Resources requirements, outreach to Native American tribes groups was conducted (Salinan, Xolon Salinan, Yak Tityu Tityu Northern Chumash, and the Northern Chumash Tribal Council). No comments were received.

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Discussion

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

As discussed in the Cultural Resources section, Heritage Discoveries Inc. conducted a Phase I archaeological investigation of the project site which did not reveal any cultural resources within the study area. No comments were received from Native American tribal groups.

No tribal cultural resources have been identified in the project boundary and the County has satisfied the requirements of AB 52 for the project. Therefore, the proposed project would not result in a substantial adverse change to a tribal cultural resource. Impacts would be less than significant.

Conclusion

Per County LUO Section 22.10.040, if during any future grading and excavation, buried or isolated cultural materials are unearthed, the Department of Building and Planning shall be notified, work in the area shall halt until these materials 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.

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"/>

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 use on-site portable restrooms and would not result in the construction or expansion of water or wastewater treatment facilities. Impacts would be less than significant.

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

As discussed in Section X, Hydrology and Water Quality, the project would use approximately 0.60 AFY. On the project site, four existing wells have served the property and have been used for previous cannabis cultivation and the existing residences. The well pump test and water quality analysis from 2018 conclude that the well produces sufficient water to meet the project's water demand during normal, dry, and multiple dry years. In addition, the project site is not located near an impacted groundwater basin. Impacts to water supply would be less than significant.

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

The project would continue to use on-site wastewater disposal systems and portable restrooms and, therefore, would not affect the capacity of a wastewater treatment provider.

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

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

The nearest landfill to the site is the Santa Maria Transfer Station, located approximately six miles to the southwest. No on-site composting would occur. Roots and associated unusable soil, in addition to other waste material such as soils bags or planting support materials, would be consolidated within the cultivation areas and stored in 40-gallon, lidded refuse containers prior to collection for disposal. The waste would be disposed of offsite by an approved hauler at the operator's expense. Since operation of the project is not expected to generate a substantial amount of solid waste, impacts are considered insignificant.

Conclusion

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

Sources

See Exhibit A.

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XX. WILDFIRE

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

According to CalFire’s San Luis Obispo County Fire Hazard Severity Zone map, the project site is within a state responsibility area and within a “very high” fire severity risk area. The closest fire station to the project site is San Luis Obispo County Fire Station 20, which is approximately 5.4 miles from the site. According to referral response from Cal Fire dated April 25, 2018, the average response time to the project site would be approximately 35 minutes.

Discussion

- (a) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*
No adopted emergency response or evacuation plans pertain to the project site. Therefore, no impacts are anticipated.
- (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?*

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Based the letter from CalFire Captain Dell Wells dated April 25, 2018, specific concerns with this project include the potential for additional sources of ignition. The Minor Use Permit will be conditioned to meet the requirements of CalFire, including the preparation of a safety plan and final inspection by CalFire prior to occupancy. With the application of these requirements, 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 current roads and driveways associated with this project meet CalFire standards for the proposed project (Wells 2018). The existing residences have power through PG&E; however, extensions will be needed to service the project. Such extensions will be required to meet PG&E and CalFire standards. The project includes the installation of seven water tanks in relatively disturbed areas throughout the project site. Installation of the proposed tanks would reduce fire risk without causing significant impacts to the environment. Impacts would be less than significant.

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

The project is located in a State Responsibility Area and is in a Very High Fire Severity Zone. The project has been reviewed by CalFire / San Luis Obispo County Fire Department. As discussed in Section IX, Hazards and Hazardous Materials, the County will include standard conditions as recommended by CalFire to ensure that potential impacts related to wildfire hazards are less than significant.

The project would include a combination of existing and new cultivation sites and ancillary uses on relatively flat areas of the site. Minimal runoff from operations is expected and the large premises has very little impervious surface. The project would not require clearing of brush or grading of slopes, and it would not exacerbate any post-fire damage. Therefore, impacts related would be less than significant.

Conclusion

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

Sources

See Exhibit A.

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XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

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?*

The proposed project does not have the potential to substantially degrade the quality of the environment. Potential impacts to biological resources have been identified but would be mitigated to a level below significant. Compliance with all the mitigation measures identified in Exhibit B will ensure that project implementation will 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, or reduce the number or restrict the range of a rare or endangered

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plant or animal. Implementation of the project will not eliminate important examples of the major periods of California history or pre-history. Therefore, the anticipated project-related impacts are less than significant with incorporation of the mitigation measures included in Exhibit B.

- (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 potential for adverse cumulative effects were considered in the response to each question in sections 1 through 15 of this form. In addition to project specific impacts, this evaluation considered the project’s potential for incremental effects that are cumulatively considerable. As described in Section 4, there were determined to be potentially significant effects related to biological resources. However, the mitigation measures included in Exhibit B would reduce the effects to a level below significance. As a result of this evaluation, there is no substantial evidence that, after mitigation, there are cumulative effects associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

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

In the evaluation of environmental impacts in this Initial Study, the potential for adverse direct or indirect impacts to human beings were considered in the response to certain questions in Sections 3. Air Quality, 6. Geology & Soils, 7. Hazards & Hazardous Materials, 8. Noise, 9. Population & Housing, 10. Public Services and Utilities, 12. Transportation & Circulation, 13. Wastewater, 14. Water & Hydrology, and 15. Land Use. There is no substantial evidence that adverse effects to human beings are associated with this project. Therefore, the project has been determined not to meet this Mandatory Finding of Significance.

Conclusion

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

Mitigation

See Exhibit B for full list of mitigation measures.

Sources

See Exhibit A.

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Exhibit A - Initial Study References and Agency Contacts

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

Contacted	Agency	Response
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input type="checkbox"/>	County Environmental Health Services	Not Applicable
<input type="checkbox"/>	County Agricultural Commissioner's Office	Not Applicable
<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 type="checkbox"/>	County Sheriff's Department	Not Applicable
<input 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	None
<input checked="" type="checkbox"/>	CA Department of Forestry (CalFire)	Attached
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Services District	Not Applicable
<input checked="" type="checkbox"/>	Other <u>Building Division</u>	None
<input checked="" type="checkbox"/>	Other <u>U.S. Fish and Wildlife</u>	None
<input checked="" type="checkbox"/>	Other <u>South County Advisory Council</u>	None

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

Initial Study – Environmental Checklist

Initial Study – Environmental Checklist

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

Heritage Discoveries, Inc. Phase I Archaeological Surface Survey. June 2018.

Terra Verde Environmental Consulting, LLC. Biological Resources Assessment. July 2018.

Wallace Group. Water Use Estimates. March 2018.

Orosz Engineering Group, Inc. Traffic Report. July 2018.

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

California Department of Finance. 2018. E-5 Population and Housing Estimates for Cities, Counties, and the
State, 2011-2018 with 2010 Census Benchmark.
<http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/> (accessed September 2018).

Initial Study – Environmental Checklist

Exhibit B - Mitigation Summary

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

Biological Resources

- BIO-1 Site Maintenance and General Operations.** The following general measures are recommended to minimize impacts during active construction:
- a. The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing. No work shall occur outside these limits.
 - b. In the vicinity of sensitive resources and habitats (e.g., Los Berros Creek, ephemeral swales, coast live oak woodland, manzanita chaparral), signs shall be posted at the boundary of the work area indicating the presence of sensitive resources.
 - c. Staging of equipment and materials shall occur in designated areas at least 100 feet from Los Berros Creek and the ephemeral swales.
 - d. Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
 - e. Washing of concrete, paint, or equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent spilled fuel from leaving the site.
 - f. Any chemicals used shall be prevented from entering Los Berros Creek or the ephemeral swales.
 - g. Construction equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.
- BIO-2 Protective Fencing.** Prior to issuance of a construction permit: Orange protective fencing shall be installed around native habitat in all areas where oak woodland occurs within 50 feet of proposed development. A qualified biologist shall confirm the placement of the temporary orange fencing. The protective fencing shall be maintained during all construction activities and crews informed of the restricted area.
- BIO-3 Avoidance of Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the proposed expansion area for nesting birds within one week prior to activity beginning on site. If nesting birds are located on or near the proposed cultivation area, they shall be avoided until they have successfully fledged or the nest is no longer deemed active. A non-disturbance buffer of 250 feet will be placed around non-listed, passerine species, and a 500-foot buffer will be implemented for raptor species. All activity will remain outside of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If special-status avian species are

Initial Study – Environmental Checklist

identified, no work will begin until an appropriate buffer is determined in consultation with the California Department of Fish and Wildlife and/or the US Fish and Wildlife Service.

BIO-4 **Avoidance of Federal and State Waters.** All proposed cultivation and ancillary uses shall be located a minimum of 100 feet from the edge of Los Berros Creek and the ephemeral swales.

BIO-5 **Protection of Federal and State Waters.** If work must occur during the rainy season, temporary stabilization Best Management Practices (BMPs) shall be implemented, as necessary, to prevent erosion and sedimentation into Los Berros Creek and the ephemeral swales. 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. The BMPs shall be installed and maintained until the disturbance areas are stabilized.

REVISED 7840 COUGAR RIDGE LLC (COUGAR RIDGE) MINOR USE PERMIT
DRC2018-00040

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.

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

The following mitigation measures address impacts that may occur as a result of the development of the project.

Biological Resources

BIO-1 Site Maintenance and General Operations. The following general measures are recommended to minimize impacts during active construction:

- a. The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing. No work shall occur outside these limits.
- b. In the vicinity of sensitive resources and habitats (e.g., Los Berros Creek, ephemeral swales, coast live oak woodland, manzanita chaparral), signs shall be posted at the boundary of the work area indicating the presence of sensitive resources.
- c. Staging of equipment and materials shall occur in designated areas at least 100 feet from Los Berros Creek and the ephemeral swales.
- d. Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
- e. Washing of concrete, paint, or equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent spilled fuel from leaving the site.
- f. Any chemicals used shall be prevented from entering Los Berros Creek or the ephemeral swales.
- g. Construction equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

BIO-2 Protective Fencing. Prior to issuance of a construction permit: Orange protective fencing shall be installed around native habitat in all areas where oak

woodland occurs within 50 feet of proposed development. A qualified biologist shall confirm the placement of the temporary orange fencing. The protective fencing shall be maintained during all construction activities and crews informed of the restricted area.

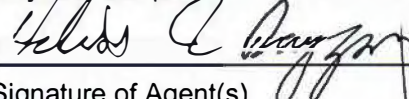
BIO-3 Avoidance of Nesting Birds. If site disturbance and/or establishment of use is planned to occur between February 1 and September 15, a qualified biologist shall survey the proposed expansion area for nesting birds within one week prior to activity beginning on site. If nesting birds are located on or near the proposed cultivation area, they shall be avoided until they have successfully fledged or the nest is no longer deemed active. A non-disturbance buffer of 250 feet will be placed around non-listed, passerine species, and a 500-foot buffer will be implemented for raptor species. All activity will remain outside of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If special-status avian species are identified, no work will begin until an appropriate buffer is determined in consultation with the California Department of Fish and Wildlife and/or the US Fish and Wildlife Service.

BIO-4 Avoidance of Federal and State Waters. All proposed cultivation and ancillary uses shall be located a minimum of 100 feet from the edge of Los Berros Creek and the ephemeral swales.

BIO-5 Protection of Federal and State Waters. If any site disturbance and/or establishment of use must occur during the rainy season, temporary stabilization Best Management Practices (BMPs) shall be implemented, as necessary, to prevent erosion and sedimentation into Los Berros Creek and the ephemeral swales. 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. The BMPs shall be installed and maintained until the disturbance areas are stabilized.

Monitoring (Biological Resource Measures BIO-1 through BIO-5) Compliance will be verified by the County Department of Planning and Building, in consultation with the Environmental Coordinator.

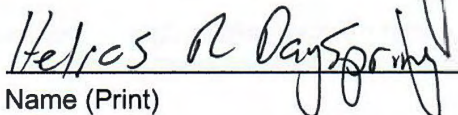
The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts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



Signature of Agent(s)

7/22/19

Date



Name (Print)



Scott M. Jalbert, Unit Chief

April 25, 2018

County of San Luis Obispo
Department of Planning and Building
San Luis Obispo, CA 93408

Brandi Cummings,

Subject: SUB2018-00040 DAYSPRINGS- Property at 7840 Cougar Ridge Road, Santa Maria CA (Property is within San Luis Obispo County) . Proposed Minor Use Permit for 21,779 SQ FT greenhouse, 11,324 Hoophouse both existing 32,236 hoophouse new . covered hoop greenhouse for cannabis cultivation. The one acre will be a combination of 4 separate sites.

I have reviewed the referral and have conducted a site visit at the location. This project is located approximately 35 minutes from the closest CAL FIRE/San Luis Obispo County Fire Station located at 450 Pioneer Way, Nipomo CA. The project is in a **State Responsibility Area** and is in a **Very High Fire Severity Zone**. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

Special Concerns:

- 1) Of specific concern to CAL FIRE/ County Fire is the cumulative effects of intensified commercial operations within areas such as this, it continues to place significant challenges upon the ability of CAL FIRE/San Luis Obispo County Fire to provide efficient and effective emergency service within rural areas.
- 2) A significant concern is the use of fuel powered electrical generators as a source of power for fans and lighting in a wildland area. CAL FIRE/ San Luis Obispo County fire will require use of generators to meet California Electrical Code and Building Code for use as a permanent power source. Clearance of dry vegetation and distance to buildings will be outside 25 feet. Refueling will be done with spill protection

The following conditions shall apply to this project:

General Requirements

All Fire Department Connections/ Fire Connections, water supply and required access roads shall be installed prior to structural construction.

A Fire Safety Plan will be document created and kept on site. Elements will include Fire Protection Plan that will include fire prevention actions and fire suppression actions. Emergency reporting for fire and medical. Evacuation plan for wildfire event.

Road Grades

The grade for all roads, streets, private lands and driveways shall not exceed 16 percent. Design criteria shall be in accordance with the County of San Luis Obispo Department of Public Works Public Improvement Standards. Roads 12% - 16% shall be a non-skid asphalt or concrete surface as specified in the County standards, specifications and drawings.

All roads shall:

- Be able to support Fire Apparatus (40,000 pounds)
- Provide a vertical clearance of 13 feet 6 inches
- Maintain a 10-foot fuel reduction zone on both sides

Current road base and width will be supported by CAL FIRE/ San Luis Obispo County Fire for the size and scope of this project. Any non-greenhouse structure will be required to meet the grade and width requirements.

Driveway Standards

Driveway specifications shall be provided and maintained.

- Driveway minimum width in Very High Fire Hazard Severity zones is 10 feet for less than 50 feet of driveway , 12 feet wide for driveways 50 to 199 , 16 feet wide for driveways greater than 200 feet. **Current driveways supporting cultivations will be supported by CAL FIRE/ San Luis Obispo County Fire**
- Turnarounds must be provided if driveway exceeds 300 feet and shall be within 50 feet of the structure. **Current driveway road width and base will meet fire requirements for size and scope of this project.**

Gate Requirements

All gates for residential and commercial use shall meet Section 503.5 of the 2016 California Fire Code requirements for access. KNOX switches or padlocks are the only approved method of emergency access. The use of a red "Fire Dept." access box is not allowed for either residential or commercial use due to security concerns and difficulty in maintaining current data.

The following requirements must be met:

1. All gates shall be set back from the road a minimum of 30 feet from the edge of the roadway. The gate shall open to allow a vehicle to stop without obstructing traffic on the public road. Local ordinance, certain conditions or San Luis Obispo County Public Works may require a greater setback.
2. All gates shall be 2 feet wider on each side of the road / driveway.
3. All electric gates shall automatically open with no special knowledge upon exiting.
4. All electric gates shall have a KNOX switch for emergency Fire Department access.
5. All electric gates shall have an approved means of emergency operation at all times, either using solar power, battery back-up or fail to the open position upon a power outage.
6. Security gates and their emergency operation shall be maintained operational at all times.

Clearance

A 30-foot clearance of dry vegetation around the perimeter of the fenced grow containing hoop growing greenhouses.

1. Vegetation clear zone requirements per California Fire Code, Section 304.1.2. read 10 feet from road way.
2. Vegetation clear zone applies to driveways, access roads, turnouts, cul-de-sacs, hammerheads, fire hydrants.

3. All Residence Structures, Accessory Structures or permitted structures other than greenhouses will have a minimum 30 foot dry vegetation removal with up to 100 foot vegetation reduction beyond the 30 feet.

Setbacks

30 foot setbacks from property line for all buildings on parcels of 1 acre or larger

Private Water System

1. *CAL FIRE* will determine minimum dedicated fire water storage amount for structure(s) and site (minimum 5,000 gallons per NFPA 1142). See FP-2 and FP-3 for schematics.
2. *CAL FIRE/ San Luis Obispo County Fire* will require a 5,000-steel water storage tank for the cultivation site only. Placement of tank and fire department connection will be done to San Luis Obispo County Fire Department Standards.

Addressing

New and existing buildings shall have approved address numbers, building numbers or building identification placed in a position that is clearly legible and easily visible from the street or road fronting the property. Additional locations of identification may be required by the Fire Code official to facilitate emergency response. Street names and address numbers are assigned by the County of San Luis Obispo Planning and Building department.

1. Address numbers shall be Arabic numerals or alphabet letters, contrast with their background and be a minimum width of 0.5 inch and height per occupancy type as follows:
 - Commercial 8 inches
2. Address numbers at the driveway entrance shall be clearly visible from both directions. It is highly recommended that the numbers be reflectorized or lighted.
3. Address numbers shall be visible at all times. Trim trees, bushes and shrubs if foliage obstructs visibility.
4. Directory Signs on the property will be place at road that lead to cultivation areas. Signs will read GREENHOUSE ONLY with direction arrow. and DEAD END FEET AHEAD. Signs will be made of nonflammable with minimum 4 inch lettering.

Fire Extinguishers

2 A- 10 B:C dry chem extinguishers will be placed with generators used at the site. Each grow location will have fire extinguisher based on Fire Code and California Title 19 requirements

Electrical

All electrical wiring will meet requirements of California Electrical Code and California Fire Code.

Future Building

Future building will require a Fire Safety Plan from *CAL FIRE/ San Luis Obispo County Fire* of any structures and will meet California Fire Code. A Fire Protection Engineer may be required to submit a technical report on both commercial and residential structures.

Final Inspection

This project shall require a final inspection by *CAL FIRE/ San Luis Obispo County Fire* to ensure conditions are met. When the conditions have been met contact Fire Prevention at 543-4244 ext. 3490 and ask to schedule a final inspection.

Sincerely,

Dell Wells

Fire Captain/ Inspector



Date: June 29, 2018

To: Brandi Cummings, Project Planner

From: Glenn Marshall, Development Services

Subject: Public Works Comments on DRC2018-00040 Dayspring MUP, Airport Rd, Nipomo, APN 048-151-044 (plus 2 more)

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

Public Works Comments:

- A. Caltrans email dated 6/29/18 stated they had no concerns with the proposed project.
- B. The project accesses the intersection of Suey Creek Road at SR 166, a Caltrans maintained intersection. The applicant must satisfy Caltrans concerns, if any, regarding impacts to their facilities.
- C. The proposed project is within a drainage review area. Drainage plan may be required at the time of Building Permit submittal. The applicant should review Chapter 22.52.110 of the Land Use Ordinance prior to future submittal of development permits.
- D. If the project site disturbs 1.0 acre or more the applicant must enroll for coverage under California's Construction General Permit, which may include preparation of a project Storm Water Control Plan even though its located outside a Stormwater Management Area. Refer to:
<http://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Stormwater-Documents/Stormwater-Control-Plan-Application.aspx>
<http://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Stormwater-Documents/San-Luis-Obispo-County-Low-Impact-Development-Hand.aspx>

Recommended Project Conditions of Approval:

Access

- 1. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

Drainage

- 2. **At the time of application for construction permits**, the applicant shall submit complete drainage plans and report for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance.

3. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.

Storm Water Pollution Prevention Plan (SWPPP)

4. **At the time of application for construction permits**, if the project site disturbs 1.0 acre or more the applicant must enroll for coverage under California's Construction General Permit, which may include preparation of a project Storm Water Control Plan even if the project is located outside a Stormwater Management Area. Sites that disturb less than 1.0 acre must implement all required elements within the site's erosion and sediment control plan as required by San Luis Obispo County Codes.

Storm Water Control Plan (SWCP)

5. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject post-construction stormwater requirements by submitting a Storm Water Control Plan application.
 - a. If required, the applicant must submit a Storm Water Control Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Storm Water Quality Standards and shall include a preliminary drainage plan, a preliminary erosion control and sedimentation plan, and complete drainage calculations for review and approval.
 - b. If applicable, the applicant shall submit a draft "Operations and Maintenance Plan" exhibit for review and approval by the County.
 - c. If applicable, the applicant shall record with the County Clerk the "Operations and Maintenance Plan " to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.
 - d. If applicable, the applicant shall record with the County Clerk a General Notice. The Notice documents the location and type of control measures that were installed to mitigate Performance Requirement #2. Those control measures shall remain in good working order in perpetuity.

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