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. ED20-040 **DATE:** July 17, 2020

PROJECT/ENTITLEMENT: Integrated Agriculture, Inc. Minor Use Permit; DRC2018-00076

APPLICANT NAME: Integrated Agriculture, Inc.
Email: giovanni@integratedagriculture.services
ADDRESS: P.O. Box 4730, Paso Robles, CA 93447
CONTACT PERSON: Lisa Bugrova, Quest Planning **Telephone:** (805) 471-9315

PROPOSED USES/INTENT: Request by Integrated Agriculture Inc. for a Minor Use Permit (DRC2018-00076) to establish 3 acres (130,680 square feet) of outdoor cannabis cultivation on two parcels, 195 acres and 132 acres in size (326.6 acres total). Outdoor cultivation would occur within cannabis hoop structures enclosed by a 6-foot-tall security fence and would be harvested once per year. The project also includes installation of surveillance systems, extension of an existing access driveway, installation of a 400-square-foot materials storage container, installation of a new irrigation water line, and installation of a 9,500-gallon water storage tank. The project would result in 5.60 acres of site disturbance including 209 cubic yards of cut and 209 cubic yards of fill to be balanced on-site.

LOCATION: The project site is located within the Agriculture land use category on California State Route 41 (SR 41), approximately 2.1 miles south of the community of Shandon in the Shandon-Carrizo North sub area of the North County Planning Area.

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

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

OTHER POTENTIAL PERMITTING AGENCIES: California Department of Food and Agriculture - CalCannabis, California Department of Fish and Wildlife, Regional Water Quality Control Board, California Department of Forestry and Fire Protection

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. AUGUST 16, 2020 (30 days from above 7/17/20)

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, Senior Planner, ehughes@co.slo.ca.us		County of San Luis Obispo
Signature	**Project Manager Name**	**Date**	**Public Agency**

Initial Study – Environmental Checklist

Project Title & No. Integrated Agriculture Inc. Minor Use Permit ED20-040 DRC2018-00076

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

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

DETERMINATION: (To be completed by the Lead Agency)

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

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

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

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

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

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

Cassidy Williams, SWCA Environmental Consultants	Cassidy L. Williams		
Prepared by (Print)	Signature		Date
David Moran, DLM	David Moran	Steve McMasters, Principal Environmental Specialist	
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 **Integrated Agriculture Inc.** for a Minor Use Permit (DRC2018-00076) to establish 3 acres (130,680 square feet) of outdoor cannabis cultivation on two parcels, 195 acres and 132 acres in size (326.6 acres total). Outdoor cultivation would occur within cannabis hoop structures enclosed by a 6-foot-tall security fence and would be harvested once per year. The project also includes installation of surveillance systems, extension of an existing access driveway, installation of a 400-square-foot materials storage container, installation of a new irrigation water line, and installation of a 9,500-gallon water storage tank. The project would result in approximately 5.60 acres of site disturbance including 209 cubic yards of cut and 209 cubic yards of fill material to be balanced on-site. The project site is located within the Agriculture land use category on California State Route 41 (SR 41), approximately 2.1 miles south of the community of Shandon in the Shandon-Carrizo North sub area of the North County Planning Area.

The project includes extension of the existing all-weather driveway to the outdoor cultivation area, installation of a new 9,500-gallon water tank, and installation of a new fire hydrant per County of San Luis Obispo (County) Fire/California Department of Forestry and Fire Protection (CAL FIRE) standards. The project would include installation of a new locking security gate at the property entrance, new 6-foot-high chain-link fencing with security slats to enclose the outdoor cultivation area, and four new security systems, including manually-activated LED lighting and motion sensor surveillance cameras approximately 15 feet in height to be located within the fenced outdoor cultivation area. Other proposed site improvements include installation of a 400-square-foot seatrain container for storage of irrigation supplies, planting supplies, and fence construction materials; a solid waste dumpster; portable restrooms; a compost area; and a new irrigation water line from the existing on-site well to the cultivation area.

To prevent nuisance odors from being detected off-site, the proposed outdoor cultivation area would be located a minimum of 300 feet from the property lines of the site and public right-of-way in accordance with County Land Use Ordinance (LUO) Section 22.40.050.D.3.b. Irrigation water for cannabis cultivation activities would be supplied by an on-site groundwater well and would result in an annual water demand of approximately 3.56 acre-feet. The project is located within the Paso Robles Groundwater Basin and would be required to comply with the County's adopted water conservation requirements.

The project facilities would operate 7 days a week during daylight hours and would employ up to three full-time employees. During harvest of the outdoor cultivation area in late October, approximately 10–12 additional seasonal employees would be required to facilitate harvest activities, which would occur within daylight hours and would last approximately 1–3 days. Following harvest, cannabis grown on-site would be transported off-site for testing, processing, and distribution. Based on the Trip Generation and Sight Distance Analysis prepared by Orosz Engineering Group (OEG 2020), the project would not generate any new peak hour trips and the existing driveway provides for adequate sight distance that exceeds the minimum stopping sight distance per the California Department of Transportation (Caltrans) Highway Design Manual Standards and County 5-5a standards.

Baseline Conditions: The project site currently supports cattle and sheep grazing, a single-family residence, and various agricultural accessory structures. The proposed cultivation site currently consists of open annual grassland that is currently utilized as cattle pasture and rangeland. Surrounding land uses include SR 41 and grazing lands to the west, agricultural row crops with scattered accessory buildings and water storage ponds to the north and east, and undeveloped grazing lands to the south (Figures 1 and 2).

ASSESSOR PARCEL NUMBER(S): 017-251-070 and 017-251-071

Latitude: 35˚ 37' 20" N **Longitude:** 120˚ 23' 36" W **SUPERVISORIAL DISTRICT #** 1

Other Public Agencies Whose Approval is Required

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

A more detailed discussion of other agency approvals and licensing requirements is provided in Exhibit B of this Initial Study.

B. Existing Setting

Plan Area: North County **Sub:** Shandon-Carrizo(North) **Comm:** Rural

Land Use Category: Agriculture

Combining Designation: None

Parcel Size: 326 Acres

Topography: Nearly level to gently sloping

Vegetation: Grasses

Existing Uses: Single-family residence(s)

Surrounding Land Use Categories and Uses:

North: Agriculture; agricultural uses ***East:*** Agriculture; agricultural uses

Initial Study – Environmental Checklist

South: Agriculture; undeveloped ***West:*** Agriculture; undeveloped

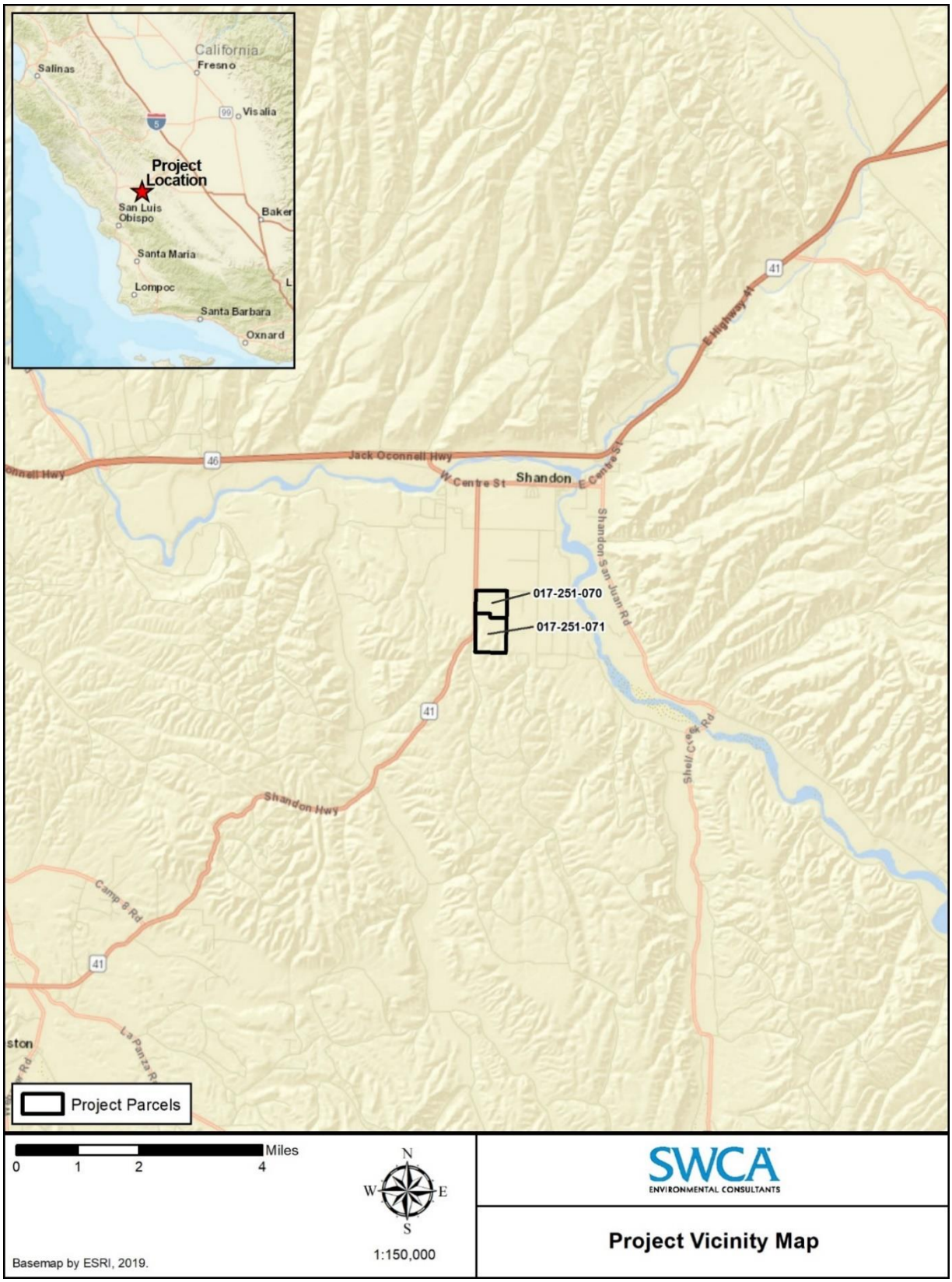

Figure 1. Project Vicinity Map

Initial Study – Environmental Checklist

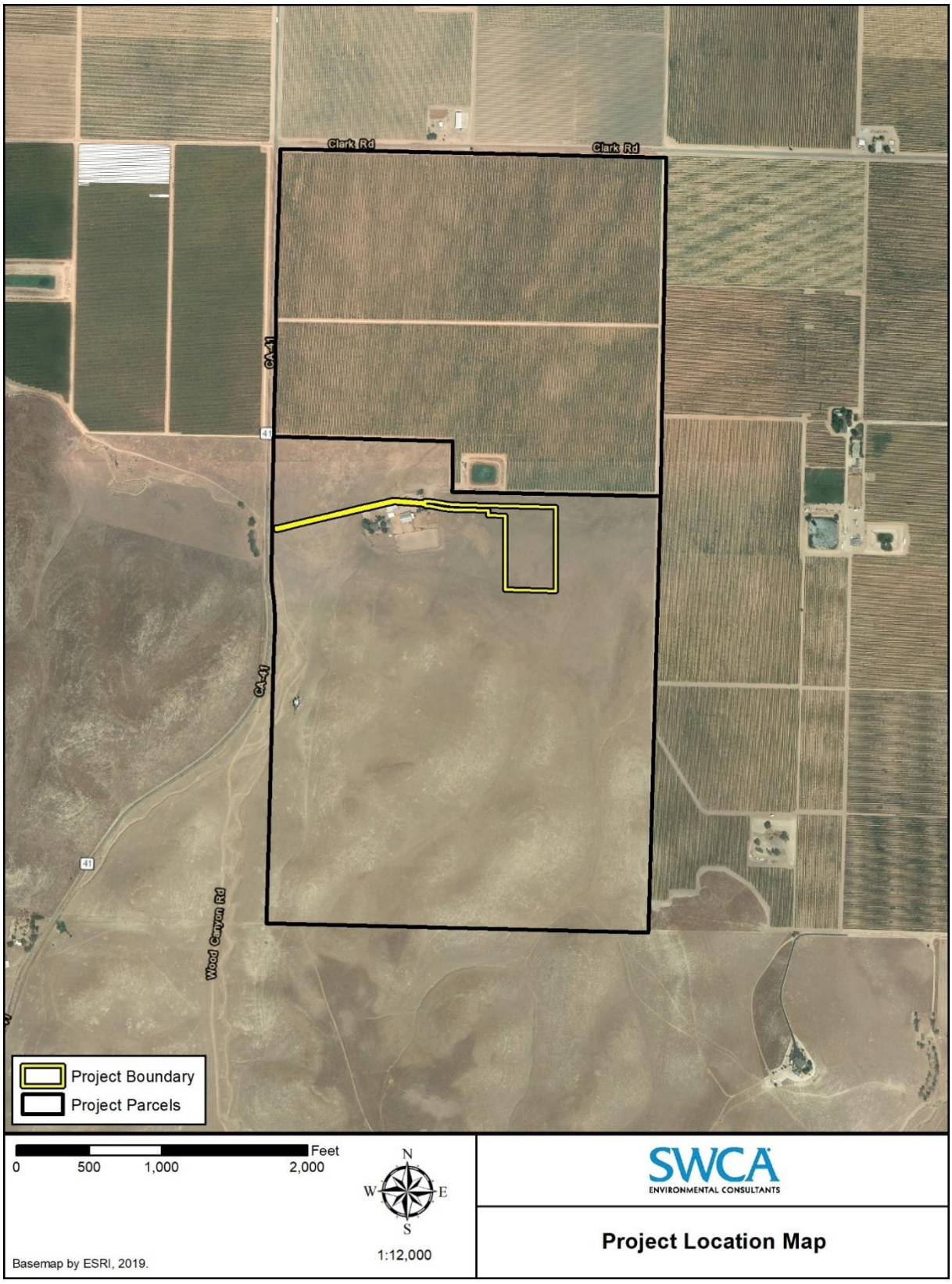

Figure 2. Project Location Map

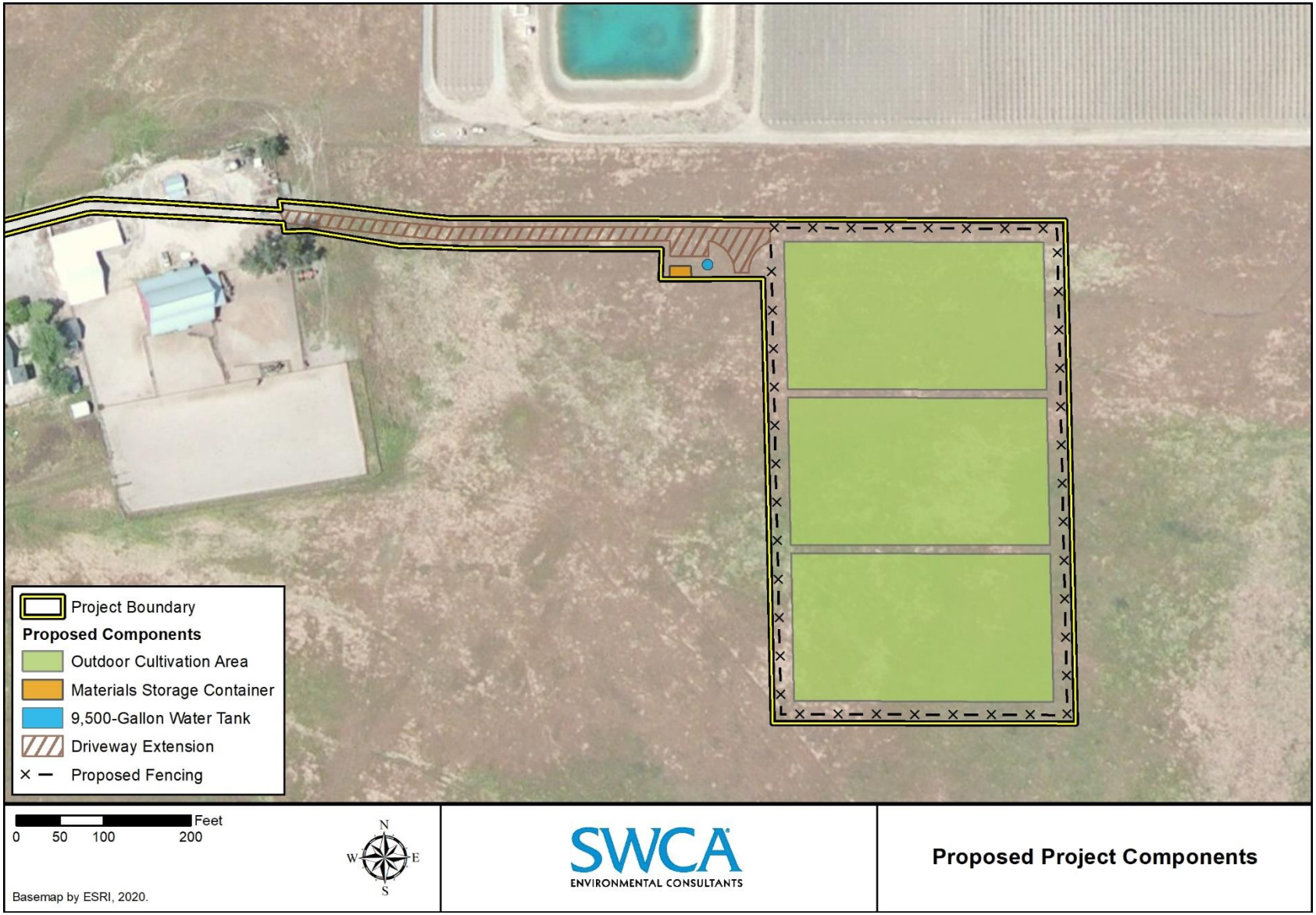

Figure 3. Proposed Main Project Components

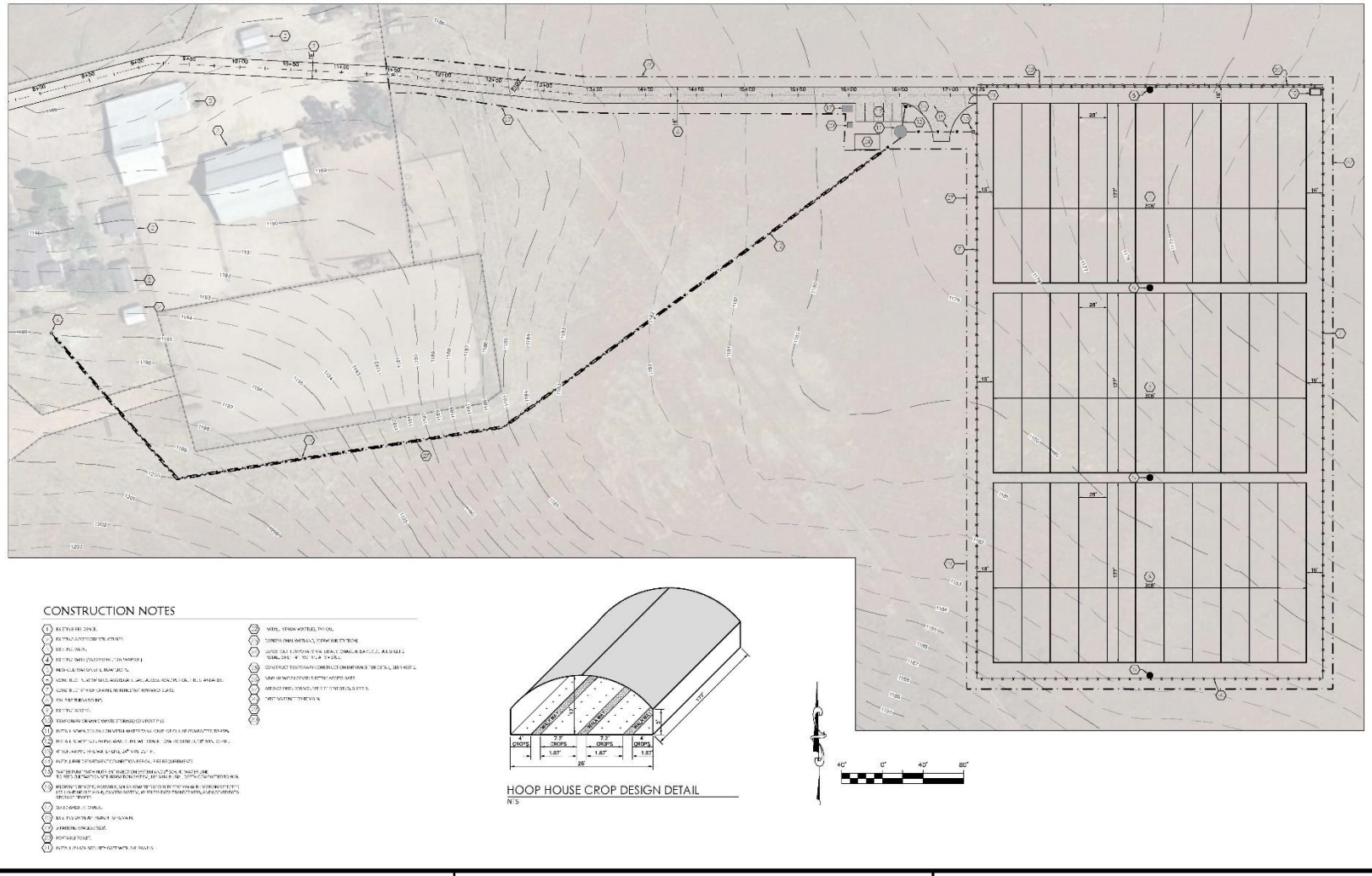

Figure 4. Proposed Hoop Structure Detail

C. Environmental Analysis

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

I. AESTHETICS

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

Setting

The project site is located within an unincorporated area of San Luis Obispo County in a rural area approximately 2.73 miles southwest of the community of Shandon. The project property includes two parcels totaling 326.6 acres. The northern parcel (Assessor's Parcel Number [APN] 017-251-070) currently supports vineyards and an agricultural pond, and the southern parcel (APN 017-251-071) currently supports grazing land, a single-family residence, a barn, and various agricultural accessory support structures. The project site would be located within a portion of the grassland currently used for cattle grazing on the southern parcel. On-site vegetation generally consists of annual grassland including non-native grasses and ruderal species. Topography of the site ranges from nearly level to gently rolling. The project is bordered to the north and east by vineyards and to the south and west by gently to moderately sloping, largely undeveloped land.

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

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

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

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

- **Objective RU-5:** Fences and screening should reflect an area's rural quality.
- **Objective RU-7:** Landscaping should be consistent with the type of plants naturally occurring in the County and should limit the need for irrigation.

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

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

Discussion

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

The project site would be located in a rural area accessed by an existing driveway off SR 41, which would serve as the primary public viewing area of the project site. For the purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public.

While the project vicinity has high scenic value and an appealing rural and agricultural character, it is not located in an area considered a scenic vista as it does not offer expansive views of a highly valued landscape and is not officially or unofficially designated as a scenic vista. Therefore, the project would not result in a substantial adverse effect on a scenic vista, and *no impacts would occur.*

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

Based on Caltrans' California Scenic Highways online mapping tool, SR 41 is not a designated or eligible State Scenic Highway and the County of San Luis Obispo General Plan does not designate any scenic resources in this area (Caltrans 2019). The project site is not located along nor visible from a designated or eligible State Scenic Highway. Therefore, the project would not result in substantial damage to scenic resources within a State Scenic Highway, and *no impacts would occur.*

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

The visual character of the project vicinity is characterized by undeveloped rural lands dominated by annual grassland and agricultural uses, including vineyards and grazing land, scattered rural residences, and agricultural accessory structures. The proposed project would be briefly visible to viewers traveling north or south on SR 41. Views of the project site from southbound travelers would be largely blocked by existing vineyards located north of the project site and only visible for a brief period when approaching the project site access driveway, in which the proposed developments would be visible intermittently through the existing development and vegetation on-site. Views of the project site from northbound travelers would be largely blocked by existing topography until the site became visible when approaching the project site access driveway, in which the proposed developments would also be viewed intermittently through existing development and vegetation on-site.

In accordance with LUO Section 22.40.050.D.6, cannabis plants would not be visible from off-site public or private vantage points. Aspects of the project would that likely be visible from public vantage points include the proposed fencing, security lights, and the tops of the proposed hoop structures. The proposed hoop structures would include white plastic coverings for approximately 6 months of the year, from the beginning of the growing season through the end of harvest, after which they would be removed each year. These components would be located approximately 1,250 feet (0.25 mile) east of SR 41 and would be partially screened by existing development and vegetation. Other components, such as extension and improvements of the existing driveway and installation of an upgraded security gate, would not result in substantially noticeable changes to the project site. The proposed fenced cultivation area would be clustered with the existing development on-site and would not result in a significant change to the visual character of the area; therefore, potential impacts associated with substantial degradation of the existing visual character or quality of public views of the site and its surroundings would be *less than significant.*

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

The proposed outdoor cannabis cultivation would occur within hoop house structures with white, partially translucent plastic coverings. The proposed hoop structures would be screened from public views along SR 41 by existing development and vegetation, and enclosed by 6-foot-high solid fencing with privacy slats, which would substantially reduce any potential glare produced from the hoop structure coverings from affecting viewers travelling along SR 41.

The project includes installation of four 15-foot-high battery-operated security stations, which would include solar-powered manually activated light fixtures located within the fence-line of the outdoor cultivation area. Security lighting would be activated only in the event of a security breach during nighttime hours, and would be turned off once the incident is resolved. The project is located in a remote area with a low level of existing light pollution (Darksitefinder.com 2006) and based on the height and brightness of proposed security lights, the project may have the potential to affect nighttime views in the area. Mitigation Measure AES-1 has been identified to require the applicant to prepare and submit a light pollution prevention plan that requires all external security lighting to be downward shielded so as to prevent the light source from being visible off-site, as well as use of "warm

white" lighting to decrease blue light emissions. In addition, the project would be required to demonstrate compliance with applicable state standards set forth in the CCR associated with shielding of security lighting and mixed-light cultivation uses. Therefore, impacts relating to nighttime lightning and glare would be *less than significant with mitigation.*

Conclusion

The project is not located within view of a scenic vista and would not result in a substantial change to scenic resources in the area. The project would be consistent with existing policies and standards in the County LUO and COSE related to the protection of scenic resources. Mitigation Measure AES-1 has been identified to reduce potential impacts associated with nighttime lighting to less than significant. Upon implementation of identified mitigation, impacts to aesthetic resources would be less than significant.

Mitigation

AES-1 **Nighttime lighting. Prior to issuance of grading or construction permits**, to minimize the effects of exterior lighting on special-status wildlife and to address potential impacts associated with new sources of light and glare, the applicant shall submit a light pollution prevention plan to the County Department of Planning and Building for review and approval that incorporates the following measures to reduce impacts related to night lighting:

a. All exterior lighting shall conform to LUO Section 22.10.060, and be located and designed to be directed downward and to the interior of the site to avoid the light source from being visible off-site. All exterior lighting shall be "warm-white" or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue light emissions.

II. AGRICULTURE AND FORESTRY RESOURCES

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

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

Setting

The California Department of Conservation (CDOC) Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and current land use. For environmental review purposes under CEQA, the FMMP categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land are considered "agricultural land." Other non-agricultural designations include Urban and Built-up Land, Other Land, and Water. Based on the FMMP, soils at the project site are within the Farmland of Local Potential and Grazing Land designation.

Based on the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) web soil survey (NRCS 2017) and the Soil Survey of San Luis Obispo County, California - Paso Robles Area (USDA 1983), soil type(s) and characteristics on the subject property in the project area that are classified as Prime Farmland include:

106. Arbuckle-San Ysidro complex, 2 to 9 percent slopes

Arbuckle. This very deep, well-drained soil has moderately slow permeability, medium runoff, and moderate erodibility. This soil also has moderate shrink-swell potential and low strength. This soil is suitable for building sites. Septic systems can overcome infiltration issues by increasing the size of absorption areas.

San Ysidro. This very deep, moderately well-drained soil has very slow permeability, medium runoff capacity, and moderate erodibility. The shrink-swell potential of this soil is high. These characteristics

create severe limitations for building sites, roads, and streets. The slow absorption of effluent is a severe limitation for septic tank absorption fields.

This soil is designated as Prime Farmland and Farmland of Statewide Importance in the table of Important Agricultural Soils of San Luis Obispo County provided within the COSE.

188. Rincon clay loam, 2 to 9 percent slopes

This very deep, well-drained soil has slow permeability, medium surface runoff, and moderate erodibility. The shrink-swell potential for this soil is high. This soil is well suited for row crops and rangeland, with surface compaction being the main limitation. There is a severe limitation for building sites, roads, and streets because of the high shrink-swell potential and low strength. The slow absorption of effluent is a severe limitation for septic tank absorption fields. This soil is designated Prime Farmland and Highly Productive Rangeland Soil in the table of Important Agricultural Soils of San Luis Obispo County provided within the COSE.

196. San Ysidro sandy loam, 2 to 9 percent slopes

This very deep, moderately well-drained soil has very slow permeability, medium surface runoff, and moderate erodibility. The subsoil has high shrink-swell potential. This soil is well suited to use as rangeland. The soil has severe limitations for building sites, roads, and streets because of the high shrink-swell potential and low strength of the subsoil. This soil is designated under Other Productive Soils in the table of Important Agricultural Soils of San Luis Obispo County provided within the COSE.

Other soils types occurring within the project parcels, but not present in the project area, include Nacimiento-Los Osos Complex, 9 to 30 percent slopes, and Rincon clay loam, 9 to 15 percent slopes.

The Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agriculture or related open space use. In return, landowners receive property tax assessments that are much lower than normal because they are based upon farming and open space uses as opposed to full market value. The project property is in the Shandon Agricultural Preserve No. 1, which includes a minimum parcel size for conveyance of 40 acres for agricultural capability on prime soils with irrigation.

According to California Public Resources Code (PRC) Section 12220(g), forest land is defined as land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. Timberland is defined as land, other than land owned by the federal government and land designated by the State Board of Forestry and Fire Protection as experimental forest land, that is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. The project site does not support any forest land or timberland.

(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?

Soils within the project site are classified as Farmland of Local Potential and Grazing by the California FMMP (CDOC 2016). Farmland of Local Potential is defined as land that has Prime or Statewide characteristics but has not been cultivated within the last several years. Approximately 3 acres of prime soils would be utilized for outdoor cannabis cultivation, which would not result in the permanent conversion of on-site soils to non-agricultural use. The project includes minor site

improvements, such as installation of security fencing and a 400-square-foot seatrain container for equipment storage, that would result in a relatively small area of conversion to non-agricultural use. The project site does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the FMMP, and the project would not result in the permanent conversion of on-site soils to non-agricultural uses; therefore there would be *no impacts* associated with conversion of Prime Farmland.

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

The subject property is located within the Agriculture land use designation, and cannabis cultivation activities, including the proposed outdoor cultivation, are allowed uses within this land use designation (LUO Section 22.06.030). Both parcels that comprise the project property are subject to an active Williamson Act contract that covers multiple parcels under common ownership with a total of 640 acres. The project has been subject to review by County staff for consistency with its Williamson Act Contract and a referral response letter was prepared summarizing staff's findings (Whaler 2019). Under the terms of the contact, the properties shall maintain at least is 40 acres of agricultural cultivation on prime soils with irrigation. Approximately 130 acres of land within the contract area currently supports irrigated vineyard, which is consistent with the 40-acre minimum set forth in the contract. The property is large enough to support both the proposed cannabis uses and the minimum qualifying 40 acres of irrigated crops (Whaler 2019). Cannabis cultivation is considered a compatible use under the County Williamson Act Rules of Procedures. Per Therefore, potential impacts associated with conflict with existing zoning for agricultural use or Williamson Act contract would be *less than significant.*

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

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

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

The project property supports several existing trees within the developed area of the southern parcel adjacent to the existing single-family residence and accessory structures on-site. The project would not result in the removal or trimming of any of these tree species. The project property is dominated by grassland and does not appear to be able to support 10% native tree cover to constitute forest land. Therefore, there would be *no impacts* associated with the loss or conversion of forest land.

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

During operation, the project would consist of outdoor cultivation of cannabis, which would utilize the same groundwater basin as surrounding agricultural production activities. Based on the water demand analysis detailed in Section X, Hydrology and Water Quality and distance from off-site wells, the project's proposed water use would not significantly affect the production and recovery of

surrounding wells. In addition, the project applicant would be required to offset the project's proposed water use in accordance with the Countywide Water Conservation Program.

Therefore, the project would not involve other changes in the environment that would result in conversion of Farmland to non-agricultural use or forest land to non-forest use, and potential impacts would be *less than significant.*

Conclusion

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

Mitigation

None necessary.

III. AIR QUALITY

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

Setting

San Luis Obispo County Clean Air Plan

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

control strategy for reducing ozone precursor emissions, thereby improving air quality. In order to be considered consistent with the San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP.

SLOAPCD Criteria Pollutant Thresholds

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

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

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

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

Sensitive Receptors

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants, such as the elderly, children, people with asthma or other respiratory illnesses, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. Some land uses are considered more sensitive to changes in air quality than others due to the population that occupies the uses and the activities involved. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residences. The nearest sensitive receptor is an off-site residence located 0.43 mile (2,270 feet) northeast of the proposed project.

Naturally Occurring Asbestos

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

Developmental Burning

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

Discussion

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

In order to be considered consistent with the 2001 San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies that are outlined in the CAP (SLOAPCD 2012). Adopted land use planning strategies include, but are not limited to, planning compact communities with higher densities, providing for mixed land use, and balancing jobs and housing. The project does not include development of retail or commercial uses that would be open to the public; therefore, land use planning strategies such as mixed-use development and planning compact communities are generally not applicable. The project would result in the establishment of activities that are agricultural in nature and would employ up to three full-time regular employees and 10–12 additional seasonal employees. The project would not result in a significant increase in employees and therefore would not significantly affect the local area's jobs/housing balance.

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

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

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

The county is currently designated as non-attainment for ozone and PM_{10} under state ambient air quality standards. Construction and operation of the project would result in emissions of ozone precursors, including reactive organic gases (ROG), nitrogen oxides (NO_x), and fugitive dust emissions (PM_{10}).

Construction Emissions

As proposed, the project would result in approximately 5.60 acres (243,936 square feet) of site disturbance, including 209 cubic yards of cut and 209 cubic yards of fill material (for a total of 383 cubic yards) to be balanced on-site. This would result in the creation of construction dust, as well as

short-term vehicle emissions. Based on the SLOAPCD's CEQA Air Quality Handbook (2012) and Clarification Memorandum (2017), estimated construction-related emissions were calculated and are shown in Table 1 below.

Table 1. Proposed Project Estimated Construction Emissions

Pollutant	Total Estimated Project Emissions	APCD Emissions Threshold	Mitigation Required?
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO_x) (combined)	43.6 lbs	137 lbs/day	No
Diesel Particulate Matter (DPM)	1.9 lbs	7 lbs/day	No
Fugitive Particulate Matter (PM_{10})	4.2 tons	2.5 tons/quarter	Yes

Note: lbs = pounds

Construction of project components is expected to take 5 days to complete. Daily emissions would not exceed SLOAPCD's significance thresholds for ROG + NO_x or DPM, but would have the potential to exceed the quarterly significance threshold for PM_{10}. Mitigation Measure AQ-1 has been identified to require implementation of standard fugitive dust control measures approved by the SLOAPCD to reduce PM_{10} emissions. Upon implementation of Mitigation Measure AQ-1, potential construction impacts associated with criteria pollutant emissions for which the project is in non-attainment would be less than significant.

Operation-Related Emissions

The project consists of 3 acres of outdoor cannabis cultivation within hoop structures. During operation, project-related criteria air pollutant emissions would be limited to vehicle trips of employees, materials deliveries, and distributor trips (i.e., delivery of nursery plants and transport of harvested cannabis off-site), as well as fugitive dust emissions from use of the unpaved access driveway and ripping and disking of the cultivation area between harvests. Based on the size of proposed operations, number of employees, and number of annual harvests proposed, the project's operational criteria pollutant emissions of ROG, NO_x, and DPM would not have the potential to exceed SLOAPCD's operational thresholds for those pollutants.

The project would include the ongoing use of the approximately 0.3-mile long unpaved driveway and extension as well as seasonal ripping and disking of the 3-acre cultivation area. According to the APCD, an unpaved roadway of one mile in length carrying 6.0 round trips would likely exceed the 25 lbs/day PM_{10} threshold. During the annual harvest period the roadway would carry up to 15 round trips over a three-day period. Applying the APCD threshold, during the annual harvest periods, the project would generate approximately 18.75 lbs/day of PM_{10}.:

6 round trips x 1 mile = 25 lbs/day PM_{10}

1 round trip per day x 1 mile = 4.17 lbs/day PM_{10}

1 round trip per day x 0.3 miles = 1.25 lbs/day PM_{10}

15 round trips x 1.25 lbs/day/trip = 18.75 lbs/day

On a typical workday, the project would result in approximately three roundtrips per day, which would generate approximately 3.75 lbs per day of PM_{10}. According to the APCD 2012 CEQA Handbook, a

project with grading/earth disturbance in excess of 4.0 acres and/or moving 1,200 cubic yards of earth per day can exceed the construction threshold for respirable particulate matter (PM_{10}). Seasonal activities to prepare the cultivation area for re-planting will involve disking and ripping of the topsoil over a 3-acre area. Therefore, seasonal activities to prepare the 3-acre cultivation area for re-planting are expected to generate particulates that fall below the daily and quarterly threshold of significance.

Mitigation Measure AQ-1 has been identified to address potential construction-phase impacts associated with PM_{10} emissions; therefore, potential impacts associated with criteria air pollutant emissions for which the project is in non-attainment would be *less than significant with mitigation.*

(c) Expose sensitive receptors to substantial pollutant concentrations?

The project includes establishment of 3 acres of outdoor cannabis cultivation, installation of fencing, a new water line, and security lights, and construction of an extension of the existing access driveway. The construction/implementation phase of this project would result in the creation of construction dust, as well as short-term vehicle emissions. The project site is located in a sparsely developed area and the nearest sensitive receptor is an off-site single-family residence located approximately 0.43 mile (2,250 feet) northeast of the proposed project site. The project would not result in the creation of substantial air pollutant concentrations within 1,000 feet of a sensitive receptor location; therefore, potential impacts associated with exposure of a sensitive receptor to substantial pollutant concentrations would be *less than significant.*

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

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

The project includes outdoor cannabis cultivation, which has the potential to produce nuisance odors during the flowering and harvesting phases of the proposed operations, which could disperse through the air and be detected by surrounding receptors. The proposed outdoor cannabis cultivation would be located a minimum of 300 feet from the property boundaries to allow cannabis odors to dissipate and not be detected from off-site, as required by LUO Section 22.40.50.D.3. Flowering and harvest of the outdoor cultivation area would occur once per year in late October, which is outside the windier part of the year from March to July (Weatherspark.com 2019). The project site is in a rural area with scattered rural residences within the project vicinity, the closest of which is located approximately 0.43 mile (2,250 feet) to the east of the proposed project site. Wind in Shandon comes from the North for the majority of the year (September 30 to May 2), therefore, the nearest off-site residence would not be located directly down-wind of the site during flowering and harvest periods (Weatherspark.com 2019). Based on established setbacks, frequency of nuisance odor-emitting activities, distance from surrounding development, and low density of surrounding development, the project would not result in cannabis nuisance odors that would adversely affect a substantial number of people. Therefore, project impacts associated with other emissions adversely affecting a substantial number of people would be *less than significant.*

Conclusion

The project would have the potential exceed the SLOAPCD's construction and operational thresholds for fugitive dust emissions. Mitigation Measure AQ-1 has been identified to reduce these potential impacts to a

less-than-significant level. The project would be consistent with SLOAPCD's CAP and has been located and designed to prevent any long-term operational nuisance odor emissions from affecting surrounding properties. Therefore, potential impacts to air quality would be less than significant with mitigation.

Mitigation

AQ-1 **Prior to issuance of grading permits or initiation of ground-disturbing activities,** the following measures shall be implemented during all site disturbance activities and shown on all applicable development plans to be implemented during all construction activities:

a. Reduce the amount of the disturbed area where possible;

b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour (mph). Reclaimed (non-potable) water should be used whenever possible;

c. All dirt stockpile areas should be sprayed daily or covered with tarps or other dust barriers, as needed;

d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil-disturbing activities;

e. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD;

f. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;

g. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;

h. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;

i. Install wheel washers or other devices to control tracking of mud and dirt onto adjacent roadways where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;

j. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible. Roads shall be pre-wetted prior to sweeping when feasible; and

k. The applicant shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period, and to prevent transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such

persons shall be provided to the SLOAPCD Engineering & Compliance Division prior to the start of any grading, site disturbance, or demolition.

IV. BIOLOGICAL RESOURCES

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

Setting

The project site is in a rural area in the northeast portion of San Luis Obispo County, approximately 2.56 miles southwest of the community of Shandon. The topography of the project area is nearly level to gently rolling, with elevations ranging between 1,168 to 1,182 feet above mean sea level. According to the Soil Survey for San Luis Obispo County (USDA 1983) and the NRCS Web Soil Survey (NRCS 2017), soils in the project area consist of Arbuckle-San Ysidro complex, 2 to 9 percent slopes; Rincon clay loam, 2 to 9 percent slopes; Nacimiento-Los Osos Complex, 9 to 30 percent slopes; Rincon clay loam, 9 to 15 percent slopes; and San Ysidro sandy loam, 2 to 9 percent slopes (see Section II, Agricultural Resources, for detailed descriptions).

The following information is based on the Biological Resources Survey Report prepared for the project by Pax Environmental, Inc. (2019a) and a subsequent addendum (Pax Environmental 2019b).

Biological Setting and Natural Communities

The Project site consists of pasture with annual grassland habitat. Vegetation on site is dominated by *Bromus diandrus*, *Bromus hordeaceus*, *Hordeum murinum* with some native species mixed in at low concentrations. Topography on the project site is relatively flat, gently sloping downhill from southwest to northeast, with elevations ranging from 1,168 to 1,182 feet above mean sea level (msl).

The California Natural Diversity Database (CNDDB) records search identified Valley Sink Scrub, Northern Interior Cypress Forest, and Northern Claypan Vernal Pool as special status natural communities occurring in the Project region. None of these sensitive natural communities were observed within the project site.

Wetlands and other Water Bodies

During the special status plant survey in April of 2019, a wetland feature was identified along the northern parcel boundary of APN 017-251-071. This feature is a closed depressional wetland, approximately 950 square feet in size. Evidence of recent standing water was present within the potential wetland on the Project site, including moist and cracked surface soils, discernible ordinary high-water mark, hydric soils, as evidenced by oxidized rhizospheres in the upper twelve inches, and the presence of popcornflower (*Plagiobothrys stipitatus*), a facultative wetland plant. This depressional wetland has potential to be considered Waters of the State and/or Waters of the U.S.

Special-Status Plants

A records search using the California Natural Diversity Database (CNDDB) and California Native Plant Society (CNPS) online inventory was performed to determine special-status plant species with the potential to occur within the project vicinity. The CNDDB and CNPS online inventory identified 31 special-status plants occurring within the project region. Of the 31 species identified, 25 were not expected to occur on the project site due to lack of suitable habitat, lack of suitable substrate, and/or lack of area within suitable elevation range. Based on the field assessment conducted in December 2018, and the known habitat requirements of the special-status species identified by the records search, six species were determined to have the potential for occurrence on the project site:

- Miles' milk-vetch (*Astragalus didymocarpus* var. *milesianus*)
- San Luis Obispo owl's-clover (*Castilleja densiflora* var. *obispoensis*)
- Lemmon's jewelflower (*Caulanthus lemmonii*)
- Kern mallow (*Eremalche parryi* ssp. *kernensis*)

- Diamond-petaled California poppy (*Eschscholzia rhombipetala*)
- Shining navarretia (*Navarretia nigelliformis* ssp. *radians*)

Special-Status Wildlife

A records search using the CNDDB was performed to determine special-status wildlife with the potential to occur within the project vicinity. The CNDDB online inventory identified 29 special-status wildlife species occurring within the project region. Based on the field surveys of the project site conducted in December 2018 and April and May 2019, 10 of these species were determined not to have the potential to occur on-site. The project site does not contain suitable habitat features to support vernal pool fairy shrimp (*Branchinecta lynchi*), California tiger salamander (*Ambystoma californiense*), foothill yellow-legged frog (*Rana boylii*), California red-legged frog (*Rana draytonii*), western pond turtle (*Actinemys marmorata*), or Tulare grasshopper mouse (*Onychomys torridus tularensis*). The project site does not support freshwater marshlands; therefore, neither nesting nor foraging yellow rail (*Coturnicops noveboracensis*) would have potential to occur within the project site. The project site does not support suitable habitat and is not located within the known geographic range of blunt-nosed leopard lizard (*Gambelia sila*), Nelson's antelope squirrel (*Ammospermophilus nelson*), or giant kangaroo rat (*Dipodomys ingens*).

Special-status wildlife species determined to have the potential to occur within the project area include:

- Tri-colored blackbird (*Agelaius tricolor*)
- Grasshopper sparrow (*Ammodramus savannarum*)
- Burrowing owl (*Athene cunicularia*)
- Ferruginous hawk (*Buteo regalis*)
- Swainson's hawk (*Buteo swainsonii*)
- Mountain plover (*Charadrius montanus*)
- White-tailed kite (*Elanus leucurus*)
- Prairie falcon (*Falco mexicanus*)
- Loggerhead shrike (*Lanius ludovidianus*)
- Bank swallow (*Riparia riparia*)
- Pallid bat (*Antrozus pallidus*)
- Townsend's big-eared bat (*Corynorhinus townsendii*)
- American badger (*Taxidea taxa)*
- San Joaquin kit fox (*Vulpes macrotis mutica*)
- Western spadefoot toad *(Spea hammondii*)
- California legless lizard (*Anniella pulchra*)
- California glossy snake (*Arizona elegans occidentalis*)
- San Joaquin coachwhip (*Masticophis flagellum ruddocki*)
- Coast horned lizard (*Phrynosoma blainvillii*)

In addition, based on the County San Joaquin kit fox (SJKF) Standard Mitigation Ratio Areas map, the project is located within an area with a designated mitigation ratio of 4:1 for SJKF, requiring conservation of 4 acres of habitat for each 1 acre impacted. The project applicant team has completed a SJKF Habitat Evaluation form, in which the project biologist calculated a preliminary score of 61, which would correspond to a 2:1 mitigation ratio (PAX Environmental, Inc. 2019). The SJKF Habitat Evaluation Form was then submitted and reviewed by CDFW staff, who calculated a final score of 80+, which corresponds to a 4:1 mitigation ratio (Galvan 2019). Therefore, per CDFW review and approval, the project shall be subject to a 4:1 mitigation ratio for each acre of impacted SJKF habitat.

CDFA Requirements

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

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

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

Discussion

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

Special-Status Plants

Based on a CNDDB archival search, review of the CNPS online inventory, and field surveys conducted in December 2018, six special-status plants were identified as having potential to occur within the project site. Focused botanical surveys of the project site were conducted in April and May 2019, during which all potential special-status plant species would have been in identifiable condition. None of the target species or other special-status species were identified within the project site during either of the spring botanical surveys. Based on the lack of suitable habitat and no observation of special-status plants during their respective bloom periods, no special-status plant species are expected to occur on-site.

Special-Status Wildlife

Based on a CNDDB archival search and field surveys conducted in December 2018, April 2019, and May 2019, 19 special-status wildlife species were determined to have a low or moderate potential to occur on the project site, as described below.

Special-status Reptiles

The project site is considered suitable habitat for California legless lizard and it has a moderate potential for occurrence based on the presence of suitable substrate and recorded observations within 1 mile of the project site. Conditions are considered marginally suitable for coast horned lizard, California glossy snake, and San Joaquin coachwhip based on grassland present and a lack of sandy substrate and saltbush scrub. These species are considered to have a low potential to occur on-site, meaning the likelihood of occurrence is lower than the likelihood of absence. Mitigation Measures BIO-1 and BIO-2 have been identified to require worker environmental awareness training, focused

preconstruction surveys, and relocation of individuals found during surveys. These measures would reduce potential impacts to California legless lizard, coast horned lizard, California glossy snake, and San Joaquin coachwhip to less than significant.

Migratory Nesting Birds and Burrowing Owl

The project site provides suitable nesting habitat for a variety of bird species that are protected by the U.S. Migratory Bird Treaty Act (MBTA) and California Fish and Game Code, including tri-colored blackbird, grasshopper sparrow, burrowing owl, ferruginous hawk, Swainson's hawk, mountain plover, white-tailed kite, prairie falcon, loggerhead shrike, and bank swallow.

Potential direct or indirect impacts to active nests resulting in nest failure or take would conflict with the MBTA. Mitigation Measure BIO-3 has been identified to require site disturbance activities to occur outside of the typical nesting season, if feasible; require preconstruction surveys to be conducted if activities are to take place within the nesting season; and implement no-disturbance buffers for any active nests pursuant to the MBTA. These measures would avoid or reduce potential impacts to nesting birds protected by the MBTA to less than significant.

The project site includes moderately suitable grassland and oak woodland foraging habitat for burrowing owl, and the presence of small mammal burrows within the project area also provide potentially suitable nesting habitat. Proposed site grubbing, grading, and construction activities could have the potential to impact western burrowing owl if active burrows are present. Mitigation Measure BIO-5 has been identified to require a preconstruction survey of the project site and surrounding areas to determine if there are suitable burrows located within and around the project site. If suitable burrows are present, additional surveys would be required to determine whether burrowing owls are present on-site or not in accordance with CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012) and the burrowing owl survey protocol and mitigation guidelines (California Burrowing Owl Consortium 1993). If active burrows and/or owls are present on-site, standard avoidance and relocation measures would be required. Upon implementation of Mitigation Measure BIO-4, the project's potential impacts to burrowing owl during construction activities would be less than significant.

The project would result in the disturbance of approximately 5.60 acres on two parcels of 195 acres and 132 acres in size (326.6 acres total). The 132-acre northern parcel currently supports active vineyards, while the 195-acre parcel on which disturbance is proposed is comprised mostly of undeveloped grassland. Properties located to the south and west of the project are also largely dominated by undeveloped grassland. Based on the area of potential habitat loss and large areas of surrounding suitable habitat areas, impacts associated with loss of burrowing owl habitat would be less than significant.

Pallid Bat and Townsend's Big-Eared Bat

While no roosting bats were observed during the preliminary survey of the project area, the existing structures and mature trees within and adjacent to the project site have the potential to support roosting pallid bat and Townsend's big-eared bat. The project does not propose trimming or removal of existing structures or oak trees on-site; therefore, the project would not result in direct loss of roosting habitat. However, the project would result in temporary noise and dust disturbance associated with construction, and the loss of foraging habitat for these species within the project development site. Mitigation Measure BIO-5 has been identified to avoid impacts to pallid bat and Townsend's big-eared bat through pre-disturbance surveys and identification of appropriate protocol

if found roosting within or adjacent to the project site. Upon implementation of BIO-5, potential impacts to pallid bat and Townsend's big-eared bat would be less than significant.

American Badger

Based on marginally suitable habitat conditions within the project area, American badger was determined to have a low potential to occur on-site. Proposed construction and grading activities have the potential to impact American badger directly or indirectly, as noise, vibration, and dust generation may cause them to leave burrows. Mitigation Measure BIO-6 has been identified to require focused preconstruction surveys, establishment of a no-work buffer, and coordination with relevant agencies if active badger dens are found. Upon implementation of Mitigation Measure BIO-6, impacts to American badger would be less than significant.

San Joaquin Kit Fox

SJKF is considered to have a moderate potential for occurrence on-site based on proximity to known records and presence of suitable foraging habitat on-site. SJKF are not expected to permanently reside on-site due to unsuitable soil conditions and long-term cattle grazing, and they are also unlikely to hunt on the project site due to limited prey base. Furthermore, the project site is surrounded to the north and east by intensive viticulture and does not facilitate movement between distinct suitable habitat areas. Due to the project's location within the County's designated 4:1 mitigation area, implementation of mitigation measures pursuant to the County Guide to SJKF Mitigation Procedures under CEQA would be required. Construction and implementation of the proposed project would result in approximately 5.60 acres (243,936 square feet) of disturbance within annual grassland and ruderal habitat. Mitigation must be fulfilled by contribution to the preservation of habitat through a conservation easement agreement, compensation to a predetermined mitigation bank, or payment of an in-lieu fee to the San Francisco office of The Nature Conservancy.

The total duration of project-related ground disturbance, including earth-moving, is expected to be 5 days. Direct impacts to SJKF may occur as a result of construction-related activities, including vehicle strikes, and indirect impacts may occur during long-term project activities, including increased light-pollution. Implementation of Mitigation Measures BIO-1 and BIO-7 through BIO-15 have been identified to avoid impacts to SJKF and compensate for the loss of suitable habitat. Upon implementation of these measures, potential impacts to SJKF would be less than significant.

The project has the potential to result in impacts to 19 special-status wildlife species and/or their habitats. Mitigation Measures BIO-1 through BIO-15 have been identified to avoid and reduce all potential project impacts to these species; therefore, based on the analysis provided above, potential impacts associated with substantial adverse effects on any special-status species would be *less than signification with mitigation.*

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

Based on the Biological Resources Assessment prepared for the project, no special-status plant communities, U.S. Fish and Wildlife Service (USFWS)-designated critical habitat, or riparian habitat occurs within the project site or the immediate project vicinity (PAX Environmental 2019a). Implementation of the project would result in grading and disturbance to approximately 5.60 acres of annual grassland and ruderal habitat. The annual grassland on-site is comprised of primarily non-native species that are common in the region and is not considered a sensitive habitat or plant

community by CDFW. Therefore, the project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community and potential impacts would be *less than significant.*

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

The nearest wetland features to the project site include one depressional wetland located approximately 380 feet north of the proposed disturbance areas and a drainage located approximately 400 feet south of the existing access driveway. The project does not include any work to be conducted in these areas and the project's preliminary drainage and erosion control plan would be subject to County Department of Public Works review and approval in accordance with standard County construction and stormwater control requirements. Based on the nearly level topography of the site, distance to nearby wetland and surface water features, and compliance with current drainage and erosion control standards, potential impacts to state or federally protected wetlands would be *less than significant.*

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

As described in threshold c above, the project disturbance area would not directly impact proximate natural water features and therefore would have no impact on resident or migratory fish species. The project is located within an area that has historically supported SJKF, which is a migratory species. Mitigation Measure BIO-12 has been identified to require all proposed fencing to be modified to include ground-level gaps every 100 yards to allow for SJKF passage. Therefore, impacts related to interference with the movement of migratory fish or wildlife would be *less than significant with mitigation.*

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

Scattered mature valley oak (*Quercus lobata*) trees, which are considered a sensitive resource by the County and are endemic to California, occur within the project property. Based on the current site plans, no oak trees are proposed for removal, and no proposed improvements would require trimming or other impacts to the trees on-site. Therefore, potential impacts associated with a conflict with any local policies or ordinances protecting biological resources would be *less than significant.*

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

The project is not located within an area under an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the project would not conflict with the provisions of an adopted plan and impacts would be less than significant.

Conclusion

Upon implementation of Mitigation Measures BIO-1 through BIO-15 to reduce potential impacts to special-status plants, special-status wildlife, and native oak trees, potential impacts to biological resources would be less than significant.

Mitigation

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

BIO-2 **Pre-construction survey for special-status reptiles.** Prior to issuance of grading or construction permits or establishment of the use, whichever occurs first, a qualified biologist shall conduct a pre-construction survey immediately prior to initial project activities (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special-status reptile or amphibian species are discovered during surveys or monitoring, they will be allowed to leave the area on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact.

BIO-3 **Pre-construction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

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

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

BIO-4 **Pre-construction Survey for BUOW.** If work is planned to occur within 150 meters (approximately 492 feet) of BUOW habitat, a qualified biologist shall conduct a pre-construction survey for the species within 14 days prior to initial project activities. This applies year-round (i.e., within the breeding (February 1 to August 31) or non-breeding (September 1 to January 31) seasons. Habitat for BUOW includes areas with generally short, sparse vegetation and few shrubs, level to gentle topography and well-drained soils including grasslands, shrub steppe, desert, some agricultural areas, ruderal grassy fields, vacant lots, and pastures. A second survey shall be completed immediately prior to initial project activities (i.e., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on BUOW Mitigation, which specifies that 7- to 20-meter transects shall be walked, such that the entire project area is visible. These surveys may be completed concurrently with SJKF, American badger, or other special-status species surveys. If occupied BUOW burrows are identified the following exclusion zones shall be observed during project activities, unless otherwise authorized by CDFW:

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

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

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

BIO-5 **Pallid Bat and Townsend's Big-Eared Bat Avoidance and Minimization.** Site preparation, ground disturbance, and construction activities including any tree trimming and/or vegetation removal shall be conducted outside of the typical bat maternity roosting and pupping season (February 1–August 31), if feasible. If site disturbance activities are to occur within this season, the applicant shall retain a County-qualified biologist to conduct a preconstruction survey within 14 days prior to commencement of proposed site-disturbance activities. If any roosting bats are found during preconstruction surveys, no work activities shall occur within 100 feet of active roosts until bats have left the roosts. The County-qualified biologist shall prepare a report after each survey and a copy of the report shall be provided to the County within 14 days of completion of each survey. If no bat roosting activities are detected within the proposed work area, site disturbance and noise-producing construction activities may proceed and no further mitigation is required.

BIO-6 **Pre-construction survey for American badgers.** A qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.

- If a potential den is discovered, the den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger.
- If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season), measured outward from the burrow entrance. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

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

BIO-7 **Environmental Awareness Training –** Prior to major construction activities (e.g., site mobilization, clearing, grubbing, preparation for installing new facilities, etc.), an environmental awareness training shall be presented to all project personnel by a qualified biologist prior to the start of any project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the project's discretionary permits, an overview of the federal Endangered Species Act, the California Endangered Species Act, and implications of noncompliance with these regulations, as well as an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the trainees will be kept and provided to the County of San Luis Obispo (County). If new project personnel join the project after the initial training period, they will receive the environmental awareness training from a designated crew member on site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

BIO-8 **San Joaquin Kit Fox Compensatory Mitigation Acreage.** Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the CDFW and County that satisfactorily demonstrates one or a combination of the following SJKF mitigation measure options has been implemented to offset the project's calculated compensatory impacts:

a. Habitat Set Aside: Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, of 22.4 acres of suitable habitat in the kit fox corridor area (e.g., within the San Luis Obispo kit fox habitat area northwest of SR 58), either on-site or off-site, and provide for a nonwasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval by the CDFW and County.

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

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

   Mitigation alternative (b) could be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program. The program was established in agreement between the CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. This fee is calculated based on the current cost-per-unit of $2,500 per acre of required mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to "The Nature Conservancy," would total $56,000 based on $2,500 per acre (5.60 acres impacted × 4 acres mitigation per acre impacted × $2,500 per acre).

c. Conservation Bank Credit: Purchase 22.4 credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

   Mitigation alternative (c) can be completed by purchasing credits through the CDFW approved conservation bank, the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total approximately $56,000. This fee is calculated based on the current cost-per-credit of $2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground-disturbing activities.

BIO-9 Prior to issuance of grading and/or construction permits, all SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

BIO-10 **Pre-construction survey for SJKF.** A qualified biologist shall complete a pre-construction survey for SJKF no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure SJKF is not present within all proposed work areas and at least a 200-foot buffer around work areas per USFWS Standard Recommendations (2011). The biologist will survey for sign of SJKF and known or potential SJKF dens. The result of the survey shall be submitted to the County within 5 days of the survey and prior to start of initial project activities. The submittal shall include the date the survey was conducted, survey method, and survey results, including a map of the location of any SJKF sign, and/or known or potential SJKF dens, if present. If no SJKF sign, potential or known SJKF dens are identified, then the SJKF Standard Protection Avoidance and Protection Measure shall be applied.

- If the qualified biologist identifies potential SJKF den(s), the den(s) will be monitored for 3 consecutive nights with an infra-red camera, prior to any project activities, to determine if the den is being used by SJKF. If no SJKF activity is observed during the 3 consecutive nights of camera placement then project work can begin with the Standard SJKF Avoidance and Protection Measures and the SJKF Protection Measures if SJKF are observed.
- If a known den is identified within 200-feet of any proposed project work areas, no work may start in that area.

If 30 days lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), where no or minimal work activity occurs, the SJKF survey shall be updated.

BIO-11 **Biological Monitoring.** A qualified biologist shall conduct weekly site visits during site-disturbance activities (e.g., clearing, grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, to check the site for special-status species. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by a biologist unless a potential SJKF den was identified on-site or the qualified biologist recommends monitoring for other sensitive species protection. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

BIO-12 **San Joaquin Kit Fox Avoidance and Protection Measures.**

a. If a SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other agencies as needed.

b. A maximum of 25 mph speed limit shall be required at the project site during project activities. Speed limit signs shall be installed on the project site prior to start of all work.

c. All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.

d. To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes or trenches greater than two feet deep shall be completely covered at the end of each work day by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can

feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If a SJKF is entrapped, CDFW, USFWS, and the County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.

e. All pipes, culverts, or similar structures with a diameter of 4 inches or greater, stored overnight at the project site shall be thoroughly inspected for sheltering SJKF before burying, capping, or moving. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day. No pipes, culverts, similar structures, or materials stored on site shall be moved if there is a SJKF present within or under the material. A 50-foot exclusion buffer will be established around the location of the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.

f. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in animal-proof closed containers only and regularly removed from the site.

g. No deliberate feeding of wildlife shall be allowed.

h. Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.

i. Trash will be disposed of into containers rather than stockpiling on site prior to removal.

j. Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence shall be surveyed (consistent with pre-construction survey requirements) by a qualified biologist before they are moved.

k. The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which SJKF depend.

l. Permanent fences shall allow for SJFK passage through or underneath by providing frequent openings (8-inch x 12-inch) or an approximately 4-inch or greater passage gap between the ground and the bottom of the fence every 100 yards. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

m. During project activities and/or the operation phase, any contractor or employee that inadvertently kills or injures a SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead SJKF, the applicant shall immediately notify the USFWS, CDFW, and the County by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident.

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

BIO-13 **Lighting.** To minimize the effects of exterior lighting on special-status wildlife species, the applicant shall submit a Light Pollution Prevention Plan to the County Planning Department for approval that incorporates the following measures to reduce impacts related to night lighting:

- Exterior lighting shall conform to LUO Section 22.10.060 and shall be "warm-white" or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions; and
- Exterior lighting used for security purposes shall be directed downward and to the interior of the site to avoid the light source from being visible off site and shall be of the lowest lumen necessary to address security issues.

BIO-14 **Site Maintenance and General Operations** - The following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

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

BIO-15 **Annual Pre-activity Survey for SJKF**. Applicant or project proponent shall hire a qualified biologist to complete an annual pre-activity survey for SJKF no more than 14 days prior to the start of initial ground disturbance associated with the outdoor grow sites to ensure SJKF and other special-status small mammal species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active SJKF and special-status mammal burrows within the grow site areas plus a 50-foot buffer for small mammals and 200-foot buffer for SJKF. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of the burrows is not feasible, the County shall be contacted for further guidance. The County will contact the appropriate resource agencies. If a SJKF den is found within 200 feet of the disturbance area, then the County must be contacted for further guidance. The County will contact the appropriate resource agencies.

V. CULTURAL RESOURCES

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

Setting

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

As defined by CEQA, a historical resource includes:

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

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

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

Discussion

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

An Archaeological Surface Survey Report was prepared for the project (Hoover and Hoover 2018) and included a Phase I archaeological surface survey and a records search using the Central Coast Information Center (CCIC) of the California Historical Resources Information System (CHRIS). Based on the results of the field survey and literature searches, the project site does not contain, nor is it located near, any historic resources identified in the National Register of Historic Places (NRHP) or CRHR. The project site does not contain a site under the Historic Site (H) combining designation and does not contain other structures of historic age (50 years or older) that could be potentially significant as a historical resource. Therefore, the project would not result in an adverse change in the significance of a historical resource and impacts would be *less than significant.*

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

An Archaeological Surface Survey Report was prepared for the project (Hoover and Hoover 2018) and included a Phase I archaeological surface survey and a records search using the CHRIS CCIC. The records search did not reveal any evidence of cultural resources within the proposed project site. The Phase I archaeological surface survey produced negative results for the presence of cultural resources. Based on the results of the records search and surface survey, the project site has low potential for containing archaeological or cultural resources.

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

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

Based on existing conditions and results of the archaeological surface survey conducted on-site, buried human remains are not expected to be present in the site area. In the event of an accidental discovery or recognition of any human remains, Health and Safety Code Section 7050.5 and LUO

Section 22.10.040 (Archaeological Resources) require that no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. With adherence to Health and Safety Code Section 7050.5 and the County LUO, impacts related to the unanticipated disturbance of archaeological resources and human remains would be reduced to less than significant; therefore, potential impacts would be *less than significant.*

Conclusion

No archaeological or historical resources are known or expected to occur within or adjacent to the project site. In the event unanticipated archaeological resources or human remains are discovered during project construction activities, adherence with County LUO standards and Health and Safety Code procedures would reduce potential impacts to less than significant; therefore, potential impacts to cultural resources would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

VI. ENERGY

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

Setting

Local Utilities

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

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

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

Local Energy Plans and Policies

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

State Building Code Requirements

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

Vehicle Fuel Economy Standards

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

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

As part California's overall approach to reducing pollution from all vehicles, the CARB has established standards for clean gasoline and diesel fuels and fuel economies of new vehicles. CARB has also put in place innovative programs to drive the development of low-carbon, renewable, and alternative fuels, such as their

Low Carbon Fuel Standard (LCFS) Program pursuant to California Assembly Bill (AB) 32 and the Governor's Executive Order S-01-07.

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

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

Energy Use in Cannabis Operations

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

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

Comparatively, non-cultivation cannabis operations, such as distribution or retail sales, tend to involve typical commercial equipment and processes that may require minor to moderate amounts of power. These non-cultivation activities are subject to the CBC and *2019 Building Energy Efficiency Standards,* and therefore do not typically result in wasteful or inefficient energy use. Activities and processes related to commercial cannabis

do not typically require the demand for natural gas supplies, and it is assumed that such activities would represent a nominal portion of the county's total annual natural gas demand (County of Santa Barbara 2017).

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

Discussion

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

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

During construction, fossil fuels, electricity, and natural gas would be used by construction vehicles and equipment. The energy consumed during construction would be temporary in nature and would be typical of other similar construction activities in the county. Federal and state regulations in place require fuel-efficient equipment and vehicles and prohibit wasteful activities, such as diesel idling. Construction contractors, in an effort to ensure cost efficiency, would not be expected to engage in wasteful or unnecessary energy and fuel practices. Energy consumption during construction would not conflict with a state or local plan for renewable energy and would not be wasteful, unnecessary, or inefficient, and therefore would be less than significant.

The project does not include any new structures for mixed-light or indoor cultivation activities. During operation, the project would require a marginal amount of electricity to support the motion-sensor security lighting, other security equipment, and irrigation pump. Based on an estimate provided by the project applicant, this equipment would result in an annual energy demand of approximately 2,278 kWh, which is considerably less than the average annual energy consumption of a residence (U.S. Energy Information Administration 2019). In addition, each of the proposed security systems proposed would be powered by a small solar photovoltaic (PV) panel mounted on each system.

Ongoing operation of the project would also result in fuel use associated with employee motor vehicle trips and deliveries. The project would employ up to 15 employees: up to three full time and up to 12 part time. All vehicles used by employees and deliveries during operation would be subject to applicable federal and state fuel economy standards. Based on adherence to applicable federal and state fuel regulations and the size and scope of proposed activities, project fuel use would not result in a potentially significant environmental impact and would not be wasteful, inefficient, or unnecessary.

Therefore, based on the proposed project energy uses, overall energy demand, and proposed energy sources, the project would not result in a potentially significant environmental impact due to consumption of energy resources. Therefore, the project would not conflict with or obstruct applicable state or local plans for renewable energy or energy efficiency, and *impacts would be less than significant.*

Conclusion

The project includes outdoor cannabis cultivation within hoop structures and would require electricity to support the proposed security systems and irrigation pump. Based on the minimal amount of energy demand required for the project and use of solar PV energy to support the proposed security systems, the project would not have a potentially significant impact on the environment due to consumption of energy resources or conflict with applicable renewable energy or energy efficiency policies. Therefore, potential impacts associated with energy resources would be less than significant and no mitigation is necessary.

Mitigation

None necessary.

VII. GEOLOGY AND SOILS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
	(ii) Strong seismic ground shaking?	☐	☐	☒	☐
	(iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
	(iv) Landslides?	☐	☐	☒	☐
(b)	Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
(c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
(e)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
(f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

Setting

The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) is a California state law that was developed to regulate development near active faults and mitigate the surface fault rupture potential and other hazards. The Alquist-Priolo Act identifies active earthquake fault zones and restricts the construction of habitable structures over known active or potentially active faults. San Luis Obispo County is in a geologically complex and seismically active region. The Safety Element of the County of San Luis Obispo General Plan identifies three active faults that traverse through the county and are currently zoned under the Alquist-Priolo Act: the San Andreas, the Hosgri-San Simeon, and the Los Osos. The nearest active fault to the project site is the Red Hills Fault, approximately 6.5 miles to the east.

The project site is not located within the LUO Geologic Study Area (GSA) combining designation. Based on the Safety Element, the project site is located in an area with low landslide risk potential and low liquefaction potential.

The project site is underlain by Older Dissected Surficial Sediments of the Pleistocene era (Diblee and Minch 2004). This type of underlying geologic material is considered to have high paleontological sensitivity (SWCA Environmental Consultants 2017).

Discussion

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

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

The project site is not located within an Alquist-Priolo Fault Hazard Zone, and there are no mapped active faults crossing or adjacent to the site (CDOC 2015). The closest potentially active fault is the Red

Hills Fault, approximately 6.5 miles east of the project site. Therefore, *no potential impacts would occur* related to location within known fault zones.

(a-ii) Strong seismic ground shaking?

The closest potentially active fault is the Red Hills Fault, approximately 6.5 miles east of the project site. The project does not include new structures or other unique components that would be particularly sensitive to seismic ground shaking or result in an increased risk of injury or damage as a result of ground shaking. Implementation of the project would not expose people or structures to significant increased risks associated with seismic ground shaking; therefore, impacts would be *less than significant.*

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

Based on the Safety Element Liquefaction Hazards Map, the project site is located in an area with low potential for liquefaction. In addition, the project does not include new structures or other unique components that would be particularly sensitive to liquefaction hazards; therefore, the potential impacts would be *less than significant.*

(a-iv) Landslides?

The project site is located in an area with low to moderate potential for landslides. The project does not include new structures for human occupancy beyond a proposed materials storage container. Therefore, potential impacts associated with unstable earth conditions would be *less than significant.*

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

The project would result in the disturbance of approximately 5.60 acres, including approximately 209 cubic yards of cut and 209 cubic yards of fill. During grading activities, there would be a potential for erosion and sedimentation to occur. A sedimentation and erosion control plan is required for all construction and grading projects (LUO Section 22.52.120) to minimize potential impacts related to erosion and sedimentation, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation. In addition, the project would be subject to RWQCB requirements for preparation of a Storm Water Pollution Prevention Plan (SWPPP) (LUO Section 22.52.130), which may include the preparation of a Storm Water Control Plan to further minimize on-site sedimentation and erosion. Upon implementation of the above control measures, as recommended by the county, impacts related to soil erosion and sedimentation would be reduced to less than significant. Therefore, project impacts related to soil erosion or loss of topsoil would be *less than significant.*

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

The project site is located in an area with low potential for landslides and low potential for liquefaction. The project does not include new structures for human occupancy beyond that of a materials storage container. The project is not located in an area with known historical or current subsidence (USGS 2019). Impacts associated with unstable earth conditions would be *less than significant*.

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

The majority of the project site proposed for development is underlain by Rincon clay loam, 2 to 9 percent slopes. This soil has a high shrink-swell (expansion) potential (USDA 1983). Expansive soils

tend to swell with seasonal increases in moisture and shrink during the dry season as subsurface moisture decreases. Volume changes that this type of soil undergoes can result in stress and damage to slabs and foundations if precautionary measures are not incorporated into the design and construction procedures. According to the NRCS soil survey for the area, this particular soil is suited to use as farmland but has severe limitations for building sites. Since the proposed project does not include construction of structures, potential impacts associated with expansive soils would be *less than significant.*

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

Project employees would utilize a portable restroom facility to be located on-site. No septic systems or other wastewater treatment systems are proposed. Therefore, *no impacts would occur* associated with soils incapable of adequately supporting the use of wastewater disposal systems.

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

The soil consists of older surficial sedimentary sand of the Pleistocene age. The project would result in approximately 209 cubic yards of cut and 209 cubic yards of fill for the construction of security measures and the implementation of outdoor cultivation, with a maximum cut depth of 1 foot. The project does not propose large quantities of grading or significant cuts into slopes that would disturb the underlying geological formation/bedrock. Therefore, the project has low potential to disturb any paleontological resources, if present, and impacts related to paleontological resources are expected to be *less than significant.*

Conclusion

The project site is not within the GSA combining designation or an area of high risk of landslide, liquefaction, subsidence, or other unstable geologic conditions. No new structures for long-term human occupancy or wastewater disposal systems are proposed, and proposed grading activities would be limited to 1 foot in maximum depth and would not have the potential to disturb the underlying geological formation/bedrock. Potential impacts associated with geology and soils would be less than significant and no mitigation is necessary.

Mitigation

None necessary.

VIII. GREENHOUSE GAS EMISSIONS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Setting

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

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

In March 2012, the SLOAPCD approved thresholds for GHG emission impacts, and these thresholds have been incorporated into the CEQA Air Quality Handbook. The Bright-Line Threshold of 1,150 million tons of CO_2 equivalent per year ($MTCO_2e/yr$) is the most applicable GHG threshold for most projects. Table 1-1 in the SLOAPCD CEQA Air Quality Handbook provides a list of general land uses and the estimated sizes or capacity of those uses expected to exceed the GHG Bight Line Threshold of 1,150 $MTCO_2e/yr$. Projects that exceed the criteria or are within 10% of exceeding the criteria presented in Table 1-1 are required to conduct a more detailed analysis of air quality impacts.

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.

In October 2008, the CARB published its *Climate Change Proposed Scoping Plan*, which is the state's plan to achieve GHG reductions in California required by AB 32. The Scoping Plan included CARB-recommended GHG reductions for each emissions sector of the state's GHG inventory. The largest proposed GHG reduction recommendations were associated with improving emissions standards for light-duty vehicles, implementing the Low Carbon Fuel Standard program, implementation of energy efficiency measures in buildings and appliances, the widespread development of combined heat and power systems, and developing a renewable portfolio standard for electricity production.

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

was released in November 2017. The 2017 Climate Change Scoping Plan incorporates strategies for achieving the 2030 GHG-reduction target established in SB 32 and Executive Order S-3-05.

Discussion

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

As discussed in Section VI, Energy, the project would not result in inefficient or wasteful energy use during project operation due to the relatively low overall energy demand, proposed energy sources, and compliance with applicable federal and state fuel economy standards. Therefore, the project's operational GHG emissions would be minimal. In addition, the project would be required to comply with CDFA regulations requiring electrical power used for commercial cannabis activities meet the average electricity GHG emissions intensity of their local utility provider, when they take effect in 2023. Therefore, the project's potential direct and cumulative GHG emissions would be *less than significant*.

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

The proposed project would be required to comply with existing state regulations, which include increased energy conservation measures, reduced potable water use, increased waste diversion, and other actions adopted to achieve the overall GHG emission reduction goals identified in SB 32 and Executive Order S-3-05. The project would not conflict with the control measures identified in the CAP, EWP, or other state and local regulations related to GHG emissions and renewable energy. Therefore, the project would be consistent with applicable plans and programs designed to reduce GHG emissions and potential impacts would be *less than significant.*

Conclusion

The project would not generate significant GHG emissions above existing levels and would not exceed any applicable GHG thresholds, contribute considerably to cumulatively significant GHG emissions, or conflict with plans adopted to reduce GHG emissions. Therefore, potential impacts related to GHG emissions would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

IX. HAZARDS AND HAZARDOUS MATERIALS

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

Initial Study – Environmental Checklist

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

Setting

The Hazardous Waste and Substances Site List (Cortese List), which is a list of hazardous materials sites compiled pursuant to California Government Code (CGC) Section 65962.5, is a planning document used by the state, local agencies, and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. The project would not be in an area of known hazardous material contamination and is not on a site listed on the Cortese List (SWRCB 2015; California Department of Toxic Substance Control [DTSC] 2020). Based on the SLOAPCD NOA screening, map, the project is not located in an area with potential for soils containing naturally occurring asbestos.

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

The California Health and Safety Code provides regulations pertaining to the abatement of fire-related hazards and requires that local jurisdictions enforce the CBC, which provides standards for fire resistive building and roofing materials, and other fire-related construction methods. The Safety Element of the County of San Luis Obispo General Plan provides a Fire Hazard Zones Map that indicates unincorporated areas in the county within moderate, high, and very high Fire Hazard Severity Zones (FHSZs). The project would be located within the State Responsibility Area in a high FHSZ. Based on the County Fire/CAL FIRE referral response letter, it would take approximately 6 to 7 minutes to respond to a call regarding fire or life safety. For more information about fire-related hazards and risk assessment, see Section XX, Wildfire.

Discussion

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

Any commonly used hazardous substances within the project site (e.g., pesticides, fertilizers, etc.) would be transported, stored, and used according to regulatory requirements and existing procedures for the handling of hazardous materials. Impacts associated with the routine transport of hazardous materials would be *less than significant.*

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

The project does not propose the handling or use of hazardous materials or volatile substances that would result in a significant risk of upset or accidental release conditions. Construction of the proposed project is anticipated to require use of limited quantities of hazardous substances, including gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws for the handling of hazardous materials, including response and clean-up requirements for any minor spills. Therefore, potential impacts would be *less than significant.*

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

The nearest school facility is Shandon Elementary School, located approximately 2 miles northeast of the project site. The project site is not located within 0.25 mile of an existing or proposed school; therefore, *no impacts* would occur.

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

Based on a search of the DTSC EnviroStor database, the SWRCB Geotracker database, and the California Environmental Protection Agency (CalEPA) Cortese List website, there are no hazardous waste cleanup sites within the project site. The nearest Cortese List site is a leaking underground storage tank (LUST) located 2.5 miles northeast of the project site, and cleanup status of the site has been listed as completed (SWRCB 2015; DTSC 2020). The proposed project site is not listed on or located near a site listed on the Cortese List, therefore, *no impacts would occur.*

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

The project would be not located within an Airport Review Area and there are no active public or private landing strips within the immediate project vicinity; therefore, *no impacts would occur.*

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

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

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

The proposed project is in a high FHSZ and a state responsibility zone. The project would be designed to comply with all applicable fire safety rules and regulations, including the California Fire Code and PRC, which includes improvements to the existing access road/driveway to accommodate emergency vehicle access, vegetation clearing or trimming around all existing and proposed structures, and installation of a water storage tank and fire hydrant for fire protection. County Fire/CAL FIRE has reviewed the project and has prepared a referral response letter. The applicant will be required to comply with the requirements detailed in the referral response letter for the life of the project in order to demonstrate ongoing compliance with the fire code and reduce wildfire hazards; therefore, potential impacts would be *less than significant.*

Conclusion

No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

Mitigation

None necessary.

X. HYDROLOGY AND WATER QUALITY

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐

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

Setting

The RWQCB Water Quality Control Plan for the Central Coast Basin (Basin Plan; RWQCB 2019) describes how the quality of surface water and groundwater in the Central Coast Region should be managed to provide the highest water quality reasonably possible. The Basin Plan outlines the beneficial uses of streams, lakes, and other water bodies for humans and other life. There are 24 categories of beneficial uses, including, but not limited to, municipal water supply, water contact recreation, non-water contact recreation, and cold freshwater habitat. Water quality objectives are then established to protect the beneficial uses of those water

resources. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose discharges can affect water quality.

The project site is in the Paso Robles Groundwater Basin (PRGWB), which has been assigned a Level of Severity (LOS) III by the 2016–2018 Resource Management System Summary Report. The County Board of Supervisors adopted Resolution 2015-288 in 2015 to establish the Countywide Water Conservation Program (CWWCP) in response to the declining water levels in the Nipomo Mesa Water Conservation Area (NMWCA) (part of Santa Maria Groundwater Basin), Los Osos Groundwater Basin (LOGWB), and PRGWB. A key strategy of the CWWCP is to ensure all new construction and new or expanded agriculture will offset its predicted water use by reducing existing water use on-site or on other properties within the same water basin. In addition, LUO Section 22.040.050(5) requires all cannabis cultivation sites located within a groundwater basin with a LOS III to provide an estimate of water use associated with cultivation activities, and a description of how the new water use will be offset. All water demand within a groundwater basin with LOS III is required to offset at a minimum 1:1 ratio, and all water demand within an identified Area of Severe Decline shall offset at a ratio of 2:1, unless a greater offset is required through the land use permit approval process. The project site is not located in an Area of Severe Decline.

Cannabis cultivators that plan to divert surface water need a water right to irrigate cannabis. The SWRCB Cannabis Policy requires cannabis cultivators to forbear (or cease) from diverting surface water during the dry season, which starts April 1 and ends October 31 of each calendar year. This means that water must be diverted during the wet season and stored for use during the dry season. Water is required to be stored off-stream. The Cannabis Small Irrigation Use Registration (SIUR) is a streamlined option to obtain a small appropriative water right (less than 6.6 acre-feet per year) to divert and store surface water to irrigate commercial cannabis crops. The project is not proposing to divert surface water.

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

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

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

floods, and review of plans for construction in low-lying areas. The project site is not located within or adjacent to a 100-year flood zone.

Discussion

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

The project would result in 5.60 acres (243,936 square feet) of site disturbance, including 383 cubic yards of grading. The project would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. The project would be required to comply with all National Pollution Discharge Elimination System (NPDES) requirements and prepare a SWPPP that incorporates BMPs during construction. Water quality protection measures would include protection of stockpiles, protection of all disturbed areas, protection of access roads and perimeter containment measures.

All potentially hazardous materials would be stored, refilled, and dispensed on-site in full compliance with applicable County Department of Environmental Health standards. The project would include the use of pesticides and fertilizers on-site. These products would be stored in secure containers in the proposed 400-square-foot materials and supplies storage container. All pesticides would be registered and regulated by federal and state government codes, with the County Agricultural Commissioner being the primary local regulator. Based on the distance from the nearest creek or water feature, and compliance with existing County and state water quality, sedimentation, and erosion control standards, the project would not result in a violation of any water quality standards, discharge into surface waters, or otherwise alter surface water quality. Therefore, impacts related to violation of water quality standards would be *less than significant.*

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

The project would attain its water supply from an existing well located on-site, approximately 630 feet west of the proposed outdoor growing field. Based on a well pump test conducted in 2018, the on-site well sustained approximately 40 gallons per minute (gpm) over a 4-hour period (Pro-H2O Drilling and Pump Company 2018).

The project is located within the PRGWB, which is categorized as being in a state of critical overdraft per the Sustainable Groundwater Management Act (SGMA) and a Level of Severity III as determined by the County's Resource Management System. A water demand analysis prepared by Wallace Group estimates that the total water demand for the project would be 3.56 acre-feet per year (AFY) (Wallace Group 2018). The project applicant would be required to offset this new water use prior to issuance of grading permits or establishment of the use, as detailed in Mitigation Measures WQ-1 and WQ-2 in accordance with the CWWCP; LUO Sections 22.40.050 D.5, 22.40.060 D.5, and 22.94.025 F; and Building Ordinance Section 19.07.042 (4). Implementation of these mitigation measures would result in a net-neutral water demand on the groundwater basin; therefore, impacts related to depletion of groundwater supplies or interference with groundwater recharge would be *less than significant with mitigation.*

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

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

The project includes approximately 5.60 acres (243,936 square feet) of site disturbance, including 209 cubic yards of cut and 209 cubic yards of fill material (for a total of 383 cubic yards) to be balanced on-site. The project site consists of nearly level to gently sloping topography and areas of disturbance would occur within previously disturbed areas and grassland. The project would be required to implement an erosion and sedimentation control plan approved by the County Department of Public Works and prepare a SWPPP that incorporates BMPs during site disturbance, grading, and construction activities. Likely BMPs to be required would include protection of stockpiles, slopes, and all disturbed areas; perimeter containment measures; and revegetation of disturbed areas when work is completed.

The nearest wetland features to the project site include one depressional wetland located approximately 380 feet north of the proposed disturbance areas and a drainage located approximately 400 feet south of the existing access driveway. With the implementation of an erosion and sediment control plan, SWPPP, and associated BMPs, impacts related to erosion or siltation on- or off-site would be *less than significant.*

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

The project would result in 650 square feet of new impervious surface area associated with the extension of the existing driveway and new accessory structures, as well as the addition of 3 acres of hoop structures with plastic coverings that would be installed for 6 months each year of cultivation.

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

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

The project would result in 650 square feet of new impervious surface area associated with the extension of the existing driveway and new accessory structures, as well as the addition of 3 acres of hoop structures with plastic coverings. The project would be required to comply with all NPDES requirements and based on the size and type of proposed activities, the project would be required to prepare a SWPPP to identify necessary measures to manage post-construction stormwater flows in accordance with County standards. Based on required compliance with applicable state and County drainage and stormwater control regulations, the project's impacts associated with increased surface runoff resulting in exceedance of the capacity of existing or planned drainage systems or provide substantial additional sources of polluted runoff would be *less than significant.*

(c-iv) Impede or redirect flood flows?

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

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

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

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

The project is located within the PRGWB, which is categorized as being in a state of critical overdraft, and is located outside the area that is categorized as being in severe decline (County of San Luis Obispo 2020). Therefore, the project applicant is required to offset project water usage at a 1:1 ratio per LUO requirements. The project applicant would be required to offset this new water use through installation of efficient water systems and fixtures and/or participation in an approved water conservation program, as detailed in Mitigation Measures WQ-1 and WQ-2. Therefore, potential impacts associated with conflict or obstruction of a water quality control plan or sustainable groundwater management plan would be *less than significant with mitigation.*

Conclusion

Compliance with existing regulations and/or required plans in addition to implementation of Mitigation Measures WQ-1 and WQ-2 would adequately reduce potential impacts associated with hydrology and water quality to be less than significant.

Mitigation

WQ-1 **Water Demand Quantification and Offset.** Prior to issuance of a grading permit (or prior to initiation of permitted activities if no grading permits are required), all applicants for cannabis-related activities within the PRGWB shall provide to the County of San Luis Obispo Department of Planning and Building for review and approval a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by LUO Sections 22.40.050 D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042(4). The Water Conservation Plan shall include the following:

a. The quantification of water demand expressed in total acre-feet per year, consistent with the Water Management Plan required by LUO Sections 22.40.050 C.1 and 22.40.060 C.1.

b. A program for achieving a water demand offset of the quantified water demand as required by LUO Sections 22.40.050 D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042(4). Such a program may include, but is not limited to, the following:

    i. The permanent installation of water facilities and/or infrastructure to improve the efficient use of water on existing irrigated agricultural lands within the basin. Such improvements shall be accompanied by an audit of existing agricultural water demand prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of

Planning and Building. Water efficiency improvements may include, but are not limited to, the following:

1. Installation of drip irrigation.
2. Installation of smart controllers, which are irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapotranspiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.
3. Installation of float valves on water tanks to prevent tanks from overflowing.
4. Conversion from using overhead sprinklers to wind machines for frost protection. [Note: The installation of wind machines shall be included in the project description for cannabis activities and subject to environmental review.]
5. Installation of rainwater catchment systems to reduce demand on groundwater. [Note: The installation of rainwater catchment facilities shall be included in the project description for cannabis activities and subject to environmental review.]
6. Participation in an approved water conservation program within the PRGWB that is verifiable, results in a permanent reduction of water demand equal to, or exceeding, the required water demand offset, and has been subject to environmental review.
7. Any combination of the above or other qualifying strategies or programs that would achieve the required water demand offset.

c. The water demand offset documented by the Water Conservation Plan shall be verifiable and permanent and shall not result in adverse environmental effects beyond those assessed by the CEQA compliance document for the proposed cannabis project.

WQ-2 **Water Offset Monitoring.** For the life of the project, at the time of quarterly monitoring inspection, the applicant shall provide to the County Department of Planning and Building for review, evidence that the water efficiency improvements associated with the approved Water Conservation Program remain in full effect and are continuing to achieve the required water demand offset associated with the approved cannabis activities.

XI. LAND USE AND PLANNING

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

Setting

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

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

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

Discussion

(a) Physically divide an established community?

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

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

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

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

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

Conclusion

The project would not physically divide an established community. Potential impacts related to land use and planning would be less than significant with mitigation measures associated with aesthetics, air quality, biological resources, hydrology and water quality, and utilities and service systems.

Mitigation

Implement AES-1, AQ-1 and AQ-2, BIO-1 through BIO-15, and WQ-1 and WQ-2.

XII. MINERAL RESOURCES

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

Setting

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

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

- **MRZ-1:** Areas where available geologic information indicates that little likelihood exists for the presence of significant mineral resources.
- **MRZ-2:** Areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists. This zone shall be applied to known mineral deposits or where well-developed lines of reasoning, based upon economic-geologic principles and adequate data, demonstrate that the likelihood for occurrence of significant mineral deposits is high.
- **MRZ-3:** Areas containing known or inferred aggregate resources of undetermined significance.

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

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

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

Discussion

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

Based on the CGS Information Warehouse for Mineral Land Classification, the project site is not located within an area that has been evaluated for mineral resources and is not in close proximity to an active mine (CGS 2015). The project is not located within a designated mineral resource zone or within an Extractive Resource Area combining designation. There are no known mineral resources in the project area; therefore, *no impacts would occur.*

(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?

Based on the CGS Information Warehouse for Mineral Land Classification, the project site is not located within an area that has been evaluated for mineral resources and is not in close proximity to an active mine (CGS 2015). The project is not located within a designated mineral resource zone or within an Extractive Resource Area combining designation. There are no known mineral resources in the project area; therefore, *no impacts would occur.*

Conclusion

No impacts to mineral resources would occur and no mitigation measures are necessary.

Mitigation

None necessary.

XIII. NOISE

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

Setting

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

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

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

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

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

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

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

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

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

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

Discussion

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

The proposed project does not include any features that would generate a permanent or consistent source of mobile or stationary operational noise.

The project includes temporary grading activities, construction of security fencing around the perimeter of the growing operation, and installation of several accessory structures (e.g., portable restroom, seatrain storage container, dumpster, security systems, etc.). Grading and construction activities would last approximately 5 days total. These construction activities have the potential to generate short-term construction noise and would be limited to the daytime hours of 7:00 a.m. to 9:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. Saturday or Sunday, in accordance with County construction noise standards (County Code Section 22.10.120.A). In addition, all construction noises would considerably attenuate over the distance to the nearest off-site receptor (approximately 0.43 mile to the northeast). Therefore, impacts related to exposing people to noise levels that exceed local or other agency ordinance standards would be *less than significant.*

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

Based on the project grading plans, proposed grading activities on-site would not exceed a depth of 1 foot. The project does not propose substantial grading/earthmoving activities, pile driving, or other

high impact activities that would generate substantial groundborne noise or groundborne vibration during construction. Construction equipment has the potential to generate minor groundborne noise and/or vibration, but these activities would be limited in duration and are not likely to be perceptible from adjacent areas, such as the nearest off-site residence (approximately 0.43 mile to the northeast). The project does not propose a use that would generate long-term operational groundborne noise or vibration. Therefore, impacts related to exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels would be *less than significant.*

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

The project site is not located within an Airport Review designation or adjacent to a private airstrip; therefore, *no impacts would occur.*

Conclusion

No significant long-term change in noise levels would occur. Short-term construction-related noise would be limited in nature and duration and would only occur during appropriate daytime hours. Therefore, potential noise impacts would be less than significant, and no mitigation measures are necessary.

Mitigation

None necessary.

XIV. POPULATION AND HOUSING

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

Setting

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

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

Discussion

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

The project proposes cannabis activities within a rural area and would employ up to three full-time employees and up to 12 additional part-time/temporary employees during harvest times. Workers would likely be sourced from the local labor pool and would not require new or additional housing as a result of the proposed project. Based on the general scope and scale of the proposed activities, the project would not directly or indirectly induce substantial population growth in the area and would not result in a need for a significant amount of new housing nor displace any housing in the area. Therefore, impacts associated with substantial unplanned population growth would be *less than significant.*

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

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

Conclusion

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

Mitigation

None necessary.

XV. PUBLIC SERVICES

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Fire protection?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☒	☐
Parks?	☐	☐	☒	☐
Other public facilities?	☐	☐	☒	☐

Setting

Fire protection services in unincorporated San Luis Obispo County are provided by CAL FIRE, which has been under contract with the County to provide full-service fire protection since 1930. Approximately 180 full-time state employees operate the County Fire Department, supplemented by as many as 100 state seasonal fire fighters, 300 County paid-call and reserve fire fighters, and 120 state inmate fire fighters. CAL FIRE responds to emergencies and other requests for assistance, plans for and takes action to prevent emergencies and reduce their impact, coordinates regional emergency response efforts, and provides public education and training in local communities. CAL FIRE has 24 fire stations located throughout the county, and the nearest station to the project site would be CAL FIRE station #31, located approximately 2.45 miles northeast of the project site in the community of Shandon. Based on the referral response letter received from County Fire/CAL FIRE regarding the proposed project, emergency personnel would be able to reach the site within 6 to 7 minutes of receiving a call.

Police protection and emergency services in the unincorporated portions of the county are provided by the San Luis Obispo County Sheriff's Office. The Sheriff's Office Patrol Division responds to calls for service, conducts proactive law enforcement activities, and performs initial investigations of crimes. Patrol personnel are deployed from three stations throughout the county: Coast Station in Los Osos, North Station in Templeton, and South Station in Oceano. The project would be served by the County Sheriff's Office, and the nearest sheriff station is located approximately 17.6 miles west of the project site in the community of Templeton.

San Luis Obispo County has a total of 12 school districts that currently enroll approximately 34,000 students in over 75 schools. The project site is located within the Shandon Joint Unified School District.

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

Public facilities fees, Quimby fees, and developer conditions are several ways the County currently funds public services. A public facility fee program (i.e., development impact fee program) has been adopted to address impacts related to public facilities (county) and schools (CGC Section 65995 et seq.). The fee amounts are assessed annually by the County based on the type of proposed development and the development's proportional impact and are collected at the time of building permit issuance. Public facility fees are used as

needed to finance the construction of and/or improvements to public facilities required to serve new development, including fire protection, law enforcement, schools, parks, and roads.

Discussion

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

Fire protection?

The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and California PRC, which include designing the extension and improvement of the existing access road to accommodate emergency vehicle access. The County Fire Department/CAL FIRE has provided a referral response letter for the project that details required items to be completed prior to final inspection/operation of the project. Based on the limited amount of development proposed, the project would not create a significant new demand for fire services. In addition, the project would be subject to public facility fees to offset the increased cumulative demand on fire protection services. Therefore, impacts would be *less than significant*. Additional information regarding wildfire hazard impacts is discussed in Section XX, Wildfire.

Police protection?

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

Schools?

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

Parks?

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

Other public facilities?

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

Conclusion

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

Mitigation

None necessary.

XVI. RECREATION

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

Setting

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

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

The County Bikeways Plan identifies and prioritizes bikeway facilities throughout the unincorporated area of the county, including bikeways, parking, connections with public transportation, educational programs, and funding (County of San Luis Obispo 2016). The Bikeways Plan is updated every 5 years and was last updated in 2016. The plan identifies goals, policies, and procedures geared towards realizing significant bicycle use as a key component of the transportation options for San Luis Obispo County residents. The plan also includes

descriptions of bikeway design and improvement standards, an inventory of the current bicycle circulation network, and a list of current and future bikeway projects within the county.

Discussion

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

The project proposes cannabis activities within a rural area and would employ up to three full-time employees and up to 12 additional part-time/temporary employees during harvest times. Workers would likely be sourced from the local labor pool and would not result in increased demand on existing or planned recreational facilities in the County. The project is not proposed in a location that would affect any existing trail, park, recreational facility, coastal access, and/or natural area. The project would not induce population growth or create a significant need for additional park or recreational facilities; therefore, potential impacts would be *less than significant.*

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

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

Conclusion

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

Mitigation

None necessary.

XVII. TRANSPORTATION

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
(b)	Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(c)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
(d)	Result in inadequate emergency access?	☐	☐	☒	☐

Setting

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

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

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

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

The County has established Level of Service (LOS) "C" or better for rural roadways. The project site currently has one single family residence and generates a very low volume of traffic.

The project is located off SR 41, a two-lane highway maintained by Caltrans that runs north/south from the Cabrillo Highway in Morro Bay to SR 140 in Yosemite National Park. Based on vehicle traffic data collected in 2017, this portion of SR 41 has an annual average daily trip rate of 1,300 (Caltrans 2020).

Discussion

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

The project includes establishment of outdoor cannabis cultivation. Based on the Trip Generation and Sight Distance Analysis prepared by Orosz Engineering Group (OEG 2020), the project would not generate any new peak hour trips and the existing driveway provides for adequate sight distance that exceeds the minimum stopping sight distance per the California Department of Transportation (Caltrans) Highway Design Manual Standards and County 5-5a standards.

The project would generate similar traffic levels as rural residences and agricultural operations in the area. Therefore, the project would not conflict with an established measure of effectiveness for the performance of a circulation system, conflict with a congestion management program, or conflict with adopted transportation plans or policies. Potential impacts would be *less than significant.*

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

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

Table 3. Estimated Project Vehicle Trips

Project Component	Unit	Quantity	Trip Rate	Average Daily Trips (ADT)
Outdoor Cultivation	Acres	3	2	6
Employees	Employee	15	2	30
			Total	**36**

The project would require up to three full time employees and 12 seasonal employees and would not be open to the public. Based on County Department of Public Works standard trip generation rates for cannabis activities, the new vehicle miles travelled generated by the proposed project would fall below the suggested screening threshold of 110 trips/day identified in the State guidance (see Table 3; Technical Advisory on Evaluating Transportation Impacts in CEQA; Office of Planning & Research, December 2018), and would therefore be assumed to be less than significant. Therefore, potential impacts would be *less than significant*.

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

The trip generation and sight distance analysis determined that existing sight distance was adequate along SR 41 (OEG 2020). The project would be required to design the new access approach to comply with County Department of Public Works driveway design standards and access requirements

established by County Fire/CAL FIRE. Therefore, potential impacts related to unsafe conditions on public roadways would be *less than significant*.

(d) Result in inadequate emergency access?

The project would be required to design the driveway extension to accommodate emergency vehicle access on-site. No public road closures are necessary to implement these improvements. Therefore, the project would provide for adequate emergency access and impacts would be *less than significant*.

Conclusion

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

Mitigation

None necessary.

XVIII. TRIBAL CULTURAL RESOURCES

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

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(ii)	A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

Setting

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

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

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

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

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

Discussion

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

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

In accordance with AB 52 Cultural Resources requirements, outreach has been conducted to four Native American tribes: Northern Salinan, Xolon Salinan, yak tityu tityu yak tiłhini Northern Chumash, and Northern Chumash Tribal Council. A response was received by the Northern Chumash Tribal Council, who had no comment on the project. No other responses were received.

Based on the results of the Phase 1 archaeological resources survey and records search, the project site does not contain any known tribal cultural resources that have been listed or been found eligible for listing in the CRHR or in a local register of historical resources as defined in PRC Section 5020.1. Potential impacts associated with the inadvertent discovery of tribal cultural resources would be subject to LUO Section 22.10.040 (Archaeological Resources), which requires that in the event resources are encountered during project construction, construction activities shall cease, and the County Department of Planning and Building shall be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with federal and state law. Therefore, impacts related to a substantial adverse change in the significance of tribal cultural resources would be *less than significant.*

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

The County has provided notice of the opportunity to consult with appropriate tribes per the requirements of AB 52 and no requests for consultation were received. Based on the results of the Phase 1 archaeological resources survey and records search, the project site does not contain any resources determined by the County to be a potentially significant tribal cultural resource. Impacts associated with potential inadvertent discovery would be minimized through compliance with existing standards and regulations (LUO Section 22.10.040). Therefore, potential impacts would be *less than significant.*

Conclusion

No tribal cultural resources are known or expected to occur within or adjacent to the project site. In the event unanticipated sensitive resources are discovered during project activities, adherence with LUO standards and California Health and Safety Code procedures would reduce potential impacts to less than significant; therefore, potential impacts to tribal cultural resources would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

XIX. UTILITIES AND SERVICE SYSTEMS

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

Setting

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

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

coverage under the SWRCB's Construction General Permit. PG&E is the primary electricity provider and both PG&E and SoCalGas provide natural gas services for urban and rural communities within the county.

There are three landfills in San Luis Obispo County: Cold Canyon Landfill, located near the city of San Luis Obispo; Chicago Grade Landfill, located near the community of Templeton; and Paso Robles Landfill, located east of the city of Paso Robles.

Discussion

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

The project would not result in a substantial increase in demand on water, wastewater, or stormwater collection, treatment, or disposal facilities, and would not require the construction of new or expanded water, wastewater, or stormwater facilities. As described in Section VI, Energy, the project would not result in a substantial increase in energy demand or natural gas. No new or expanded facilities would be required to service the project site, and no utility relocations are proposed. Therefore, potential impacts would be *less than significant*.

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

As discussed in Section X, Hydrology and Water Quality, the project cultivation irrigation activities would result in approximately 3.56 acre-feet of water demand per year, served by an existing groundwater well on-site. The project is located within the PRGWB, which has been determined to bein a state of critical overdraft. Therefore, the project is required to offset water usage at a 1:1 ratio per LUO requirements and the CWWCP. This may be accomplished by reducing water demand on the project site through the installation of efficient water systems and fixtures and/or by participation in an approved water conservation program, as detailed in Mitigation Measures WQ-1 and WQ-2. Offsetting the water demand of the proposed project in accordance with the CWWCP would result in a net-neutral water demand on the groundwater basin; therefore, impacts related to water supplies would be *less than significant with mitigation.*

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

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

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

For compostable waste, all unused plant materials and soils would be shredded and tilled back into the soil after harvest. During the grow season, compostable waste would be maintained in a pile inside the secured portion of the grow site.

The project includes installation of a large waste bin to be located just outside the fence line near the proposed water tank. Trash pick-up services would be contracted, and the bin would be emptied when it becomes full. Construction activities would result in the generation of minimal solid waste materials; no significant long-term increase in solid waste would occur. Local landfills currently have adequate permit capacity to serve the project and the project does not propose to generate solid waste in excess

of state or local standards or otherwise impair the attainment of solid waste reduction goals. Therefore, potential impacts associated with the generation of solid waste in excess of state or local standards or the capacity of local infrastructure would be *less than significant.*

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

Based on the size and scope of proposed project activities, the project would not result in a substantial increase in waste generation during project construction or operation. Construction waste disposal would comply with federal, state, and local management and reduction statutes and regulations related to solid waste; therefore, potential impacts would be *less than significant.*

Conclusion

The project would not result in significant increased demands on wastewater or stormwater infrastructure and facilities. No substantial increase in solid waste generation would occur. Because the project is in the PRGWB, there is a potential for impacts related to groundwater supply. Mitigation is required to ensure the project offsets its water demand resulting in a net-neutral impact on the basin. Therefore, potential impacts to utilities and service systems would be *less than significant with mitigation.*

Mitigation

Implement Mitigation Measures WQ-1 and WQ-2.

XX. WILDFIRE

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

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Setting

In central California, the fire season usually extends from roughly May through October; however, recent events indicate that wildfire behavior, frequency, and duration of the fire season are changing in California. FHSZs are defined by CAL FIRE based on the presence of fire-prone vegetation, climate, topography, assets at risk (e.g., high population centers), and a fire protection agency's ability to provide service to the area (CAL FIRE 2007). FHSZs throughout the county have been designated as "Very High," "High," or "Moderate." In San Luis Obispo County, most of the area that has been designated as a "Very High Fire Hazard Severity Zone" and is located in the Santa Lucia Mountains, which extend parallel to the coast along the entire length of San Luis Obispo County. The project would be located within the State Responsibility Area in a high FHSZ. Based on County Fire/CAL FIRE's referral response letter, it would take approximately 6 to 7minutes to respond to a call regarding fire or life safety.

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

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

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

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

building construction in fire hazard areas, and encouraging applicants applying for subdivisions in fire hazard areas to cluster development to allow for a wildfire protection zone.

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

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

Discussion

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

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

Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Potential impacts would be *less than significant.*

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

Average wind speed in the vicinity peaks during the month of May at 8.2 miles per hour (WeatherSpark 2019). The project would be designed to comply with all applicable fire safety rules and regulations, including the California Fire Code and PRC, which would include and installation of a water storage tank for fire protection, proper addressing of the site, and installation of a knox box to allow emergency personnel to access the site quickly in the event of an emergency. County Fire/CAL FIRE prepared a Fire Safety Plan letter for the project, and the applicant will be required to comply with the requirements of the plan for the life of the project. Therefore, potential impacts would be *less than significant.*

(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 proposed project would not require establishment of new utility services as all necessary resources are already available on-site. The proposed security systems would include individual mounted solar PV panels with battery backup storage and would therefore would not require installation of new power lines. An extension of the existing driveway on-site would be constructed to connect to the project area and would be built in compliance with County regulations to ensure emergency vehicles would have adequate access during an emergency. The project would be designed to comply with all applicable fire safety rules and regulations, including the California Fire Code and PRC, which would include installation of a water storage tank for fire protection, proper addressing of the site, and installation of a knox box to allow emergency personnel to access the site quickly in the event of an emergency. Therefore, potential impacts would be *less than significant.*

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

The project is not located near steep slopes or major drainages. The project site is in a low to moderate landslide potential area and the area of cultivation is limited to an area of low landslide potential. The project does not include any design elements that would expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, potential impacts would be *less than significant.*

Conclusion

No significant impacts as a result of wildfire are anticipated, and no mitigation measures are necessary.

Mitigation

None necessary.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

Discussion

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

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

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

The State CEQA Guidelines define cumulative impacts as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts." State CEQA Guidelines Section 15355 further states that individual effects can be various changes related to a single project or the change involved in a number of other closely related past, present, and reasonably foreseeable future projects. The State CEQA Guidelines state that the discussion of cumulative impacts should reflect the severity of the impacts as well as the likelihood of their occurrence. However, the discussion need not be as detailed as the discussion of environmental impacts attributable to the project alone. Furthermore, the discussion should remain practical and reasonable in considering other projects and related cumulatively considerable impacts.

Existing and Reasonably Foreseeable Cannabis Facilities

In 2016 the County estimated that were as many as 500 unpermitted (illegal) cannabis cultivation sites within the unincorporated county. Assuming 0.5 acre per site, the canopy associated these activities could be as high as 250 acres. County Code Enforcement officers have successfully abated 82 operations, and there are currently approximately 225 total operations under investigation to date (December 9, 2019). Unpermitted cannabis operations are expected to continue to be abated throughout the county.

Table 3 below provides a summary of the maximum possible cannabis cultivation activities that could be approved through permit applications that have been received by the County to date (December 9, 2019). Each of these proposed activities is considered a reasonably foreseeable future project for the purposes of this cumulative impact analysis. It is important to note, however, that many proposed activities are subject to change during the land use permit process and a portion of these applications may be withdrawn by the applicant or denied by the County approving body. Figure 4 shows the project site along with other approved and proposed cannabis project sites within 5 miles of the proposed project site, including approved and proposed cannabis cultivation areas; nurseries; processing, testing, or manufacturing facilities; and dispensaries.

Table 4. Summary of Cannabis Facility Applications for Unincorporated San Luis Obispo County[1]

Proposed Cannabis Activity Type	Total Number of Proposed Cannabis Activities[1,2]	Total Proposed Canopy (acres)	Approved Activities
Indoor Cultivation and Indoor Nursery	115	89	10
Outdoor Cultivation		241	10
Total	**115**	**330**	**20**

[1] As of December 9, 2019.

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

For purposes of assessing the cumulative impacts of cannabis cultivation activities, the following assumptions have been made:

All 115 applications for cultivation sites would be approved and developed;

Each cultivation site would be developed with the maximum allowed cultivation uses:

a. *3 acres of outdoor cultivation;*
b. *0.5 acres of indoor cultivation;*
c. *19,000 square feet of ancillary nursery;*
d. *A total of six full-time employees;*
e. *A total of 12 average daily motor vehicle trips; and*
f. *All sites would be served by a well and septic leach field.*

Initial Study – Environmental Checklist

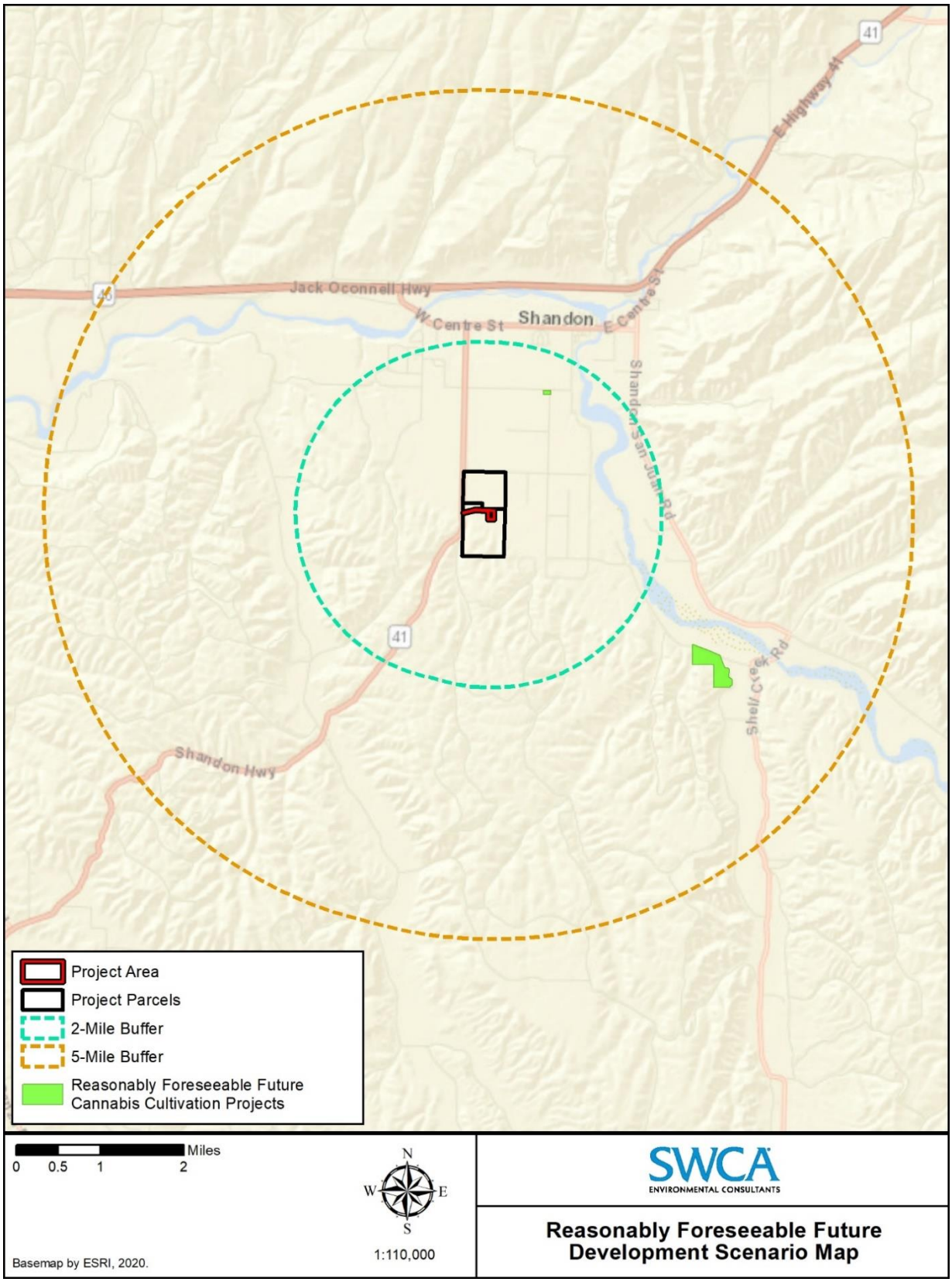

Figure 4. Reasonably Foreseeable Future Development Scenario Map.

Aesthetics

The project is not located within view of a scenic vista and would not result in a substantial change to scenic resources in the area. The project would be consistent with existing policies and standards in the County LUO and COSE related to the protection of scenic resources. Mitigation Measure AES-1 has been identified to reduce potential impacts associated with nighttime lighting to less than significant. Upon implementation of identified mitigation, impacts to aesthetic resources would be less than significant.

Based on the County of San Luis Obispo Land Use View online mapping tool, the project site is in an area with two approved or potential cannabis facilities within 5 miles (as of February 18, 2020). Surrounding proposed cannabis cultivation operations would require discretionary permits and would be evaluated for their potential to result in potentially significant environmental effects, including potential impacts to visual resources. Based on the rural and agricultural visual character of the area, newly proposed structures visible from surrounding public roadways would undergo evaluation for consistency with the surrounding visual character and may be required to implement visual screening and/or other measures if County staff identify potential impacts to visual resources. Proposed cannabis cultivation projects, including use of mixed-light growing techniques, would be subject to standard County mitigation measures to eliminate off-site nighttime light overspill.

Based on the less-than-significant aesthetic impacts of the project and discretionary review of surrounding proposed cannabis projects, the impacts to aesthetic and visual resources of this project, when considered with the potential impacts of other reasonably foreseeable development in the area, would be less than cumulatively considerable.

Agriculture and Forestry Resources

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

Air Quality

The analysis provided in Section III, Air Quality, concludes that the project's potential construction-related emissions would have the potential to exceed SLOAPCD thresholds of significance for construction emissions, resulting in a potentially cumulatively considerable contribution to the county's non-attainment status under state air quality standards for fugitive dust. With implementation of recommended Mitigation Measures AQ-1 and AQ-2, project construction, operational, and cumulative impacts associated with pollutant emissions in exceedance of local standards would be less than significant.

The project is one of 115 land use permit applications for cannabis cultivation activities located within the county. All proposed cannabis cultivation operations located within the county would require discretionary permits and would be evaluated for their potential to result in potentially significant environmental effects, including potential impacts to air quality. These proposed cannabis cultivation projects would undergo evaluation for their potential to exceed applicable SLOAPCD thresholds and

result in potentially cumulatively considerable contribution to the county's non-attainment status for ozone and/or fugitive dust. Proposed projects with the potential to exceed SLOAPCD thresholds would be subject to standard SLOAPCD mitigation measures to reduce potential air pollutant emissions to a less-than-significant level. These measures would also be applied for projects located within close proximity to sensitive receptor locations.

The project site is in an area with one other reasonably foreseeable future cannabis cultivation project within 2 miles (as of February 18, 2020). The analysis provided in Section III, Air Quality, concludes that the project's potential other emissions (such as those leading to odor) would be less than significant based on the distance of proposed odor-emitting uses from the project property lines and distance to surrounding receptors. All proposed cannabis development projects in the project vicinity would be required to comply with County LUO cannabis odor control requirements, including preparation of an odor control plan, minimum setback distances, and installation of sufficient ventilation controls on structures to prevent odors from being detected off-site.

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

Biological Resources

The analysis provided in Section IV, Biological Resources, concludes that the project's potential impacts to biological resources would be less than significant upon implementation of the identified avoidance and mitigation measures for special-status wildlife species and their habitats, and avoidance and replacement of potentially impacted native trees. With implementation of Mitigation Measures BIO-1 through BIO-15, potential impacts to biological resources would be less than significant.

All surrounding proposed cannabis development projects would undergo evaluation for potential to impact biological resources. Proposed cannabis projects that are determined to have the potential to impact sensitive species and/or their habitats, sensitive natural communities, federal or state wetlands, migratory corridors, native trees, or conflict with state or local policies or habitat conservation plans would be required to implement mitigation measures to reduce these impacts.

Based on the mitigation measures identified to reduce potential project impacts and discretionary review of surrounding projects, when considered with the potential impacts of other reasonably foreseeable development in the area, project impacts associated with biological resources would be less than cumulatively considerable.

Hydrology and Water Quality

As discussed in Section X, Hydrology and Water Quality, compliance with existing regulations and/or required plans in addition to implementation of Mitigation Measures WQ-1 through WQ-2 would adequately reduce potential impacts associated with hydrology and water quality to be less than significant.

All proposed cannabis cultivation projects located in the county would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. All potentially hazardous materials (e.g., pesticides, fertilizers, etc.) proposed to be utilized for these projects would be required to comply with the applicable County Department of Environmental Health storage, refilling, and dispensing standards. All cannabis cultivation projects within the county would

also be required to comply with applicable riparian, wetland, and other waterway setbacks established by the RWQCB.

The project is located within the PRGWB, which is categorized as being in a state of critical overdraft, and is located outside the area that is categorized as being in severe decline (Spring Well Decline 1997–2013; County of San Luis Obispo 2018). A total of 33 applications for cannabis cultivation projects located within the PRGWB have been submitted to date (December 9, 2019).

Table 5. Estimated Water Demand from Reasonably Foreseeable Cannabis Cultivation in PRGWB

Bulletin 118 Groundwater Basin[1]	Number of Reasonably Foreseeable Cultivation Projects	Total Estimated Water Demand From Cannabis Cultivation (AF/Year)[3]	Total Basin Storage Capacity (AF)
Paso Robles Groundwater Basin	33[2]	190.09	Approximately 400,000

[1] Source: California Department of Water Resources Bulletin 118.

[2] Includes 661.21 acres (12 projects) in the Area of Severe Decline.

[3] Based on the assumptions for development and water demand outlined above.

The project's proposed water use within a groundwater basin that is currently in critical overdraft would contribute to the overall cumulative impact of the water use of other proposed cannabis cultivation projects within the PRGWB. Mitigation Measures WQ-1 and WQ-2 would require the project applicant to offset the project's proposed water use at a 1:1 ratio within the PRGWB. All proposed cannabis cultivation projects located within the PRGWB would also be subject to discretionary review and would be required to offset proposed water use at least a 1:1 ratio in compliance with the CWWCP. Proposed projects located in areas designated as being in severe decline would be required to offset proposed water use at a 2:1 ratio. Through water demand offsets and compliance with the CWWCP, cumulative impacts associated with substantially decreasing groundwater supplies and/or interfering substantially with groundwater recharge would be reduced.

Therefore, based on recommended mitigation measures and compliance with existing policies and programs, project's individual impacts associated with hydrology and water quality would be *less than cumulatively considerable with mitigation.*

Transportation

As discussed in Section XVII, Transportation, the project would not result in a conflict with a plan or policy addressing the circulation system or increase hazards due to a geometric design feature. Surrounding reasonably foreseeable future cannabis cultivation projects would be subject to discretionary review and potential impacts associated with these thresholds would be analyzed and required to be reduced on a case-by-case basis. Therefore, the project's potential impacts associated with these thresholds would be less than cumulatively considerable.

The County has not yet identified an appropriate model or method to estimate VMT for proposed land use development projects. State CEQA Guidelines Section 15064.3(b) states that if existing models or

methods are not available to estimate the VMT for the particular project being considered, a lead agency may analyze the project's VMT qualitatively.

The most recent estimate of total VMT for the county as a whole is from 2013, at which time total VMT per day was estimated to be 7,862,000 VMT. Assuming a 1% annual growth in VMT during the intervening 6 years, the current daily total is estimated to be around 8,333,720 VMT. Accordingly, the VMT associated with proposed cannabis cultivation projects throughout the county is estimated to result in a very marginal increase in the total county VMT. Moreover, each project will be required to mitigate the project-specific impacts to the transportation network through standardized public facilities fees and other mitigation measures, based on the potential impacts. Such mitigation may include, but is not limited to, the installation of roadway and intersection improvements necessary to serve the project. Therefore, based on the size and scope of the proposed project, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to roadway impacts would be less than cumulatively considerable.

Other Impact Issue Areas

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

- Cultural Resources;
- Energy;
- Geology and Soils;
- Greenhouse Gas Emissions;
- Hazards and Hazardous Materials;
- Land Use Planning;
- Mineral Resources;
- Noise;
- Population and Housing;
- Public Services;
- Recreation;
- Tribal Cultural Resources;
- Utilities and Service Systems; and
- Wildfire.

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

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

Conclusion

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

Mitigation

Implement Mitigation Measures AES-1, AQ-1 and AQ-2, BIO-1 through BIO-15, and WQ-1 and WQ-2.

Exhibit A – Initial Study References and Agency Contacts

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

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

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

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

☒ Project File for the Subject Application

County Documents

☐ Coastal Plan Policies
☒ Framework for Planning (Coastal/Inland)
☒ General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:
- ☒ Agriculture Element
- ☒ Conservation & Open Space Element
- ☐ Economic Element
- ☒ Housing Element
- ☒ Noise Element
- ☒ Parks & Recreation Element/Project List
- ☒ Safety Element

☒ Land Use Ordinance (Inland/Coastal)
☒ Building and Construction Ordinance
☒ Public Facilities Fee Ordinance
☐ Real Property Division Ordinance
☐ Affordable Housing Fund
☐ Airport Land Use Plan
☒ Energy Wise Plan
☒ North County Area Plan/Shandon-Carrizo SA
☐ Design Plan
☐ Specific Plan
☐ Annual Resource Summary Report
☐ Circulation Study

Other Documents

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

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

Barros, Ana M.G., Jose M.C. Pereira, Max A. Moritz, and Scott L. Stephens. 2013. Spatial Characterization of Wildfire Orientation Patterns in California. Forests 2013, 4; Pp 197–217.

California Air Resources Board (CARB). 2016. California's Advanced Clean Cars Program. Available at: https://www.arb.ca.gov/msprog/acc/acc.htm. Accessed 2019.

California Department of Conservation (CDOC). 2015. Fault Activity Map of California. Available at: http://maps.conservation.ca.gov/cgs/fam/. Accessed April 16, 2019.

_____. 2016. California Important Farmland Finder. Available at: https://maps.conservation.ca.gov/DLRP/CIFF/.

_____. 2019. San Luis Obispo County Tsunami Inundation Maps. Available at https://www.conservation.ca.gov/cgs/tsunami/maps/San-Luis-Obispo.

California Department of Fish and Wildlife (CDFW). 2012. Staff Report on Burrowing Owl Mitigation. Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843.

California Burrowing Owl Consortium. 1993. Burrowing Owl Survey Protocol and Mitigation Guidelines. Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83842&inline.

California Department of Food and Agriculture (CDFA). 2017. CalCannabis Cultivation Licensing Final Program Environmental Impact Report.

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

California Department of Toxic Substances Control (DTSC). 2020. EnviroStor. Available at https://www.envirostor.dtsc.ca.gov/public/. Accessed April 17, 2019.

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

_____. 2020. 2017 Traffic Volumes: Route 34-43. Available at: https://dot.ca.gov/programs/traffic-operations/census/traffic-volumes/2017/route-34-43.

California Geological Survey (CGS). 2015. CGS Information Warehouse: Mineral Land Classification. Available at https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc.

County of San Luis Obispo. 2016. 2015/2016 County Bikeways Plan. Available at: https://www.slocounty.ca.gov/getattachment/93efa378-4000-40ea-ad52-ef0b9b2fed6b/2016-Bikeways-Plan.aspx.

_____. 2020. Land Use View. Available at: http://gis.slocounty.ca.gov/Html5Viewer/Index.html?configBase=/Geocortex/Essentials/REST/sites/PL_LandUseView/viewers/PL_LandUseView/virtualdirectory/Resources/Config/Default.

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

Darksitefinder.com. 2006. Darksitefinder Light Pollution Map. Available at: https://darksitefinder.com/maps/world.html#9/34.9659/-120.7562.

Department of Toxic Substances Control (DTSC). 2020. Envirostor. Available at: < https://www.envirostor.dtsc.ca.gov/public/>.

Diblee, T.W., Minch, J.A. 2004. Geologic Map of the San Luis Obispo Quadrangle, 2004. Available at: <https://ngmdb.usgs.gov/Prodesc/proddesc_71738.htm>.

Hoover, R., and D. Hoover. 2018. Phase 1 Archaeological Survey Kuhnle Trust Property 2500 Shandon Highway, Shandon, California.

Office of Planning and Research. 2018. Technical Advisory on Evaluating Transportation Impacts in CEQA. Available at: https://opr.ca.gov/docs/20180416-743_Technical_Advisory_4.16.18.pdf. Accessed May 2020.

Orosz Engineering Group (OEG). 2020. Trip Generation and Sight Distance Analysis – 2500 Shandon Highway 41, Paso Robles Area, County of San Luis Obispo.

PAX Environmental. 2019a. Biological Resources Assessment for a 5.48-acre Project Site (APN 017-251-071) in Shandon, San Luis Obispo County.

_____. 2019b. Spring 2019 Special-Status Plant Surveys at 2500 Shandon Highway (APN 017-251-071) Shandon, San Luis Obispo County, California.

Pro-H2O Drilling and Pump Company. 2018. Well Test Report; Address: 2500 Shandon Highway.

Regional Water Quality Control Board (RWQCB). 2019. Water Quality Control Plan for the Central Coastal Basin, June 2019 Edition. Available at: https://www.waterboards.ca.gov/centralcoast/publications_forms/publications/basin_plan/docs/2019_basin_plan_r3_complete.pdf.

San Luis Obispo Air Pollution Control District (SLOAPCD). 2012. CEQA Air Quality Handbook. April 2012. Available at: https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/CEQA_Handbook_2012_v2%20%28Updated%20Map2019%29_LinkedwithMemo.pdf.

_____. 2017. Clarification Memorandum for the San Luis Obispo County Air Pollution Control District's 2012 CEQA Air Quality Handbook. Available at: https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/FINAL_Clarification%20Memorandum%2020172.pdf.

State Water Resources Control Board (SWRCB). 2015. GeoTracker. Available at: https://geotracker.waterboards.ca.gov/.

SWCA Environmental Consultants. 2017. Estrella Substation and Paso Robles Area Reinforcement Project Paleontological Resources Technical Report for the Estrella Route, San Luis Obispo County, California. Available at

https://www.cpuc.ca.gov/environment/info/horizonh2o/estrella/docs/Estrella%20Route%20PRTR.pdf .

U.S. Department of Agriculture (USDA). 1983. Soil Survey of San Luis Obispo County, California, Paso Robles Area. U.S. Department of Agriculture, Soil Conservation Service. Available at: https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/california/sanluisCA1983/sanluisCA1983.pdf .

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

U.S. Energy Information Administration. 2019. Frequently Asked Questions – How much electricity does an American home use? Available at: https://www.eia.gov/tools/faqs/faq.php?id=97&t=3.

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

Wallace Group. 2018. Water Use Evaluation for Proposed Cannabis Cultivation (2500 Shandon Hwy, Sandon, CA).

Weatherspark.com. 2019. Average Weather in Shandon. Available at: https://weatherspark.com/y/1289/Average-Weather-in-Shandon-California-United-States-Year-Round.

Whaler, Terry. 2019. Referral Response – Contract Compliance & Compatible Use Review for Eric Powers/Kuhnle Family Trust – Minor Use Permit DRC2018-00076.

Exhibit B – Other Agency Approvals That May Be Required

California Department of Food and Agriculture, CalCannabis Cultivation Licensing Division

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

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

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

Section 8102 – Annual State License Application Requirements

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

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

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

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

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

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

Section 8106 – Cultivation Plan Requirements

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

(3) A pest management plan.

Section 8108 -- Cannabis Waste Management Plans

Section 8216 – License Issuance in an Impacted Watershed

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

Section 8304 – General Environmental Protection Measures

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

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

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

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

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

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

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

Section 8305 – Renewable Energy Requirements

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

Section 8306 -- Generator Requirements

Section 8307 – Pesticide Use Requirements

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

Section 8308 – Cannabis Waste Management

Bureau of Cannabis Control

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

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

Federal Endangered Species Act

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

State Water Resources Control Board

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

California Department of Fish and Wildlife

Lake or Streambed Alternation

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

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

California Endangered Species Act

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

Exhibit C - Mitigation Summary

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

DATE: July 7, 2020

DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM FOR INTEGRATED AGRICULTURE, INC. MINOR USE PERMIT (DRC2018-00076)

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

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

For the purposes of this document, “construction activities” includes, but is not limited to, extension of the existing driveway, installation of the new water line, installation of new fencing, gates, and security stations, and installation of the new materials storage container.

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

AESTHETICS (AES)

AES-1 **Nighttime lighting. Prior to issuance of grading or construction permits**, to minimize the effects of exterior lighting on special-status wildlife and to address potential impacts associated with new sources of light and glare, the applicant shall submit a light pollution prevention plan to the County Department of Planning and Building for review and approval that incorporates the following measures to reduce impacts related to night lighting:

a. All exterior lighting shall conform to LUO Section 22.10.060, and be located and designed to be directed downward and to the interior of the site to avoid the light source from being visible off-site. All exterior lighting shall be “warm-white” or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue light emissions.

Monitoring: The light pollution prevention plan shall be reviewed and approved by the County Department of Planning and Building and verification of implementation will occur during quarterly inspections associated with the County Cannabis Monitoring Program.

AIR QUALITY (AQ)

AQ-1 **Prior to issuance of grading permits or initiation of ground-disturbing activities,** the following measures shall be implemented during all site disturbance

activities and shown on all applicable development plans to be implemented during all construction activities:

a. Reduce the amount of the disturbed area where possible;

b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour (mph). Reclaimed (non-potable) water should be used whenever possible;

c. All dirt stockpile areas should be sprayed daily or covered with tarps or other dust barriers, as needed;

d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil-disturbing activities;

e. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD;

f. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;

g. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;

h. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;

i. Install wheel washers or other devices to control tracking of mud and dirt onto adjacent roadways where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;

j. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible. Roads shall be pre-wetted prior to sweeping when feasible; and

k. The applicant shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period, and to prevent transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SLOAPCD Engineering & Compliance Division prior to the start of any grading, site disturbance, or demolition.

BIOLOGICAL RESOURCES (BIO)

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

BIO-2 **Pre-construction survey for special-status reptiles.** Prior to issuance of grading or construction permits or establishment of the use, whichever occurs first, a qualified biologist shall conduct a pre-construction survey immediately prior to initial project activities (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special-status reptile or amphibian species are discovered during surveys or monitoring, they will be allowed to leave the area on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact.

BIO-3 **Pre-construction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

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

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

BIO-4 **Pre-construction Survey for BUOW.** If work is planned to occur within 150 meters (approximately 492 feet) of BUOW habitat, a qualified biologist shall conduct a pre-construction survey for the species within 14 days prior to initial project activities. This applies year-round (i.e., within the breeding (February 1 to August 31) or non-breeding (September 1 to January 31) seasons. Habitat for BUOW includes areas with generally short, sparse vegetation and few shrubs, level to gentle topography and well-drained soils including grasslands, shrub steppe, desert, some agricultural areas, ruderal grassy fields, vacant lots, and pastures. A second survey shall be completed immediately prior to initial project activities (i.e., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on BUOW Mitigation, which specifies that 7- to 20-meter transects shall be walked, such that the entire project area is visible. These surveys may be completed concurrently with SJKF, American badger, or other special-status species surveys. If occupied BUOW burrows are identified the following exclusion zones shall be observed during project activities, unless otherwise authorized by CDFW:

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

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

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

BIO-5 **Pallid Bat and Townsend's Big-Eared Bat Avoidance and Minimization.** Site preparation, ground disturbance, and construction activities including any tree trimming and/or vegetation removal shall be conducted outside of the typical bat maternity roosting and pupping season (February 1–August 31), if feasible. If site disturbance activities are to occur within this season, the applicant shall retain a County-qualified biologist to conduct a preconstruction survey within 14 days prior to commencement of proposed site-disturbance activities. If any roosting bats are found during preconstruction surveys, no work activities shall occur within 100 feet of active roosts until bats have left the roosts. The County-qualified biologist shall prepare a report after each survey and a copy of the report shall be provided to the County within 14 days of completion of each survey. If no bat roosting activities are detected within the proposed work area, site disturbance and noise-producing construction activities may proceed and no further mitigation is

required.

BIO-6 **Pre-construction survey for American badgers.** A qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.

- If a potential den is discovered, the den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger.
- If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season), measured outward from the burrow entrance. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

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

BIO-7 **Environmental Awareness Training –** Prior to major grading or construction activities (e.g., site mobilization, clearing, grubbing, preparation for installing new facilities, etc.), an environmental awareness training shall be presented to all project personnel by a qualified biologist prior to the start of any project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the project's discretionary permits, an overview of the federal Endangered Species Act, the California Endangered Species Act, and implications of noncompliance with these regulations, as well as an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the trainees will be kept and provided to the County of San Luis Obispo (County). If new project personnel join the project after the initial training period, they will receive the environmental awareness training from a designated crew member on site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

BIO-8 **San Joaquin Kit Fox Compensatory Mitigation Acreage.** Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the

CDFW and County that satisfactorily demonstrates one or a combination of the following SJKF mitigation measure options has been implemented to offset the project's calculated compensatory impacts:

a. Habitat Set Aside: Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, of 22.4 acres of suitable habitat in the kit fox corridor area (e.g., within the San Luis Obispo kit fox habitat area northwest of SR 58), either on-site or off-site, and provide for a nonwasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval by the CDFW and County.

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

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

   Mitigation alternative (b) could be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program. The program was established in agreement between the CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. This fee is calculated based on the current cost-per-unit of $2,500 per acre of required mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to "The Nature Conservancy," would total $56,000 based on $2,500 per acre (5.60 acres impacted × 4 acres mitigation per acre impacted × $2,500 per acre).

c. Conservation Bank Credit: Purchase 22.4 credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

   Mitigation alternative (c) can be completed by purchasing credits through the CDFW approved conservation bank, the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total approximately $56,000. This fee is calculated based on the current cost-per-credit of $2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on

the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground-disturbing activities.

BIO-9 Prior to issuance of grading and/or construction permits, all SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

BIO-10 **Pre-construction survey for SJKF.** A qualified biologist shall complete a pre-construction survey for SJKF no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure SJKF is not present within all proposed work areas and at least a 200-foot buffer around work areas per USFWS Standard Recommendations (2011). The biologist will survey for sign of SJKF and known or potential SJKF dens. The result of the survey shall be submitted to the County within 5 days of the survey and prior to start of initial project activities. The submittal shall include the date the survey was conducted, survey method, and survey results, including a map of the location of any SJKF sign, and/or known or potential SJKF dens, if present. If no SJKF sign, potential or known SJKF dens are identified, then the SJKF Standard Protection Avoidance and Protection Measure shall be applied.

- If the qualified biologist identifies potential SJKF den(s), the den(s) will be monitored for 3 consecutive nights with an infra-red camera, prior to any project activities, to determine if the den is being used by SJKF. If no SJKF activity is observed during the 3 consecutive nights of camera placement then project work can begin with the Standard SJKF Avoidance and Protection Measures and the SJKF Protection Measures if SJKF are observed.
- If a known den is identified within 200-feet of any proposed project work areas, no work may start in that area.

If 30 days lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), where no or minimal work activity occurs, the SJKF survey shall be updated.

BIO-11 **Biological Monitoring.** A qualified biologist shall conduct weekly site visits during site-disturbance activities (e.g., clearing, grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, to check the site for special-status species. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by a biologist unless a potential SJKF den was identified on-site or the qualified biologist recommends monitoring for other sensitive species protection. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

BIO-12 **San Joaquin Kit Fox Avoidance and Protection Measures.**

a. If a SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other agencies as needed.

b. A maximum of 25 mph speed limit shall be required at the project site during project activities. Speed limit signs shall be installed on the project site prior to start of all work.

c. All project activities shall cease at dusk and not start before dawn. This

includes driving on the site for security purposes.

d. To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes or trenches greater than two feet deep shall be completely covered at the end of each work day by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If a SJKF is entrapped, CDFW, USFWS, and the County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.

e. All pipes, culverts, or similar structures with a diameter of 4 inches or greater, stored overnight at the project site shall be thoroughly inspected for sheltering SJKF before burying, capping, or moving. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day. No pipes, culverts, similar structures, or materials stored on site shall be moved if there is a SJKF present within or under the material. A 50-foot exclusion buffer will be established around the location of the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.

f. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in animal-proof closed containers only and regularly removed from the site.

g. No deliberate feeding of wildlife shall be allowed.

h. Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.

i. Trash will be disposed of into containers rather than stockpiling on site prior to removal.

j. Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence shall be surveyed (consistent with pre-construction survey requirements) by a qualified biologist before they are moved.

k. The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which SJKF depend.

l. Permanent fences shall allow for SJFK passage through or underneath by providing frequent openings (8-inch x 12-inch) or an approximately 4-inch or greater passage gap between the ground and the bottom of the fence every 100 yards. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

m. During project activities and/or the operation phase, any contractor or

employee that inadvertently kills or injures a SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead SJKF, the applicant shall immediately notify the USFWS, CDFW, and the County by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident.

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

BIO-13 **Lighting.** To minimize the effects of exterior lighting on special-status wildlife species, the applicant shall submit a Light Pollution Prevention Plan to the County Planning Department for approval that incorporates the following measures to reduce impacts related to night lighting:

- Exterior lighting shall conform to LUO Section 22.10.060 and shall be "warm-white" or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions; and
- Exterior lighting used for security purposes shall be directed downward and to the interior of the site to avoid the light source from being visible off site and shall be of the lowest lumen necessary to address security issues.

BIO-14 **Site Maintenance and General Operations** - The following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

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

leaving the site.

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

BIO-15 **Annual Pre-activity Survey for SJKF**. Applicant or project proponent shall hire a qualified biologist to complete an annual pre-activity survey for SJKF no more than 14 days prior to the start of initial ground disturbance associated with the outdoor grow sites to ensure SJKF and other special-status small mammal species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active SJKF and special-status mammal burrows within the grow site areas plus a 50-foot buffer for small mammals and 200-foot buffer for SJKF. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of the burrows is not feasible, the County shall be contacted for further guidance. The County will contact the appropriate resource agencies. If a SJKF den is found within 200 feet of the disturbance area, then the County must be contacted for further guidance. The County will contact the appropriate resource agencies.

Monitoring: Prior to the onset of site disturbance activities, project plans shall be checked for inclusion of the general measures for site maintenance and general operations. All survey reports shall be submitted to the County Department of Planning and Building prior to onset of site disturbance activities. Compliance will be verified by the County Department of Planning and Building prior to and during construction and for the life of the project through quarterly inspections associated with the County Cannabis Monitoring Program.

HYDROLOGY AND WATER QUALITY (WQ)

WQ-1 **Water Demand Quantification and Offset.** Prior to issuance of a grading building permit (or prior to initiation of permitted activities if no grading permits are required), all applicants for cannabis-related activities within the PRGWB shall provide to the County of San Luis Obispo Department of Planning and Building for review and approval a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by LUO Sections 22.40.050 D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042(4). The Water Conservation Plan shall include the following:

a. The quantification of water demand expressed in total acre-feet per year, consistent with the Water Management Plan required by LUO Sections 22.40.050 C.1 and 22.40.060 C.1.

b. A program for achieving a water demand offset of the quantified water demand as required by LUO Sections 22.40.050 D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042(4). Such a program may include, but is not limited to, the following:

   i. The permanent installation of water facilities and/or infrastructure to improve the efficient use of water on existing irrigated agricultural

lands within the basin. Such improvements shall be accompanied by an audit of existing agricultural water demand prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of Planning and Building. Water efficiency improvements may include, but are not limited to, the following:

1. Installation of drip irrigation.
2. Installation of smart controllers, which are irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapotranspiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.
3. Installation of float valves on water tanks to prevent tanks from overflowing.
4. Conversion from using overhead sprinklers to wind machines for frost protection. [Note: The installation of wind machines shall be included in the project description for cannabis activities and subject to environmental review.]
5. Installation of rainwater catchment systems to reduce demand on groundwater. [Note: The installation of rainwater catchment facilities shall be included in the project description for cannabis activities and subject to environmental review.]
6. Participation in an approved water conservation program within the PRGWB that is verifiable, results in a permanent reduction of water demand equal to, or exceeding, the required water demand offset, and has been subject to environmental review.
7. Any combination of the above or other qualifying strategies or programs that would achieve the required water demand offset.

c. The water demand offset documented by the Water Conservation Plan shall be verifiable and permanent and shall not result in adverse environmental effects beyond those assessed by the CEQA compliance document for the proposed cannabis project.

WQ-2 **Water Offset Monitoring.** For the life of the project, at the time of quarterly monitoring inspection, the applicant shall provide to the County Department of Planning and Building for review, evidence that the water efficiency improvements associated with the approved Water Conservation Program remain in full effect and are continuing to achieve the required water demand offset associated with the approved cannabis activities.

July 7, 2020

Monitoring: Compliance will be verified by the County Department of Planning and Building through review and approval of the Water Conservation Plan and quarterly inspections associated with the County Cannabis Monitoring Program.

Giovanni DeGarimore 7/10/20

Signature of Applicant **Name (Print)** **Date**