Negative Declaration & Notice Of Determination

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

ENVIRONMENTAL DETERMINATION NO. ED Number 20-173 **DATE:** November 18, 2020

PROJECT/ENTITLEMENT: RP Agrochimex, Inc. Minor Use Permit;DRC2018-00168

APPLICANT NAME: RP Agrochimex, Inc.
Email: angle.planning@gmail.com
ADDRESS: 3268 Via Ensenada San Luis Obispo, CA
CONTACT PERSON: Mandi Pickens **Telephone:** 805-459-5334

PROPOSED USES/INTENT: The proposed project is a request by **RP Agrochimex Inc**. ("RPA") for a Minor Use Permit to allow for the development of outdoor cannabis cultivation and ancillary structures on a 130-acre parcel. The project proposes a 3-acre cannabis cultivation facility and support infrastructure, including the development of 2.6 acres of hoop house structures for outdoor cannabis cultivation, two 2,880 square foot hoop houses to be used as an outdoor ancillary nursery, and ancillary structures that include a 900 square foot office building and two cargo containers for equipment storage. There is an existing metal agricultural barn that would be converted and used for ancillary processing and transport of the product off-site. The project proposes installation of outdoor lighting for security along fencing that would surround the development. A new 45,000-gallon water tank would be installed south east of the proposed office building for combined domestic and fire protection. Existing on-site agricultural roads would be upgraded to comply with the County of San Luis Obispo (County) and California Department of Forestry and Fire Protection (CAL FIRE) standards. The project includes establishment of parking areas within two flat areas adjacent to the existing agricultural barn and proposed office building. The project also includes installation of an on-site solar system. The project applicant is requesting a setback modification per County Land Use Ordinance (LUO) Section 22.40.050D.3.e. The proposed project would result in approximately 5.4 acres of ground disturbance. Ground disturbance activities include installation of new fencing around the cultivation and nursery areas, installation of planting beds and hoop houses in the cultivation and nursery areas, installation of the on-site solar system, and grading to support the driveway improvements and construction of building pads for the office building. The project would involve grading approximately 2.3 acres to support improvements to the existing driveway and construction of new building pads for the office building. Construction would result in approximately 2,102 cubic yards of cut and 1,653 cubic yards of fill, resulting in a total grading volume of approximately 3,755 cubic yards.

LOCATION: The project is located at 248 Carrisa Highway within the Shanndon-Carrizo Sub Planning Area of the North County Area Plan.

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: Air Pollution Control District
California Department of Fish and Wildlife, Environmental Health, California Department of Food and Agriculture

ADDITIONAL INFORMATION: Additional information pertaining to this Environmental Determination may be obtained by contacting the above Lead Agency address or (805)781-5600.
COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 4:30 p.m. (2 wks from above DATE)

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

Notice of Determination

State Clearinghouse No. _____

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

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

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

	Eric Hughes (ehughes@co.slo.ca.us),		County of San Luis Obispo
Signature	**Project Manager Name**	**Date**	**Public Agency**

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING

Initial Study – Environmental Checklist

PLN-2039
04/2019

Project Title & No. Agrochimex Minor Use Permit ED20-173-PL DRC2018-00168

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.

Brandi Cummings	Brandi Cummings		November 13, 2020
Prepared by (Print)	Signature		Date
David Moran	David Moran	For Steve McMasters, Principal Environmental Specialist	November 13, 2020
Reviewed by (Print)	Signature		Date

Initial Study – Environmental Checklist

Project Environmental Analysis

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

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

A. Project

DESCRIPTION: A request by **RP Agrochimex Inc**. ("RPA") for a Minor Use Permit (MUP, DRC2018-00168) to allow for the development of outdoor cannabis cultivation and ancillary structures on a 130-acre parcel. The project proposes a 3-acre cannabis cultivation facility and support infrastructure, including the development of 2.6 acres of hoop house structures for outdoor cannabis cultivation, two 2,880 square foot hoop houses to be used as an outdoor ancillary nursery, and ancillary structures that include a 900 square foot office building and two cargo containers for equipment storage. There is an existing metal agricultural barn that would be converted and used for ancillary processing and transport of the product off-site. The project proposes installation of outdoor lighting for security along fencing that would surround the development. A new 45,000-gallon water tank would be installed south east of the proposed office building for combined domestic and fire protection. Existing on-site agricultural roads would be upgraded to comply with the County of San Luis Obispo (County) and California Department of Forestry and Fire Protection (CAL FIRE) standards. The project includes establishment of parking areas within two flat areas adjacent to the existing agricultural barn and proposed office building. The project also includes installation of an on-site solar system. The project applicant is requesting a setback modification per County Land Use Ordinance (LUO) Section 22.40.050D.3.e. The proposed project would result in approximately 5.4 acres of ground disturbance. Ground disturbance activities include installation of new fencing around the cultivation and nursery areas, installation of planting beds and hoop houses in the cultivation and nursery areas, installation of the on-site solar system, and grading to support the driveway improvements and construction of building pads for the office building. The project would involve grading approximately 2.3 acres to support improvements to the existing driveway and construction of new building pads for the office building. Construction would result in approximately 2,102 cubic yards of cut and 1,653 cubic yards of fill, resulting in a total grading volume of approximately 3,755 cubic yards.

The project proposes to use an on-site well for operational water use. The project would use between 0.04 to 0.46-acre-feet of water per month based on cultivation need, which is approximately 2.32 acre feet/year (AFY) of water per year. Development of solar panels is proposed to generate most of the project's electricity needs. The project would use approximately 2,290,295 kWh of energy for outdoor cultivation and ancillary uses. Nuisance odors from the project would be controlled using industry best practices that includes

administrative controls and engineering controls (design, operation, and maintenance) that would occur upon permit issuance and availability of control technology.

Project operations include outdoor cultivation of cannabis in a 2.6-acre canopy structure located on the northern portion of the site on vacant, tilled land. Land for operations would be prepared by disking three times, chiseling (ripping) 3-feet four times, and then disking again three times. Six tons of well-composted organic green-waste manure would be applied and incorporated into the soil coincident with the disking operations. Cannabis would be planted into planting beds by hand in early June for optimal yield. The project proposes the planting of 2,178 plants per acre. Harvesting would take place three times per year in May, July, and October within a 24-hour period. Ancillary cannabis activities that would take place on-site include trimming, drying, packaging, and loading product for transport. Cannabis product would be stored on-site in vacuum-sealed containers in the existing barn or immediately transported to a facility for oil extraction. Project operations would utilize five full-time employees with an additional five seasonal employees during cultivation periods. Project operations would occur between the hours of 6:30 a.m. to 6:30 p.m. Monday through Friday.

Figure 1. Project Vicinity Map

Figure 2. Project Property Map

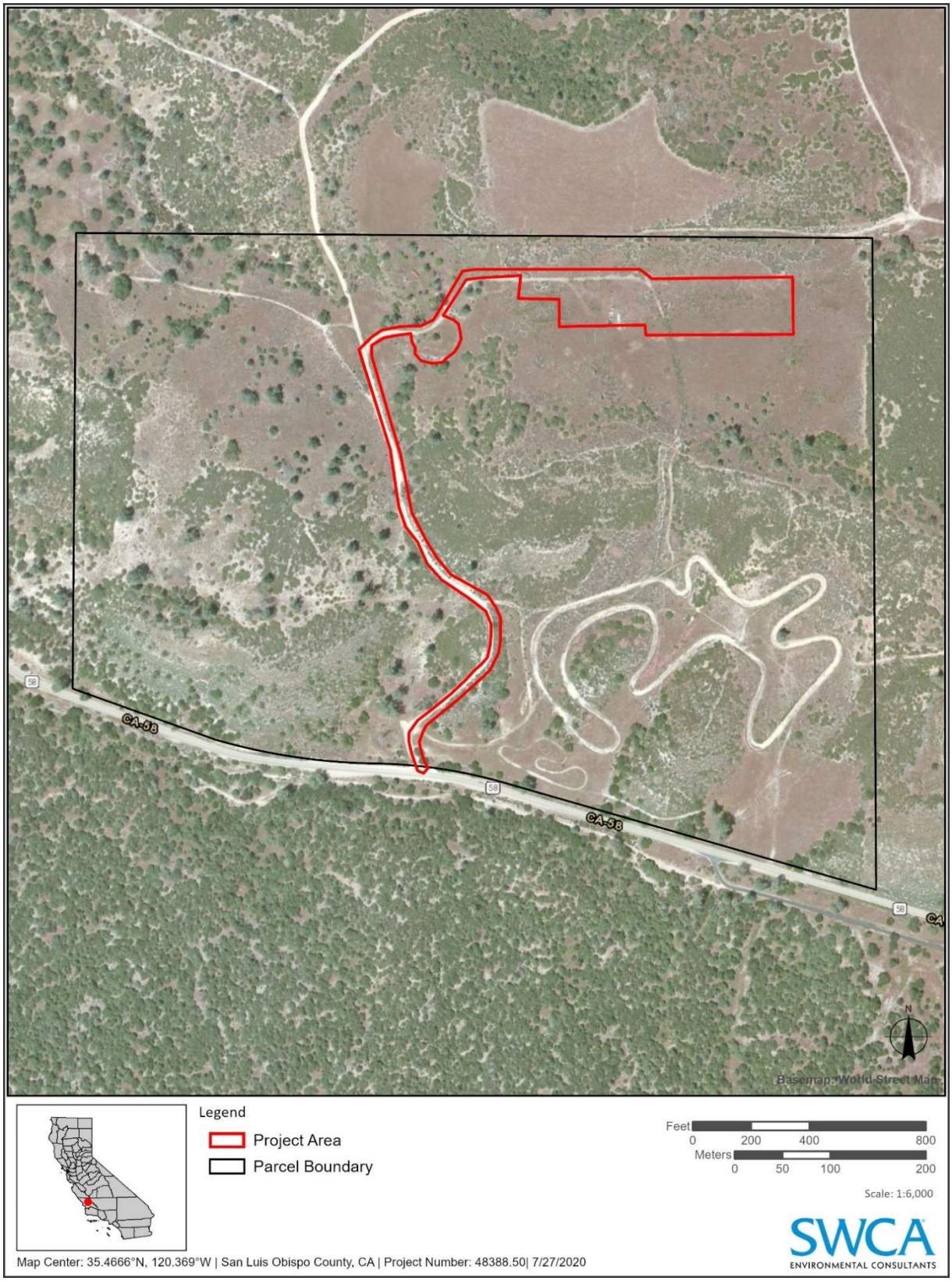
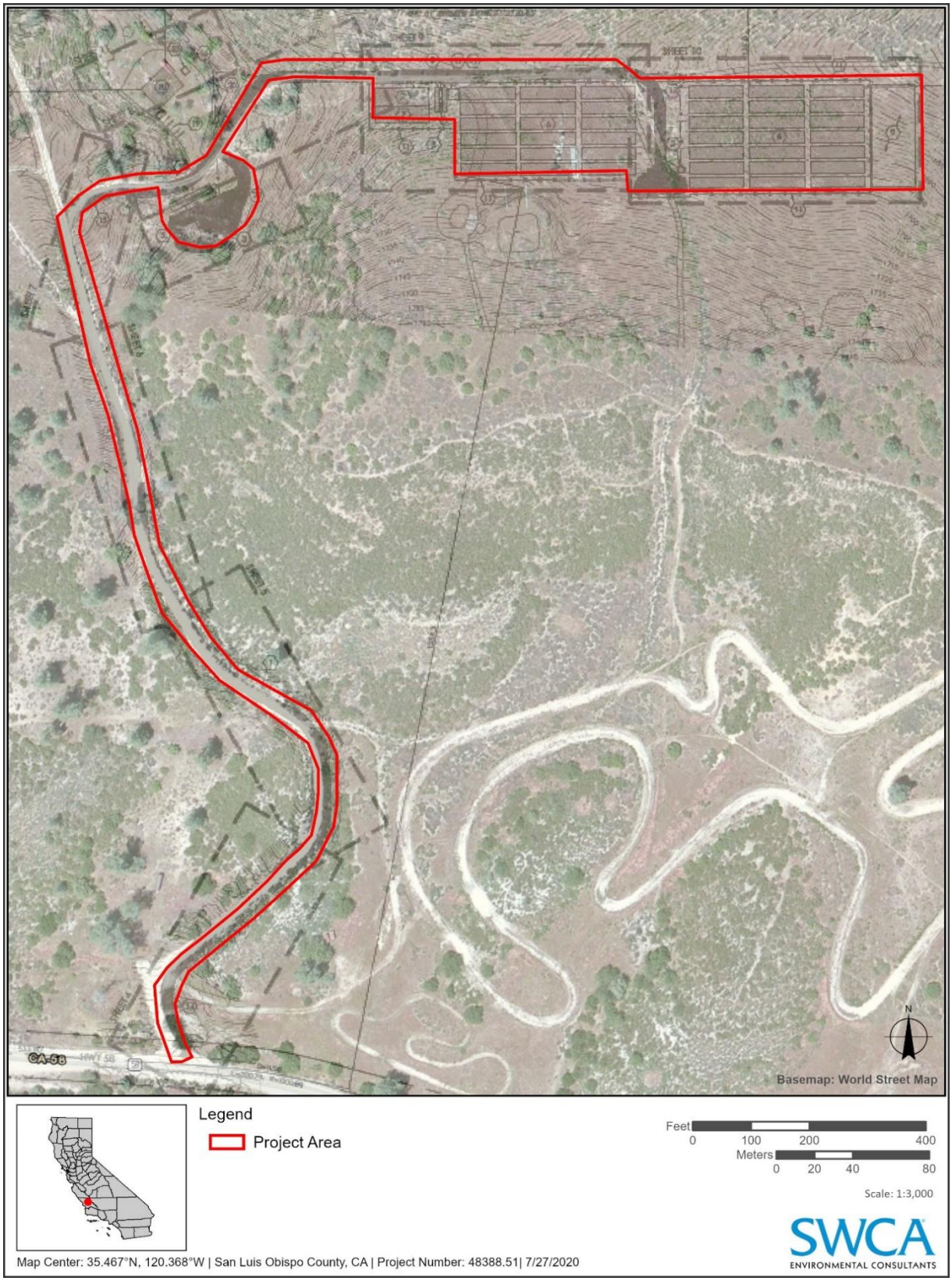


Figure 3. Site Plan Map



Initial Study – Environmental Checklist

ASSESSOR PARCEL NUMBER(S): 037-391-030

Latitude: 35º 28' 01.16" N **Longitude:** 120º 22'07.75" W **SUPERVISORIAL DISTRICT #** 5

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
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 (CAL FIRE) / County Fire

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 **Comm:**

Land Use Category: Agriculture

Combining Designation: None

Parcel Size: 130 Acres

Topography: Gently Sloping to Moderately Sloping

Vegetation: Annual grassland, chamise chaparral, buckwheat, disturbed, mixed oak woodland

Existing Uses: Agriculture uses, undeveloped, single-family residence

Surrounding Land Use Categories and Uses:

North: Agriculture, undeveloped, and single-family residence

East: Agriculture, undeveloped, and single-family residence

South: Rural lands, undeveloped, and agricultural facility

West: Undeveloped

Baseline Conditions. The project is located on the northern portion of a 130-acre parcel, approximately 915 feet north of State Route (SR-) 58 and approximately 17.5 miles east of the community of Santa Margarita, within the North County planning area Shandon-Carrizo sub area. The site is characterized by irregular topography with a variety of soils including Oceano loamy sand, Arnold loamy sand, and Gaviota-San Andreas association soils. A biological resource assessment (BRA) conducted for the project identifies 43 special-status plant species and 23 special-status wildlife species in the project region. Of those identified, two special-status plant species and 11 special-status wildlife species, including migratory nesting birds, have the potential to occur on the project site. Existing development on the property includes a 2,400 square foot metal barn with an existing septic tank located on a 0.4-acre graded pad in the northwest portion of the property. The property supports graded access roads that traverse the project site from west

to east and north to south. An existing water storage basin is located to the south of the project site. The property is currently designated as Agricultural land, and previous uses of the property included equipment storage and private recreational use. The site has previously been subject to substantial ground disturbance. Surrounding land use includes undeveloped areas with scattered rural residencies to the east and north.

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

A scenic vista is generally defined as a high-quality view displaying good aesthetic and compositional values that can be seen from public viewpoints. Some scenic vistas are officially or informally designated by public agencies or other organizations. A substantial adverse effect on a scenic vista would occur if the project would significantly degrade the scenic landscape as viewed from public roads or other public areas. A

proposed project's potential effect on a scenic vista is largely dependent upon the degree to which it would complement or contrast with the natural setting, the degree to which it would be noticeable in the existing environment, and whether it detracts from or complements the scenic vista.

California's Scenic Highway Program was created by the State Legislature in 1963 with the intention of protecting and enhancing the natural scenic beauty of California highways and adjacent corridors. There are several officially designated state scenic highways and several eligible state scenic highways within the county. State Route 1 is an Officially Designated State Scenic Highway and All-American Road from the city of San Luis Obispo to the northern San Luis Obispo County boundary. A portion of Nacimiento Lake Drive is an Officially Designated County Scenic Highway. Portions of SR-101, SR-46, SR-41, SR-166, and SR-33 are also classified as Eligible State Scenic Highways – Not Officially Designated.

The County of San Luis Obispo Inland LUO establishes regulations for exterior lighting (LUO 22.10.060), height limitations for each land use category (LUO 22.10.090), scenic highway corridor standards (LUO 22.10.095), and other visual resource protection policies. These regulations are intended to help the County achieve its Strategic Growth Principles of preserving scenic natural beauty and fostering distinctive, attractive communities with a strong sense of place, as set forth in the County Land Use Element (LUE).

The LUO also maps portions of the Salinas River Highway Corridor, the San Luis Obispo Highway Corridor, and the South County Highway Corridor to comply with County highway corridor design standards. These standards include, but are not limited to, setbacks from highway rights-of-way, guidelines for development along ridgelines, limitations on graded slopes, protection of landmark features, and standards for building height and color (LUO 22.10.095).

The LUO defines a Sensitive Resource Area (SRA) combining designation that applies to areas having high environmental quality and special ecological or educational significance. These designated areas are considered visual resources by the County and the LUO establishes specific standards for projects located within these areas. These standards include, but are not limited to, set back distances from public viewpoints, prohibition of development that silhouettes against the sky, grading slope limitations, set back distances from significant rock outcrops, design standards including height limitations and color palette, and landscaping plan requirements.

In addition to policies set forth in the LUO, the County Conservation and Open Space Element (COSE) provides guidelines for the appropriate placement of development, so the natural landscape continues to be the dominant view in rural parts of the county, and the visual character contributes to a robust sense of place in urban areas. The COSE provides a number of goals and policies to protect the visual character and identity of the county while protecting private property rights, such as the identification and protection of community separators (rural-appearing land located between separate, identifiable communities and towns), designation of scenic corridors along public roads and highways throughout the county, retaining existing access to scenic vista points, and setting the standard that new development in urban and village areas shall be consistent with the local character, identity, and sense of place.

The project is in a rural area characterized by large undeveloped parcels with scattered rural residences. Topography of the area consists of rolling hills and vegetation consisting primarily of grassland, native and non-native trees, and chaparral. The property can be viewed from SR-58. However, the project is situated at the northern end of the property, away from the highway. The property's topography and vegetation would obscure views of the project site from motorists along the highway.

Discussion

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

While the project vicinity has high scenic value and an appealing rural and agricultural character, it is not considered a scenic vista, as it does not offer expansive views of a highly valued landscape and is not officially or unofficially designated as a scenic vista. The project is not located within an identified scenic vista, a visually sensitive area, a scenic corridor, or an area of high scenic quality that would be seen from key public viewpoints (County of San Luis Obispo 2015). Therefore, the project would not have a substantial adverse effect on a scenic vista, and impacts would be *less than significant*.

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

The project is not located within the viewshed of a designated or eligible state scenic highway and implementation of the project would not result in damage to scenic resources within the viewshed of a state scenic highway (California Department of Transportation [Caltrans] 2020). Therefore, *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 project is located in a non-urbanized area and would not be visible to viewers traveling along public roads due existing topography and vegetation. The project would not result in a noticeable change to public views of the area and, therefore, would not result in the degradation of the existing visual character or quality of public views of the site and its surroundings. *No impacts would occur.*

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

The project proposes outdoor cannabis cultivation with no artificial lighting. The security fencing that encloses the outdoor cannabis cultivation and nursery areas would be equipped with low-intensity, motion-activated lighting to illuminate the premises. The security lighting would be mounted on 10-foot-tall supports spaced in 25-foot increments around the fence line. Additionally, the project includes the construction of a new 900 square-foot office building and conversion of an existing agricultural barn to a processing facility, which would each be equipped with low intensity, exterior motion activated lighting to illuminate the entrance/exit. The security and exterior building lighting would not adversely affect nighttime views in the area because public views from SR-58 would be obscured by existing topography, and the intensity of the lighting would be low. Therefore, the project would not result in a substantial increase of light or glare, and impacts would be *less than significant.*

Conclusion

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

- The design, scale and character of new construction proposed for the project site (hoop structures and a 900 sq.ft. office building) are consistent with the size, scale and character of existing development on the project site and vicinity;
- The visual quality, integrity and uniqueness of the project site and vicinity will be preserved by locating the new development on portions of the project site that are not visible from public vantage points;
- When considering the size, location and visual character of the proposed new development within the context of the surrounding rural landscape, the magnitude of the change to the visual quality of the site and vicinity is small.
- 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. Potential impacts to aesthetic resources would be less than significant, and no mitigation measures are necessary.

Mitigation

Mitigation is not necessary.

II. AGRICULTURE AND FORESTRY RESOURCES

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

Setting

San Luis Obispo County supports a unique, diverse, and valuable agricultural industry that can be attributed to its Mediterranean climate, fertile soils, and sufficient water supply. Wine grapes are regularly the top agricultural crop in the county. Top value agricultural products in the county also include fruits, nuts, vegetables, field crops, nursery products, and animals. The County Agriculture Element includes policies,

goals, objectives, and other requirements that apply to lands designated in the Agricultural land use category. In addition to the Agriculture Element and in accordance with Sections 2272 and 2279 of the California Food and Agriculture Code, the County Agricultural Commissioner releases an annual report on the condition, acreage, production, pest management, and value of agricultural products within the county. The most recent annual crop report can be found here: https://www.slocounty.ca.gov/Departments/Agriculture-Weights-and-Measures/All-Forms-Documents/Information/Crop-Report.aspx.

The California Department of Conservation's 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." Some counties, such as the County of San Luis Obispo, define additional agricultural areas called areas of Local Potential. This land includes soils that qualify for Prime Farmland or Farmland of Statewide Importance but generally are not cultivated or irrigated. 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 following FMMP designation(s) California Department of Conservation (2016):

- Farmland of Local Potential
- Grazing Land

On-site soils include:

- **Arnold loamy sand, 9 to 30% slopes.** This soil unit underlies the new office building, converted processing facility, compost area, parking area, and northern portion of the driveway/access road. This complex is excessively drained and has low runoff potential, rapid permeability, high erodibility, and low shrink-swell potential. This soil unit underlies the existing access driveway and a portion of cultivation Area 5. This complex is very deep, well drained, has very slow to moderately slow permeability, rapid surface runoff potential, and low shrink-swell potential. The major uses include dry farmed crop and livestock grazing. Management considerations include excessive slope, water erosion, and limited available water capacity (U.S. Department of Agriculture [USDA] 1983). This soil is not included among the list of important soils identified under Table SL-2, Important Agricultural Soils of San Luis Obispo County, in the County COSE.
- **Oceano loamy sand, 2 to 9% slopes.** This soil unit underlies the cultivation and nursery areas. This complex is excessively drained and has low runoff potential, rapid permeability, and low shrink-swell potential. Major uses include irrigated crops, livestock grazing, and homesite development. Management factors include slope, soil blowing, water erosion, and limited available water capacity (USDA 1983). This soil is identified as important agricultural soils under Table SL-2, Important Agricultural Soils of San Luis Obispo County, in the County COSE.
- **Gaviota-San Andreas association, very steep.** This soil unit underlies the southern portion of the driveway/access road. This complex is well drained and has very high runoff potential, moderately rapid permeability, and low shrink-swell potential. Major uses include livestock grazing. Management factors include special design for fenced areas (USDA 1983). This soil is identified as important agricultural soils under Table SL-2, Important Agricultural Soils of San Luis Obispo County, in the County COSE.

Initial Study – Environmental Checklist

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 site includes land within the Agricultural land use designation but is not subject to a Williamson Act contract.

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

Discussion

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

The property is classified as Farmland of Local Potential by the FMMP. Farmland of Local Potential is defined by the County as areas of soils that meet all the characteristics of Prime or Statewide Importance, except for irrigation (California Department of Conservation [CDOC] 2016). The proposed outdoor cultivation areas would result in the impermanent conversion of approximately 2.6 acres of agricultural land that could be relatively easily converted back to agricultural-type uses at the end of the life of the project. Similarly, the 5,760 square-foot ancillary nursery could be relatively easily converted back to agricultural-type uses at the end of the life of the project. The proposed office building will result in the permanent conversion of about 900 sq.ft. of non-prime agricultural land. The project would not result in the conversion of any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use; therefore, *there would be no impact.*

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

The subject property is located within the Agricultural land use designation, and cannabis cultivation activities, including the proposed outdoor cultivation, are allowed uses within such designation. There are no existing agricultural operations on the property and the project site is not subject to an active Land Conservation Act (Williamson Act) contract. Therefore, impacts would be *less than significant.*

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

The project parcel contains several native trees adjacent to and within proposed cultivation areas. The density of native trees on-site does not constitute 10% native tree cover. In addition, the project would not result in the removal or trimming of any of these trees. Therefore, the project would not result in the loss or conversion of forest land, and *no impacts* would occur.

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

The project site does not support forest land or timberland and would not result in the loss or conversion of these lands to non-forest use; *no impacts* would occur.

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

The project includes the establishment of outdoor cannabis cultivation. The project site is bordered by active agricultural operations and undeveloped land. Per the memo from Lynda Auchinachie of the County Department of Agriculture, dated June 20, 2019, the department reviewed the project for potential impacts to on- and off-site agricultural resources and recommended standard land use permit conditions of approval that ensure Best Management Practices (BMPs) will be followed. No significant impacts to off-site agricultural operations were identified. Therefore, potential impacts related to the impairment of agricultural uses of other property or conversion of surrounding land to non-agricultural uses would be *less than significant*.

Conclusion

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

Mitigation

Mitigation is not necessary.

Initial Study – Environmental Checklist

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

Regulatory Agencies and Standards

San Luis Obispo County is part of the South-Central Coast Air Basin (SCCAB), which also includes Santa Barbara and Ventura Counties. Air quality within the SCCAB is regulated by several jurisdictions including the U.S. Environmental Protection Agency (USEPA), California Air Resources Board (CARB), and San Luis Obispo County Air Pollution Control District (SLOAPCD). Each of these jurisdictions develops rules, regulations, and policies to attain the goals or directives imposed upon them through legislation. The CARB is the agency responsible for coordination and oversight of state and local air pollution control programs in California and for implementing the California Clean Air Act (CCAA) of 1988. The State Department of Public Health established California Ambient Air Quality Standards (CAAQS) in 1962 to define the maximum amount of a pollutant (averaged over a specified period of time) that can be present without any harmful effects on people or the environment. The CARB adopted the CAAQS developed by the Department of Public Health in 1969, which had established CAAQS for 10 criteria pollutants: particulate matter (PM_{10} and $PM_{2.5}$), ozone (O_3), nitrogen dioxide (NO_2), sulfate, carbon monoxide (CO), sulfur dioxide (SO_2), visibility reducing particles, lead (Pb), hydrogen sulfide (H_2S), and vinyl chloride.

The Federal Clean Air Act (CAA) later required the USEPA to establish National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment and also set deadlines for their attainment. The USEPA has established NAAQS for six criteria pollutants (all of which are also regulated by CAAQS): CO, Pb, NO_2, O_3, PM_{10} and $PM_{2.5}$, and SO_2.

California law continues to mandate compliance with CAAQS, which are often more stringent than national standards. However, California law does not require that CAAQS be met by specified dates as is the case with NAAQS. Rather, it requires incremental progress toward attainment. The SLOAPCD is the agency

primarily responsible for ensuring that NAAQS and CAAQS are not exceeded and that air quality conditions within the county are maintained.

SLOAPCD 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.

The SLOAPCD has 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 (NO_x), reactive organic gases (ROG), greenhouse gases (GHG), and diesel particulate matter (DPM), are most significant when using large, diesel-fueled scrapers, loaders, bulldozers, haul trucks, compressors, generators, and other heavy equipment. 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 project can also include components that generate direct emissions, such as power plants, gasoline stations, dry cleaners, and refineries (source emissions).

General screening criteria is 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 APCD'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.

Air Quality Monitoring

The county's air quality is measured by a total of 10 ambient air quality monitoring stations, and pollutant levels are measured continuously and averaged each hour, 24 hours per day. The significance of a given pollutant can be evaluated by comparing its atmospheric concentration to federal and state air quality standards. These standards represent allowable atmospheric containment concentrations at which the public health and welfare are protected and include a factor of safety. The SLOAPCD prepares an Annual Air Quality Report detailing information on air quality monitoring and pollutant trends in the county. The most recent Annual Air Quality Report can be found here: https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/2017aqrt-FINAL2.pdf.

In San Luis Obispo County, ozone and fine particulates (particulate matter of 10 microns in diameter or smaller, PM_{10}) are the pollutants of main concern, since exceedances of state health-based standards for these pollutants are experienced in some areas of the county. Under federal standards, the county has non-attainment status for ozone in eastern San Luis Obispo County.

San Luis Obispo County Clean Air Plan

The SLOAPCD's 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 PM_{10}. The CAP presents a detailed description of the sources and pollutants which 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.

Naturally Occurring Asbestos

Naturally Occurring Asbestos (NOA) is identified as a toxic air contaminant by the CARB. Serpentine and other ultramafic rocks are fairly common throughout the 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 (SLOACPD 2020).

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 project is in a rural area and the closest off-site sensitive receptor is a single-family residence located approximately 0.5 mile northeast of the project site.

Discussion

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

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

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 of the project would result in emissions of ozone precursors, including ROG, NO_x, and PM_{10}.

Construction Impacts

The SLOAPCD CEQA Air Quality Handbook provides thresholds of significance for construction related emissions. Table 1 lists SLOAPCD's general thresholds for determining whether a potentially significant impact could occur as a result of a project's construction activities.

Table 1. SLOAPCD Thresholds of Significance for Construction Activities

Pollutant	Threshold[1]		
	Daily	Quarterly Tier 1	Quarterly Tier 2
Diesel Particulate Matter (DPM)	7 pounds	0.13 tons	0.32 tons
Reactive Organic Gases (ROG) + Nitrogen Oxides (NO_x)	137 pounds	2.5 tons	6.3 tons
Fugitive Particulate Matter (PM_{10}), Dust (2)		2.5 tons[2]	

[1] Daily and quarterly emission thresholds are based on the California Health and Safety Code and the CARB Carl Moyer Guidelines.

[2] Any project with a grading area greater than 4.0 acres of worked area can exceed the 2.5-ton PM_{10} quarterly threshold.

The SLOAPCD CEQA Air Quality Handbook also provides preliminary screening construction emission rates based on the proposed volume of soil to be moved and the anticipated area of disturbance. Table 2 lists the SLOAPCD's screening emission rates that would be generated based on the amount of material to be moved. The SLOAPCD CEQA Air Quality Handbook also clarifies that any project that would require grading of 4.0 acres or more can exceed the 2.5-ton PM_{10} quarterly threshold listed above.

Table 2. Screening Emission Rates for Construction Activities

Pollutant	Grams/Cubic Yard of Material Moved	Pound/Cubic Yard of Material Moved
Diesel Particulate Matter (DPM)	2.2	0.0049
Reactive Organic Gases (ROG)	9.2	0.0203
Oxides of Nitrogen (NO_x)	42.4	0.0935
Fugitive Particulate Matter (PM_{10})	0.75 tons/acre/month of construction activity (assuming 22 days of construction per month)	

The project would involve grading approximately 2.3 acres to support improvements to the existing driveway and construction of new building pads for the office building. Construction would result in approximately 2,102 cubic yards of cut and 1,653 cubic yards of fill, resulting in a total grading

volume of approximately 3,755 cubic yards. Based on grading estimates and the construction emission rates shown in Table 2, construction-related emissions that would result from the project were calculated and are shown in Table 3 below.

Table 3. Proposed Project Estimated Construction Emissions

Pollutant	Total Estimated Emissions	SLOAPCD Threshold		Threshold Exceeded?
		Daily	Quarterly (Tier 1)	
ROG + NO_x (combined)	427.3 pounds	137 pounds	2.5 tons	Yes
Diesel Particulate Matter (DPM)	18.3 pounds	7 pounds	0.13 tons	Yes
Fugitive Particulate Matter (PM_{10})	1.7 tons		2.5 tons	No

Notes:

1. Based on 3,755 cubic yards of material moved and 0.113 pounds of combined ROG and NOx emissions per cubic yard of material moved.

2. Based 3,755 cubic yards of material moved and 0.0049 pounds of diesel particulate emissions per cubic yard of material moved.

3. Based on 2.3 acres of disturbance and 0.75 tons of PM10 generated per acre of disturbance per month and 22 days of construction.

Based on the estimated construction emissions provided in Table 3, the project would exceed SLOAPCD construction emissions thresholds for ROG + NO_x and DPM. Exceedances of SLOAPCD construction emissions thresholds could result in potentially significant impacts. However, mitigation measure AQ-1 has been identified to reduce emissions of NO_x, ROG, and DPM during construction activities. Mitigation measure AQ-1 includes a suite of vehicle and construction equipment control measures designed to reduce pollutant concentrations. In addition, the project would comply with applicable LUOs and state regulations, as described below.

For projects involving construction and/or grading activities, the LUO requires that all surfaces and materials shall be managed to ensure that fugitive dust emissions are adequately controlled to below the 20% opacity limit and to ensure dust is not emitted off-site. The LUO includes a list of primary fugitive dust control measures required for all projects involving grading or site disturbance. The LUO also includes an expanded list of fugitive dust control measures for projects requiring site disturbance of greater than four acres or which are located within 1,000 feet of any sensitive receptor location. All applicable fugitive dust control measures are required to be shown on grading and building plans and monitored by a designated monitor to minimize dust complaints, reduce visible emissions below the 20% opacity limit, and to prevent transport of dust off-site (LUO Section 22.52.160.C).

The California Code of Regulations (CCR; Title 13, Section 2485) also prohibits idling in excess of 5 minutes from any diesel-fueled commercial motor vehicles with gross vehicular weight ratings of 10,000 pounds or more or that must be licensed for operation on highways.

With implementation of mitigation measure AQ-1 and compliance with applicable LUO and state regulations, the project would reduce emissions of ROG + NO_x and DPM to less than significant levels. Therefore, the project would result in a cumulatively considerable net increase of a criteria pollutant for which the region is non-attainment, and impacts would be *less than significant with mitigation.*

Operational Impacts

The SLOAPCD CEQA Air Quality Handbook provides operational screening criteria to identify projects with the potential to exceed SLOAPCD operational significance thresholds (refer to Table 1-1 of the SLOAPCD CEQA Air Quality Handbook). Based on Table 1-1 of the Handbook, the project does not propose a use that would have the potential to result in operational emissions that would exceed SLOAPCD thresholds. The project includes outdoor cannabis cultivation and on-site processing activities. The project would not include the use of any heavy machinery or other uses that would constitute a stationary source of air pollutant emissions, and, based on the limited number of employees (maximum of 10) and three harvests of cannabis grown on-site per year, the project would not generate a substantial source of vehicle-related emissions. Therefore, potential operational emissions would not contribute to a cumulatively considerable increase of any criteria pollutant, and impacts would be *less than significant.*

(c) Expose sensitive receptors to substantial pollutant concentrations?

The project site is bordered by undeveloped rural lands. The nearest off-site sensitive receptor is scattered single-family rural residence located approximately 0.5 mile northeast of the project site. The project would be subject to applicable LUOs and state regulations for reducing construction equipment pollutant emissions and Mitigation Measure AQ 1, which would reduce construction equipment pollutant emissions. Therefore, impacts related to exposure of sensitive receptors to substantial air pollutant concentrations would be *less than significant with mitigation*.

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

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

The project is located in a rural area surrounded by undeveloped land. The nearest sensitive receptor is an off-site residence located approximately 0.5 mile northeast of the project site. Based on the proximity of the nearest sensitive receptor, project odor emissions would naturally dissipate before reaching the off-site residence. Nonetheless, the project would implement an odor management plan that includes a combination of administrative and engineering controls. Administrative controls include training staff on proper odor control methods, retaining records of any odor complaints received, and monitoring of administrative controls. Engineering controls include proper setbacks and the use of odor control technologies (e.g., carbon scrubbers) in the processing facility in accordance with LUO Section 22.40.065, which would eliminate nuisance odor

emissions from being detected off-site. As a result, the project's other emissions (such as those leading to odors) would not adversely affect a substantial number of people and impacts would be *less than significant*.

Conclusion

The project would be consistent with the SLOAPCD's Clean Air Plan and thresholds for operational emissions. The project would exceed the SLOAPCD's thresholds for ROG + NO_x and DPM and would be subject to Mitigation Measure AQ-1 and applicable LUOs and state regulations regarding air quality emissions. The project would not expose sensitive receptors to substantial pollutant concentrations or result in other emissions adversely affecting a substantial number of people. Therefore, potential impacts to air quality would be less than significant with mitigation.

Mitigation

AQ-1. ROG, NO_x, DPM Emissions. The following measures based on the SLOAPCD standard mitigation measures for construction equipment for reducing nitrogen oxides (NO_x), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment shall be implemented to reduce expose of sensitive receptors to substantial pollutant concentrations. These measures shall be shown on grading and building plans:

a. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:

   i. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,

   ii. Shall not operate a diesel-fueled auxiliary power system to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

b. Maintain all construction equipment in proper tune according to manufacturer's specifications.

c. Fuel all off-road and portable diesel-powered equipment with CARB-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).

d. Use diesel construction equipment meeting the CARB Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation.

e. Idling of all on- and off-road diesel-fueled vehicles shall not be permitted when not in use. Signs shall be posted in the designated queuing areas and/or job site to remind drivers and operators of the no idling limitation.

f. Electrify equipment when possible.

g. Substitute gasoline-powered in place of diesel-powered equipment, when available.

h. Use alternatively fueled construction equipment on-site when available, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.

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 LUO SRA combining designation applies to areas of the county with special environmental qualities, or areas containing unique or sensitive endangered vegetation or habitat resources. The combining

designation standards established in the LUO require that proposed uses be designed with consideration of the identified sensitive resources and the need for their protection.

Federal and State Endangered Species Acts

The federal Endangered Species Act (ESA) of 1973 provides legislation to protect federally listed plant and animal species. The California Endangered Species Act of 1984 (CESA) ensures legal protection for plants listed as rare or endangered and wildlife species formally listed as endangered or threatened and 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, the California Department of Fish and Wildlife (CDFW) has the authority to review projects for their potential to impact special-status species and their habitats.

CDFW also maintains a Watch List for species that were previously SSC but no longer merit SSC status or which do not meet SSC criteria but for which there is concern and a need for additional information to clarify status.

California Rare Plant Ranks (CRPR):

1A: Plants presumed extirpated in California and either rare or extinct elsewhere

1B: Plants rare, threatened, or endangered in California and elsewhere

2A: Plants presumed extirpated in California, but common elsewhere

2B: Plants rare, threatened, or endangered in California, but more common elsewhere

3: Plants about which more information is needed

4: Plants of limited distribution, a watch list

California Rare Plant Threat Ranks:

0.1: Seriously threatened in California

0.2: Moderately threatened in California

0.3: Not very threatened in California

Migratory Bird Treaty Act

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

Oak Woodland Ordinance

The County of San Luis Obispo Oak Woodland Ordinance was adopted in April 2017 to regulate the clear-cutting of oak woodlands. This ordinance applies to sites located outside of Urban or Village areas within the inland portions of the county (not within the Coastal Zone). “Clear-cutting” is defined as the removal of one acre or more of contiguous trees within an oak woodland from a site or portion of a site for any reason, including harvesting of wood, or to enable the conversion of land to other land uses. “Oak woodland” includes the following species: Blue oak (*Quercus douglasii*), coast live oak (*Quercus agrifolia*), interior live oak (*Quercus wislizeni*), valley oak (*Quercus labata*), and California black oak (*Quercus kelloggii*). The ordinance

applies to clear-cutting of oak woodland only and does not apply to the removal of other species of trees, individual oak trees (except for Heritage Oaks), or the thinning, tree trimming, or removal of oak woodland trees that are diseased, dead, or creating a hazardous condition. Heritage oaks are any individual oak species, as defined in the Oak Woodland Ordinance, of 48 inches diameter at breast height (dbh) or greater, separated from all Stands and Oak Woodlands by at least 500 feet. Minor Use Permit approval is required to remove any Heritage Oak. The project site does not support oak woodland or Heritage Oaks.

Clean Water Act and State Porter Cologne Water Quality Control Act

The U.S. Army Corps of Engineers (USACE) regulates discharges of dredged or fill material into waters of the United States. These waters include wetland and non-wetland water bodies that meet specific criteria. USACE jurisdiction regulates almost all work in, over, and under waters listed as "navigable waters of the U.S." that results in a discharge of dredged or fill material within USACE regulatory jurisdiction, pursuant to Section 404 of the Clean Water Act (CWA). Under Section 404, USACE regulates traditional navigable waters, wetlands adjacent to traditional navigable waters, relatively permanent non-navigable tributaries that have a continuous flow at least seasonally (typically 3 months), and wetlands that directly abut relatively permanent tributaries. No jurisdictional water features are located within the project site. The closest surface water feature to the project site is an unnamed intermittent stream, approximately 0.3 mile north.

The State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCBs) regulate discharges of fill and dredged material in California, under Section 401 of the CWA and the State Porter-Cologne Water Quality Control Act, through the State Water Quality Certification Program. State Water Quality Certification is necessary for all projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the State. Based on the USFWS National Wetlands Inventory, the project site does not support wetlands, riparian, or deep-water habitats (USFWS 2020).

Conservation and Open Space Element

The intent of the goals, policies, and implementation strategies in the COSE is to identify and protect biological resources that are a critical component of the county's environmental, social, and economic well-being. Biological resources include major ecosystems; threatened, rare, and endangered species and their habitats; native trees and vegetation; creeks and riparian areas; wetlands; fisheries; and marine resources. Individual species, habitat areas, ecosystems and migration patterns must be considered together in order to sustain biological resources. The COSE identifies Critical Habitat areas for sensitive species including California condor, California red legged frog, vernal pool fairy shrimp, La Graciosa thistle, Morro Bay kangaroo rat, Morro shoulderband snail, tiger salamander, and western snowy plover. The COSE also identifies features of particular importance to wildlife for movement corridors such as riparian corridors, shorelines of the coast and bay, and ridgelines.

Project Site Setting

The project site was the subject of two Biological Resources Assessments ("BRA"s) prepared by _____ on _____ and ____. The following is a summary of the findings and recommendations of those studies. The project site is not located within an SRA combining designation. The project site is located on a 130-acre parcel on gently to moderately sloping topography. The site has a history of equipment storage and private recreational use preceding 1994, as well as disking as recently as 2017. As such, the site is highly disturbed and contains disturbed/barren areas and annual grassland. While the disturbed/barren areas are largely devoid of vegetation, the vegetation that is present consists of mostly introduced ruderal, weedy species or native weeds that can tolerate repeated disturbance. The annual grassland areas consist of *Avena* spp. and *Bromus*

spp. and are dominated by non-native, weedy species. No surface water features are present within the project site or vicinity. The closest water feature to the project site is an unnamed intermittent steam located approximately 0.3 mile north of the project site.

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

The California Natural Diversity Database (CNDDB) and the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants of California database were queried for sensitive plant species on the Camatta Ranch, California U.S. Geological Survey (USGS) 7.5-minute quadrangle encompassing the project site and the surrounding eight quadrangles in the eight cardinal directions. The database searches identified 43 special-status plants (CNPS List 1 and 2 species and/or List 3 and 4 species with a threat rank of 0.1 or 0.2). The majority of these species were determined not to have potential to occur on-site due to location of the site being outside their distribution range, habitat requirements, and/or having never been reported within the Cammata Ranch, California USGS 7.5-minute quadrangle or near the site. Based on several biological resource surveys of the project site and vicinity and the known habitat requirements of the identified special-status plant species, a total of two special-status plants were determined to have potential to occur on-site, as listed below:

La Panza mariposa lily (*Calochortus simulans*), CNPS List 1B.3

Palmer's mariposa lily (*Calochortus palmeri* var. *palmeri*), CNPS List 1B.2

The biological resource surveys included a reconnaissance-level survey conducted on October 22, 2018 and June 19, 2019, as well as a focused plant survey performed on May 17, 2019. Twenty-four senesced mariposa lilies (*Calochortus* spp.) were observed in the southeastern portion of the study area to the south of the project site. The lilies could not be identified to species given the flowers had shed their petals. Given the observation of mariposa lilies that could not be identified to species adjacent to the southeastern corner of the project site, they are considered to have the potential to occur within the project site. Grading and vegetation removal activities could disturb these species, which would result in potentially significant impacts. However, Mitigation Measures BIO-1 and BIO-2 have been identified to reduce potentially significant impacts. With implementation of Mitigation Measures BIO-1 and BIO-2, the project would not have adverse effects on special-status plant species, and impacts would be *less than significant with mitigation*.

Special-Status Wildlife

The CNDDB database were queried for sensitive wildlife species on the Camatta Ranch, California USGS 7.5-minute quadrangle encompassing the project site and the surrounding eight quadrangles in the eight cardinal directions. The database search identified 23 special-status wildlife species, of which 12 were determined to have a potential to occur on the project site, including the following:

Crotch bumble bee (*Bombus crotchii*), State Endangered (SE)

California tiger salamander (CTS) (*Ambystoma californiense)*, Federally Threatened (FT) and State Threatened (ST)

northern California legless lizard (*Anniella pulchra*), SSC

California glossy snake (*Arizona elegans occidentalis*), SSC

burrowing owl (*Athene cunicularia*), SSC

Swainson's hawk (*Buteo swainsonii*), ST

giant kangaroo rat (GKR) (*Dipodmys ingens*), Federally Endangered (FE) and SE

western red bat (*Lasiurus blossevillii*)

San Joaquin pocket mouse (*Perognathus inornatus*)

American badger (*Taxidea taxa*), SSC

San Joaquin kit fox (SJKF) (*Vulpes macrotis mutica*) FE and ST

The project site is located in one of the areas of the county where procedures have been enacted for the mitigation of potential impacts to San Joaquin kit fox (*Vulpes macrotis),* If the site is less than 40 acres in size, the pre-determined standard mitigation ratio for the project area is applied. The standard mitigation ratio is based on the results of previous kit fox habitat evaluations and determines the amount of mitigation acreage based on the total area of disturbance from project activities.

The project consists of 130 acres. Under the County's regulations, if the project occurs on a site of 40 acres or more, a habitat evaluation must be prepared by a qualified biologist. The habitat evaluation is submitted to the County who reviews the application for completeness and conducts a site visit. The habitat evaluation is then submitted to the California Department of Fish and Wildlife (CDFW) for review and comment. CDFW then determines the mitigation ratio for the project, which in turn determines the total amount of acreage needed to mitigate for the loss of habitat based on the total area of permanent disturbance. Mitigation for the loss of kit fox habitat may be provided by one of the following methods:

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

A Kit Fox Habitat Evaluation form was prepared for the project on October 16, 2020, by William J. Vanherweg. The evaluation resulted in a score of 61 out of 100. The evaluation is required to be reviewed by CDFW to determine the final mitigation ratio for the project.

Implementation of the project would result in the removal or disturbance to approximately 3.7 acres of annual grassland habitat and 1.7 acres of disturbed/barren areas, totaling approximately 5.4 acres of habitat disturbance. While these habitat types have been repeatedly disturbed, are dominated by weedy species, represent little value to native wildlife, and are not expected to support substantial populations of common or special-status wildlife, there is, nevertheless, a potential for the above listed species to occur within the project site. As such, construction activities have the potential to impact special-status wildlife, which could conflict with federal and state endangered species acts, local ordinances, and the MBTA, resulting in a significant environmental

impact. However, Mitigation Measures BIO-2 through BIO-13 would reduce impacts to special-status wildlife species to less than significant levels. Impacts would be *less than significant with mitigation*.

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

The project site consists of annual grassland habitat, a semi-natural community that is dominated by non-native, weedy species, and disturbed/barren areas. No sensitive natural communities, wetlands, or other drainage features were identified during the surveys or review of historic aerials dating back to 1962. Therefore, the project would not result in impacts to riparian habitat or other sensitive natural communities and *no impacts would occur.*

(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 project site does not support state or federal wetlands or other jurisdictional areas. The closest surface water feature to the project site is an unnamed intermittent stream, approximately 0.3 mile to the north. Therefore, the project would not result in an adverse effect on state or federally protected wetlands and *no impacts would occur.*

(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?*

The project area is surrounded by undeveloped areas with suitable habitat for wildlife species. The project would disturb approximately 3.7 acres of annual grassland and 1.7 acres of barren areas. Project fencing may partially restrict the use of the project site by wildlife. However, the loss of approximately 3.7 acres of annual grasslands as wildlife habitat would be considered less than significant and the implementation of design features required by Mitigation Measures BIO-12 and BIO-13 would further avoid or reduce potential direct and/or indirect impacts to SJKF and other wildlife movement across the site to a level considered less than significant. Therefore, potential impacts associated with interference with the movement of native fish or wildlife species 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?*

The project would not adversely affect sensitive habitats or resources identified in the COSE or native tree species protected under the County Oak Woodland Ordinance. The project is not located within an SRA designated for protection of unique or sensitive endangered vegetation or habitat resources. Based on the current site plans, no oak trees are proposed for removal, and no proposed improvements would require trimming of the trees on-site. Therefore, the project would not result in a conflict with local policies or ordinances protecting biological resources and *no impacts would occur.*

(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-13 to reduce potential impacts to special-status plants and wildlife and their habitats, potential impacts to biological resources would be less than significant.

Mitigation

BIO-1 **Special-Status Plant Species Avoidance and Minimization Measures.** Prior to initial ground disturbance and staging activities in areas of suitable habitat for special-status plants, an early spring focused survey shall be completed by a qualified biologist. The survey shall be floristic in nature and shall be seasonally timed to coincide with the blooming period of the target species (April–May). The survey shall be conducted in accordance with the most current protocols established by the CDFW, USFWS, and consistent with the County's policies. All special-status plant species identified on-site shall be mapped onto a site-specific aerial photograph and topographic map. Survey results shall be submitted to the County Department of Planning and Building prior to initiation of construction. If special-status plant species, specifically La Panza mariposa lily (*Calochortus simulans*) and Palmer's mariposa lily (*Calochortus palmeri* var. *palmeri*), are identified within the proposed development footprint, impacts to these species will be minimized to the extent feasible to avoid impacting 90% of the plants observed. If special-status plant species are identified on the project site and direct impacts to special-status plants cannot be avoided, a salvage and relocation plan will be prepared to compensate for significant impacts on special-status plant species and identify suitable locations, methods, and success criteria for special-status plant mitigation through direct seeding and restoration of suitable unoccupied habitat. The plan shall, at a minimum, require replacement through collection of seed and topsoil from impact sites, a monitoring and management component that outlines weed management and monitoring techniques, and success criteria that require successful establishment of the target species over the acreage and numbers of impacted plants within 5 years. If on-site salvage and restoration is not feasible, the plan will identify areas that contain verified extant populations of the special-status plant species of similar size and quality and equal or greater density to the population(s) that would be impacted by the project proposed for preservation as compensatory mitigation for special-status plant impacts. Offsite habitat occupied by the affected species shall be preserved and managed in perpetuity at a minimum 1:1 mitigation ratio (at least one plant preserved for each plant affected, and at least one occupied acre preserved for each occupied acre affected). The restoration plan will be prepared and submitted to the County Department of Planning and Building for approval prior to initial site disturbance.

BIO-2 **Worker Environmental Awareness Program (WEAP)**. Prior to initiation of construction activities (including staging and mobilization), all personnel associated with Project construction shall attend WEAP training, conducted by a qualified biologist, to aid workers in

recognizing special-status resources that may occur in the project area. The specifics of this program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction ofthe project. All employees shall sign a form documenting that they have attended the WEAP and understand the information presented to them. The form shall be submitted to the County Department of Planning and Building to document compliance prior to initiation of construction.

BIO-3 **Noxious Weed Species.** To prevent the potential spread of invasive botanical species identified within the project site, all vehicles and equipment used at the site shall be cleaned of all dirt, mud, and plant debris prior to entering or exiting the site (e.g., driven over rumble strips) to prevent tracking of potential seed stock to or from the property. Rumble strips will also be regularly cleaned and maintained to prevent the accumulation of non-native seed stock.

BIO-4 **Crotch Bumble Bee Survey and Minimization Measures.** Within 30 days prior to initiation of ground disturbance between March and September, the project footprint will be surveyed for Crotch bumble bee using a photograph survey methodology. The site will be slowly walked by two biologists equipped with >8-megapixel point and shoot or DSLR cameras using transects to obtain 100% coverage of the project site. All insects observed during the survey will be photographed with attention to family Apidae (bees). All bees observed will be photographed to the greatest extent feasible without handling. Photographs should clearly show the entire top side of the abdomen, the side of the thorax/abdomen and the face/head. Several photos should be taken of each specimen to obtain an identification. If a bee is observed entering a burrow or other cavity, a Global Positioning System (GPS) point should be recorded and attention should be focused on the cavity to determine if multiple individuals may be entering/exiting, indicating the potential presence of a colony. Biologists will submit photos to Bumble Bee Watch (www.bumblebeewatch.org), BeeSpotter (https://beespotter.org), or a similar website that employs bumble bee experts to verify the identifications. Qualified scientific experts may also be used to verify photographic records. CDFW will be notified as soon as possible if a *B. crotchii* observation is verified. If a *B. crotchii* colony is detected on the project site, the colony will be mapped and avoided. No vegetation or soil disturbance will be permitted within a 50-foot radius of the colony. If avoidance is infeasible, CDFW will be consulted regarding potential conservation measures.

BIO-5 **Pesticide Management Plan.** To maintain healthy populations of pollinators and natural pest enemies, an integrated pest management plan will be developed consistent with the following guidelines:

a. Before applying any pesticide, read and follow all the product label directions.

b. Target the application to the specific area where the pest is a problem to reduce the harm to natural enemies and pollinators.

c. Choose selective and nonpersistent pesticides that are pollinator-friendly.

d. Identify the pest and use the resources on the University of California Statewide Integrated Pest Management website (www.ipm.ucanr.edu) to determine which pesticides will specifically control that pest.

e. Avoid broad-spectrum, persistent insecticides, including carbamates, organophosphates, and pyrethroids that kill many different invertebrates and leave residues that kill pollinators, parasites, and predators that migrate in after the application.

f. Avoid neonicotinoids and other systemic insecticides that translocate (move) within plants and can poison bees and natural enemies that feed on nectar, pollen, and liquids that plants ooze (guttation).

g. Avoid spraying tank mixes, such as insecticides combined with fungicides.

h. Be aware that broad-spectrum (nonselective) herbicides and herbicides applied for broadleaf weeds reduce the abundance of floral plants that attract and feed pollinators and natural enemies.

i. In the event Crotch bumble bee is detected on the project site, the above Pesticide Management Plan will be submitted to CDFW for review and approval.

BIO-6 **California Tiger Salamander Avoidance and Impact Minimization.** Within 30 days prior to project disturbance, biologists will perform preconstruction clearance surveys in direct impact areas with small mammal burrows that are suitable for CTS, including California ground squirrel (*Otospermophilus beecheyi*), Botta's pocket gopher (*Thomomys bottae*) and/or kangaroo rat (*Dipodomys spp.*). Each suitable burrow that is found will be flagged with a pin flag and/or geo-referenced with a GPS unit to facilitate return to and excavation of the burrow. Excavation of suitable small mammal burrows will be conducted between April 1 and September 30 (during the CTS non-breeding season). At the discretion of the biologist, excavations may be allowed to proceed later into the year, but only if no substantial rain has fallen (rain event resulting in at least 1 inch of rainfall). If possible, each burrow excavation will be conducted by slowly removing the burrow (including any side tunnels) using a fiber-optic inspection camera, hand tools (e.g., shovel, digging bar, garden trowel, masonry trowel, etc.). Cloth, cylinder, capped pipe, or similar material that would protect the integrity of the burrow will be pushed into the burrow approximately 12 to 16 inches to plug the burrow and prevent injury to animals attempting to exit the burrow during excavation (i.e., to prevent injury or mortality).

The excavation sequence will then continue as follows:

a. A pipe and fiber-optic inspection camera monitored by a biologist will be inserted 12-16 inches into the burrow;

b. 10-14 linear inches of burrow will be removed at a time by a second biologist or under the supervision of the first biologist;

c. The burrow will be checked for evidence of CTS or other animals; and

d. The pipe and fiber-optic inspection camera will be reinserted 12-16 inches further into the burrow.

This process will be repeated until the burrow and any side burrows have been completely excavated. All burrows (including side burrows) will be excavated to their endpoints and the excavation will then be backfilled, brought back to grade, and compacted using the same equipment that was used for excavation.

If a burrow is found to be occupied by CTS, the individual(s) present will be captured and relocated to constructed burrows in suitable habitat within the property boundary to the west of the project site (closer to the only known water sources within 2 miles). CTS handling will comply with the following:

a. Biologists will use bare hands (only) during capture and handling.

b. The project biologist will not use soaps, oils, creams, lotions, repellents, or solvents of any sort on their hands within two hours before and during periods when they are capturing and relocating CTS.

c. Individuals will not be handled by the tail, head, or limbs.

d. The location of capture will be geo-referenced with a GPS unit, and the latitude and longitude coordinates will be recorded on a standardized field data sheet.

e. The bearing between the capture location and nearest known CTS breeding pond will be determined and recorded on the standardized field data sheet.

f. Containers used for holding or transporting individuals (generally 2-gallon buckets with lids) will not contain any standing water.

g. Individuals will not be placed in positions/containers where they may physically contact other individuals.

h. Captured individuals will be kept moist and cool in a bucket containing a damp sponge that is shaded from direct sun exposure.

i. Captured individuals will be relocated to a suitable constructed burrow outside the work area on the same bearing with the nearest known CTS breeding pond.

j. Multiple captured individuals will not be released to the same repository.

k. Upon release of an individual, it will be monitored by the project biologist until it is determined that it is in no imminent danger.

All observations of state and/or federally-listed species within the work area will be recorded on California Natural Diversity Data Base (CNDDB) field data sheets and sent to the CDFW within 14 calendar days of the occurrence. Any harm, injury, or mortality (i.e., “take”) of these species will be reported via phone and email to the USFWS and CDFW within 24 hours of the incident. The monitoring biologist will submit a preconstruction compliance report to the USFWS and CDFW documenting the excavation and backfill of all suitable burrows for CTS, as well as relocation of individuals within 30 calendar days of completion of preconstruction CTS clearance activities. The report shall detail (i) dates that preconstruction clearance activities occurred; (ii) pertinent information regarding the success of the Project in implementing the plan’s avoidance and minimization measures; (iii) an explanation of failure to successfully implement such measures (if any); (iv) occurrences of incidental take of listed species (if any); and (vi) other pertinent information.

BIO-7 **Special-Status Reptiles Avoidance and Minimization.** Within 30 days prior to initiation of ground disturbance, sandy soils within the impact footprint will be surveyed for legless lizard by a qualified biologist utilizing a raking survey methodology, and burrows will be excavated and surveyed for California glossy snake. Any individuals found shall be relocated to appropriate habitat at least 50 feet outside the development footprint. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing the survey. A qualified biologist shall monitor initial vegetation clearing and ground disturbance in areas of suitable habitat to salvage and relocate individuals. A monitoring report summarizing results of the monitoring shall be submitted to the County Department of Planning and Building within one week of completing monitoring work for this species.

BIO-8 **Preconstruction Survey for American Badger and San Joaquin Kit Fox.** A County-approved qualified biologist shall complete a preconstruction survey for American badger and San Joaquin kit fox no less than 14 days and no more than 30 days prior to the start of initial Project activities to ensure these special-status wildlife species are not present within proposed work areas and at least a 200-foot buffer around work areas. The results of the survey shall be submitted to the County within 5 days of the survey and prior to start of initial project activities. If dens are discovered, they shall be inspected to determine if they are currently occupied.

a) 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.

b) If a known den is identified within 200-feet of any proposed project work areas, no work may start in that area.

c) 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.

d) 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 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 survey shall be updated.

BIO-9 **Preconstruction Surveys for Nesting Raptors and Birds.** The applicant shall ensure the following actions are undertaken to avoid and minimize potential impacts to nesting birds. To the extent feasible, removal of vegetation within suitable nesting bird habitats will be scheduled to avoid the nesting season and occur between September and January. For activities that cannot avoid the nesting season (February 15 to August 31), not more than 30 days prior to initiation of construction activities (e.g., mobilization and staging), a qualified biologist shall conduct preconstruction surveys for nesting raptors and other native nesting birds. The survey for the presence of nesting raptors shall cover all areas within the disturbance footprint plus a 500-foot buffer where access can be secured. Survey reports shall be submitted to the County Department of Planning and Building at least 1 week prior to initiating construction, and within 1 week of completing surveys for ongoing activities. If active nests (nests with eggs or chicks) are located, the qualified biologist shall establish an appropriate avoidance buffer ranging from 50 to 300 feet based on the species biology and the current and anticipated disturbance levels occurring in vicinity of the nest and 500 feet for nests of fully protected species (such as white-tailed kite) and raptors. All buffers shall be marked using high-visibility flagging, fencing, and/or signage. No construction activities shall be allowed within the buffers until the young havefledged from the nest or the nest fails, unless approved by the qualified biologist. The qualified biologist shall confirm that breeding/nesting is complete, and young have fledged the nest prior to removal of the buffer. Encroachment into the buffer shall be conducted at the discretion of the qualified biologist. Monitoring reports summarizing nest avoidance measures, including buffers, fledge dates, and documentation of the avoidance of fully protected species, if applicable, shall be submitted to the County Department of Planning and Building on a monthly basis while nest buffers are in place or while activities are occurring within the specified buffer of an inactive nest of a fully protected species.

BIO-10 **Burrowing Owl Avoidance and Minimization**. No more than 30 days before the start of initial ground disturbing activities, a qualified biologist(s) shall conduct focused, preconstruction, take-avoidance surveys for burrowing owls within all areas proposed for ground disturbance that contain suitable owl habitat (CDFW 2012). Preconstruction surveys shall be consistent with CDFW recommended methods described in the Staff Report on Burrowing Owl Mitigation (CDFW 2012), conducted on foot such that 100% of the survey area is visible, and shall cover the entire impact footprint plus a 500-foot buffer. All observations of burrowing owl and sign of burrowing owl (including suitable burrows, pellets, and whitewash) shall be mapped on a site-specific aerial image. A report of survey findings shall be submitted to the County Department of Planning and Building prior to initiation of construction activities. If no suitable burrows are found, a final take avoidance survey shall be completed within 48 hours prior to initiation of ground disturbing activities. If suitable burrows for burrowing owls are found during preconstruction surveys on the project site, burrowing owl occupancy shall be determined through up to three additional focused surveys on potential burrows during the morning and/or evening survey windows as defined in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). If the burrows are determined to be unoccupied, they shall be hand excavated by a qualified biologist. If the presence of burrowing owls is confirmed, the following avoidance measures shall be implemented.

a. Occupied burrows shall not be disturbed during the nesting season (typically February through August) unless a qualified biologist verifies through non-invasive

methods that the burrow is not being used for breeding. Owls present after February 1 shall be assumed to be nesting unless evidence indicates otherwise. Nest-protection buffers described below shall remain in effect until August 31 or until the nest has failed or all juvenile owls are foraging independently as determined by a qualified biologist.

b. Site-specific, no-disturbance buffer zones shall be established and maintained between project activities and occupied burrows, using the distances recommended in the CDFW guidelines (CDFW 2012). Buffer distances may be modified by a qualified biologist in consultation with CDFW. The buffer zones shall be clearly delineated by highly visible orange construction fencing, which shall be maintained in good condition through project completion or until construction activities are no longer occurring near the burrow.

c. During the nonbreeding season (generally September 1–January 31), a qualified biologist may passively relocate burrowing owls found within construction areas. Prior to passively relocating burrowing owls, a Burrowing Owl Exclusion Plan shall be prepared by a qualified biologist in accordance with Appendix E of the Staff Report on Burrowing Owl Mitigation (CDFW 2012). The Burrowing Owl Exclusion Plan shall be submitted for review and approval to the CDFW and County Department of Planning and Building prior to implementation. The biologist shall accomplish such relocations using one-way burrow doors installed and left in place for at least two nights; owls exiting their burrows will not be able to re-enter. Then, immediately before the start of construction activities, the biologists shall remove all doors and excavate the burrows to ensure that no animals are present the burrow. The excavated burrows shall then be backfilled. To prevent evicted owls from occupying other burrows in the impact area, the biologist shall, before eviction occurs, (1) install one-way doors and backfill all potentially suitable burrows within the impact area, and (2) install one-way doors in all suitable burrows located within approximately 50 feet of the active burrow, then remove them once the displaced owls have settled elsewhere. When temporary or permanent burrow-exclusion methods are implemented, the following steps shall be taken:

    i. Prior to excavation, a qualified biologist shall verify that evicted owls have access to multiple, unoccupied, alternative burrows, located nearby (within 250 feet) and outside of the projected disturbance zone. If no suitable alternative natural burrows are available for the owls, then, for each owl that is evicted, at least two artificial burrows shall be installed in suitable nearby habitat areas. Installation of any required artificial burrows preferably shall occur at least two to three weeks before the relevant evictions occur, to give the owls time to become familiar with the new burrow locations before being evicted. The artificial burrow design and installation shall be as described in the Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans per Appendix E of the Staff Report on Burrowing Owl Mitigation (CDFW 2012).

    ii. Passive relocation of burrowing owls shall be limited in areas adjacent to project activities that have a sustained or low-level disturbance regime; this approach shall allow burrowing owls that are tolerant of project activities to

occupy quality, suitable nesting and refuge burrows. The use of passive relocation techniques in a given area shall be determined by a qualified biologist who may consult with CDFW and shall depend on existing and future conditions (e.g., time of year, vegetation/topographic screening, and disturbance regimes).

BIO-11 **Preconstruction Giant Kangaroo Rat Burrow/Precinct Surveys and Compensation and Avoidance Measures.** No more than 30 days prior to commencement of ground disturbing activities, the applicant shall retain a County-approved, qualified biologist to conduct preconstruction surveys for the GKR. If active GKR burrows/precincts are present, the applicant shall consult with CDFW and USFWS to develop compensation, avoidance, and relocation plans. The applicant will compensate for permanent impacts to GKR and their habitat with the creation of permanent conservation easement(s), purchase of credits from an approved mitigation bank, or transfer land in fee to a CDFW approved conservation holder with a deed restriction or other appropriate agreement for the management of the land. The applicant shall compensate for impacts to suitable GKR habitat at a 3:1 ratio for acreage permanently altered by construction. In addition, the applicant shall compensate for functional degradation of suitable GKR habitat at a 2:1 ratio. The mitigation areas must include occupied habitat that is of equal or greater habitat quality and support an equal or greater population of GKR after any restoration compared to the impacted habitat. This mitigation may occur on lands used simultaneously as mitigation for impacts to other species.

Active burrows/precincts shall be mapped, and ground-disturbing activities shall not occur within 50 feet of each. The setback shall be marked in the field to be easily visible by all construction personnel. A Final Giant Kangaroo Rat Relocation Plan will be developed in coordination with wildlife agencies (USFWS and CDFW). At least 30 days before the start of construction, a relocation plan shall be submitted to the County for approval. The plan shall include, but not be limited to, the following: the methods for capturing animals; the procedures for evaluating health of the animals; the location and methods for storing live animals; the methods for soft release (i.e., fencing); radio tagging; monitoring for survivorship; and remedial actions for injured or lost animals. The relocation plan would generally include these components; however, the details of the final plan will be subject to the approval and conditions set forth by CDFW and USFWS. Methods to prevent entry to the burrow (e.g., one-way doors) by GKR and other small mammal species shall be implemented prior to construction. If construction-related impacts would result in the crushing or destruction of a burrow, then the burrow shall be excavated (either by hand or mechanized equipment under the direct supervision of the biologist, removing no more than 4 inches at a time or as described in the CDFW and USFWS-approved relocation plan). If GKR must be trapped from January through June (recognized breeding/mating season), the relocation plan will include a protocol to be followed if a lactating female GKR or young are encountered. The applicant shall document all GKR burrows/precincts abandoned or destroyed and provide a written report to the County of San Luis Obispo.

BIO-12(a) **County Standard Mitigation of Impacts to San Joaquin Kit Fox Habitat.** Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County and CDFW that one or a combination of the following three SJKF mitigation measures for loss of SJKF habitat has been implemented:

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

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

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

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

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

   Mitigation alternative (c.) can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. 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-12(b) **County San Joaquin Kit Fox Protection Measures.** The following measures shall also apply on the project site:

a. 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.

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. 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 **Mitigation Measure 3: Lighting.** Any temporary construction lighting or permanent lighting introduced for the Project shall avoid nighttime illumination of potentially suitable habitat features for special-status species (i.e., off-site adjacent grasslands). Temporary construction lighting will be kept to the minimum amount necessary and shall be directed toward active work areas and away from open spaces and/or drainages. To minimize the effects of future exterior lighting on special-status wildlife species, all outdoor lighting fixtures shall be positioned and/or shielded to avoid direct lighting of off-site natural or semi-natural habitat areas.

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. PRC Section 5024.1 requires that any properties that can be expected to be directly or indirectly affected by a proposed project be evaluated for California Register of Historical Resources (CRHR) eligibility. The purpose of the CRHR is to maintain listings of the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from material impairment and substantial adverse change.

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 which 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, 3 CCR 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 Health and Safety Code. California State Health and Safety Code Section 7050.5 and LUO Section 22.10.040 (Archaeological Resources) require that in the event of accidental discovery or recognition of any human remains, no further disturbances shall occur until the county coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98.

Discussion

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

The project would involve grading approximately 2.3 acres to support improvements to the existing driveway and construction of new building pads for the office building. Additional site disturbance would occur in the areas dedicated for cannabis cultivation and the nursery, new fencing around the cultivation and nursery areas, and the on-site solar and battery storage system. All ground disturbing activities would occur in previously disturbed areas. The project also involves the conversion of an existing agricultural barn to be used for ancillary processing and transport of the product on-site. Based on a review of aerial imagery, the barn was built in 2016 and is therefore not of historic age (e.g., 50 years or older). The project site does not contain any known designated or eligible historic resources and does not contain a site under the Historic Site (H) combining designation. Therefore, potential impacts associated with substantial adverse change in the significance of a historical resource would be *less than significant.*

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

The project would include grading approximately 2.3 acres to support improvements to the existing driveway and construction of new building pads for the office building. Additional site disturbance would occur in the areas dedicated for cannabis cultivation and the nursery, new fencing around the cultivation and nursery areas, and on-site solar and battery storage system. All ground disturbing activities would occur in previously disturbed areas.

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 Planning and Building Department must be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with federal and state law. This protocol would ensure full compliance with California Health and Safety Code Section 7050.5, as well as California Department of Food and Agriculture (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 restriction of proposed ground disturbance to previously disturbed areas, project activities would not be expected to have the potential to unearth buried human remains. 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 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 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

Mitigation is not 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

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 nonrenewable 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.

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 USEPA and the National Highway Traffic Safety Administration (NHSTA), on behalf of the 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 DOT Secretary Elaine Chao announced that 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 2, 2018, notice is not USEPA's final agency action, and the USEPA intends to initiate rulemaking to adopt new standards. Until that rulemaking has been completed, the current standards remain in effect.

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

In January 2012, CARB approved the Advanced Clean Cars Program, which combines the control of GHG emissions and criteria air pollutants, as well as requirements for greater numbers of zero-emission vehicles, into a single package of standards for vehicle model years 2017 through 2025. The new rules strengthen the GHG standard for 2017 models and beyond. This will be achieved through existing technologies, the use of stronger and lighter materials, and more efficient drivetrains and engines. The program's zero-emission vehicle regulation requires a battery, fuel cell, and/or plug-in hybrid electric vehicles to account for up to 15% 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 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 (PM) from off-road diesel vehicles operating within California through the implementation of standards including, but not limited to, limits on idling, reporting and labeling of off-road vehicles, limitations on use of old engines, and performance requirements.

Energy Use in Cannabis Operations

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

The total energy demand of a cannabis operation depends heavily on the type of cultivation, manufacturing, location of the project, and the types of equipment required. Outdoor cultivation involves minimal equipment and has relatively low energy demands, while indoor cultivation involves more equipment that tends to have much higher energy demands (e.g., high-intensity light fixtures, climate control systems) (County of Santa Barbara 2017). Because the project does not propose indoor or mixed-light cannabis operations, the project would not be subject to CDFA Code of Regulations that specify renewable energy requirements.

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

Depending on the site and type of activities, cannabis operations may incorporate a range of measures that promote the conservation of energy resources. For instance, several current operators are known to engage in practices that promote energy conservation and reduce overall energy demands using high-efficiency lighting or through 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).

Current energy demand associated with the project site is estimated to be about 2,000 kWhr per year from the existing barn.

Discussion

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

During construction, fossil fuels, electricity, and natural gas would be used by construction vehicles and equipment involved in grading the driveway and building pad areas for the new office building. Activities involved in preparation of the outdoor cultivation areas would involve the use of machinery for soil decompaction. 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.

Operation of the outdoor cannabis cultivation would not require the use of grow lights or artificial lighting. The project proposes on-site surveillance and exterior security lighting along the security fence that would enclose the cultivation and nursery areas. The project also proposes a new office and converted processing facility, which would each be subject to 2019 CBC energy efficiency requirements. Most of the project's energy needs would be met with a new on-site solar that would generate up to ____ kWh per year. Any energy demand beyond the capacity of the solar system would be supplied by a connection to PG&E facilities, which currently supplies an 88% GHG-free sourced energy supply. Therefore, energy consumption during cannabis cultivation operations would not result in the wasteful, unnecessary, or inefficient consumption of energy.

Ongoing operation of the project cultivation activities and ancillary transport of cannabis grown on-site would result in fuel use associated with employee motor vehicle trips and deliveries. The project would employ up to five full-time employees and five seasonal employees. 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, energy consumption during operation would not result in the wasteful, unnecessary, or inefficient consumption of energy, and impacts would b*e less than significant.*

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

Operation of the outdoor cannabis cultivation and nursery would not require the use of grow lights or artificial lighting. Project energy demand for on-site surveillance, security lighting, and lighting associated with the new office building and processing facility would be supplied by an on-site solar system. Any energy demand beyond the capacity of the solar system would be supplied by a connection to PG&E facilities, which currently supplies an 88% GHG-free sourced energy supply. Therefore, the project's energy consumption would not result in a significant environmental impact and no project components or operations would conflict with CDFA renewable energy standards for

cannabis cultivation projects, the County EWP, or any other state or local plan for renewable energy or energy efficiency. Therefore, *impacts would be less than significant*.

Conclusion

The project would not result in a significant energy demand during short-term construction or long-term operations and would not conflict with state or local renewable energy or energy efficiency plans. Therefore, potential impacts related to energy would be less than significant, and no mitigation measures are necessary.

Mitigation

Mitigation is not 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?	☐	☐	☒	☐
(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?	☐	☐	☐	☒

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

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 located in a geologically complex and seismically active region. The Safety Element of the County of San Luis Obispo General Plan identifies three active faults that traverse through the county and that are currently zoned under the Alquist-Priolo Act: the San Andreas, the Hosgri-San Simeon, and the Los Osos.

The County Safety Element also identifies 17 other faults that are considered potentially active or have uncertain fault activity in the county. The Safety Element establishes policies that require new development to be located away from active and potentially active faults. The element also requires that the County enforce applicable building codes relating to seismic design of structures and require design professionals to evaluate the potential for liquefaction or seismic settlement to impact structures in accordance with the Uniform Building Code. The nearest potentially active fault is located approximately 4.4 miles southwest of the project site (County of San Luis Obispo 2020).

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

The LUO identifies a Geologic Study Area (GSA) combining designation for areas where geologic and soil conditions could present new developments and/or their occupants with potential hazards to life and property. The project is not located within a GSA combining designation.

Liquefaction is the sudden loss of soil strength due to a rapid increase in soil pore water pressures resulting from ground shaking during an earthquake. Liquefaction potential increases with earthquake magnitude and ground-shaking duration. Low-lying areas adjacent to creeks, rivers, beaches, and estuaries underlain by unconsolidated alluvial soil are most likely to be vulnerable to liquefaction. The CBC requires the assessment of liquefaction in the design of all structures. The project site is located in an area that has low liquefaction potential (County of San Luis Obispo 2020).

Landslides and slope instability can occur as a result of wet weather, weak soils, improper grading, improper drainage, steep slopes, adverse geologic structure, earthquakes, or a combination of these factors. Despite current codes and policies that discourage development in areas of known landslide activity or high risk of landslide, there is a considerable amount of development that is impacted by landslide activity in the county each year. The County Safety Element identifies several policies to reduce risk from landslides and slope instability. These policies include the requirement for slope stability evaluations for development in areas of

moderate or high landslide risk and restrictions on new development in areas of known landslide activity unless development plans indicate that the hazard can be reduced to a less than significant level prior to beginning development. The project site is located in an area that has moderate landslide potential (County of San Luis Obispo 2016).

Shrink-swell potential is the extent to which the soil shrinks as it dries out or swells when it gets wet. Extent of shrinking and swelling is influenced by the amount and kind of clay in the soil. Shrinking and swelling of soils can cause damage to building foundations, roads, and other structures. A high shrink-swell potential indicates a hazard to maintenance of structures built in, on, or with material having this rating. Moderate and low ratings lessen the hazard accordingly. As described in Section II, Agricultural Resources, the soils underlying the project site have a low shrink-swell potential.

Paleontological resources are fossilized remains of ancient environments, including fossilized bone, shell, and plant parts; impressions of plant, insect, or animal parts preserved in stone; and preserved tracks of insects and animals. Paleontological resources are considered nonrenewable resources under federal and state law. Paleontological sensitivity is defined as the potential for a geologic unit to produce scientifically significant fossils, as determined by rock type, past history of the rock unit in producing fossil materials, and fossil sites that have been recorded in the unit. Paleontological resources are generally found below ground surface in sedimentary rock units. The boundaries of the sedimentary rock unit is used to define the limits of paleontological sensitivity in a given region. The project site is underlain by geologic units comprising the Monterey Formation associated with the Miocene epoch (Tmc). (USGS 2006). The Monterey Formation is a discontinuous belt of fine-grained, siliceous sediment that extends from northern California to southern California, as well as offshore and onto the Channel Islands. The Monterey Formation has a very high paleontological resource potential (City of Torrance 2019).

The County COSE identifies a policy for the protection of paleontological resources from the effects of development by avoiding disturbance, where feasible. Where substantial subsurface disturbance is proposed in paleontologically sensitive units, Implementation Strategy CR 4.5.1 (Paleontological Studies) requires a paleontological resource assessment and mitigation plan to identify the extent and potential significance of resources that may exist within the proposed development and provide mitigation measures to reduce potential impacts to paleontological resources.

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 nearest potentially active fault is located approximately 4.4 miles southwest of the project site (County of San Luis Obispo 2016). Therefore, the project would not have the potential to result in substantial adverse effects involving rupture of a known earthquake fault and *no impacts would occur.*

(a-ii) Strong seismic ground shaking?

The nearest potentially active fault is located approximately 4.4 miles southwest of the project site (County of San Luis Obispo 2016). However, San Luis Obispo County is located in a seismically active region and there is always a potential for seismic ground shaking. The covered processing facility and new office building could be vulnerable to susceptible to seismic ground shaking. However, the project would be required to comply with the CBC and its associated seismic standards. As such, effects of a potential seismic event would be minimized through compliance with current engineering practices and techniques. 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 County Safety Element Liquefaction Hazards Map and the County Land Use Viewer, the project site is located in an area with low potential for liquefaction. In addition, the project would be required to comply with CBC seismic requirements to address the site's potential for seismic-related ground failure including liquefaction; therefore, the potential impacts would be *less than significant.*

(a-iv) Landslides?

Cannabis cultivation activities would be located on relatively flat topography. Based on the County Safety Element Landslide Hazards Map and County Land Use Viewer, the project parcel is located in an area with moderate potential for landslide risk. The project would include grading improvements to existing driveway and new building pads for the office building. At its nearest point, the existing driveway is approximately 350 feet north of the nearest mapped high-risk landslide area. Grading improvements to the driveway would primarily occur within the existing roadway prism. The improvements would not substantially alter the existing road's slope or otherwise increase potential hazards associated with landslide. The proposed office building is approximately 0.4 mile north of the nearest high landslide area. The proposed office building would require minimal grading and would not make slopes more vulnerable to failure, as the structure would be designed and constructed in compliance with CBC requirements to minimize safety hazards associated with unstable earth conditions. Therefore, the likelihood of the project causing a landslide or being affected by a landslide would be low, and the project would not result in significant adverse effects associated with landslides; therefore, potential impacts would be *less than significant*.

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

The proposed project would result in approximately 5.4 acres of ground disturbance, which includes grading and vegetation removal activities, which could result in erosion and sedimentation. Therefore, an erosion and sedimentation control plan would be required per LUO Section 22.52.120, which would include measures to minimize potential impacts related to erosion, sedimentation, and siltation. In addition, the project would be subject to RWQCB requirements for preparation of a Stormwater Pollution Prevention Plan (SWPPP) (LUO Section 22.52.130), which may include the preparation of a Storm Water Control Plan to further minimize on-site erosion and sedimentation. Compliance with existing regulations would reduce potential impacts related to soil erosion and loss of topsoil to *less than significant.*

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

Landslides typically occur in areas with steep slopes or in areas containing escarpments. As previously discussed above, based on the Landslide Hazards Map provided in the County Safety Element and the County Land Use Viewer, the project site is located in an area with moderate landslide risk. While the project involves grading of the existing driveway and the area supporting the building pads for the proposed office building, grading activities would primarily be limited to existing disturbed areas, and would not substantially alter the site's topography or otherwise increase potential hazards associated with landslides.

The project would be required to comply with CBC seismic requirements to address potential seismic-related ground failure, including lateral spread. Based on the County Safety Element and USGS data, the project is not located in an area of historical or current land subsidence (County of San Luis Obispo 2016; USGS 2019). Based on the County Safety Element Liquefaction Hazards Map and County Land Use Viewer, the project site is located in an area with low potential for liquefaction risk and the project is not located within the GSA combining designation. Therefore, impacts related to on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse would be *less than significant*.

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

Based on the soil units present within the project area, the project is located on soils with low shrink-swell potential (see Section II. Agriculture and Forestry Resources for full soil unit descriptions). As such, potential impacts related to expansive soil would be *less than significant.*

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

The existing agricultural barn is currently connected to an existing septic tank. The project does not propose installation of any new septic tank. As such, *no impacts would occur.*

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

The project site consists of highly disturbed areas covered by ruderal vegetation, and no unique geologic features occur on-site. Based on the geologic map of the project area, the project site is underlain by the Monterey Formation associated with the Miocene epoch (Tmc), which has a high paleontological potential (USGS 2006; City of Torrance, 2019). The project's grading activities associated with the driveway improvements and new office building would primarily be limited to existing disturbed areas. Areas within the project site that are not subject to grading have been previously disked. As such, the likelihood of destroying a unique paleontological resource or unique geologic feature would be low, and impacts on paleontological resources would 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. The project would be required to comply with CBC and standard LUO requirements, which have been developed to properly safeguard against seismic and geologic

hazards. Therefore, potential impacts related to geology and soils would be less than significant, and no mitigation measures are necessary.

Mitigation

Mitigation is not 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?	☐	☐	☒	☐
(b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Setting

Greenhouse gases (GHG) are any gases that absorb infrared radiation in the atmosphere, and are different from the criteria pollutants discussed in Section III, Air Quality, above. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide (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).

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

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

In 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, implementing energy efficiency measures in buildings and appliances, the widespread development of combined heat and power systems, and developing a renewable portfolio standard for electricity production.

Senate Bill (SB) 32 and Executive Order (EO) S-3-05 extended the State's GHG reduction goals and require the 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 the CARB on December 11, 2008 and is updated every five 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 EO S-3-05.

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

- Encourage new development to exceed minimum California Green Building Standards Code (CALGreen) requirements.
- Require a minimum of 75% of nonhazardous construction and demolition debris generated on site to be recycled or salvaged.
- Continue to implement strategic growth strategies that direct the county's future growth into existing communities and to provide complete services to meet local needs.
- Continue to increase the amount of affordable housing in the county, allowing lower-income families to live closer to jobs and activity centers, and providing residents with greater access to transit and alternative modes of transportation.
- Reduce potable water use by 20% in all newly constructed buildings by using the performance methods provided in CALGreen.
- Require use of energy-efficient equipment in all new development.
- Minimize the use of dark materials on roofs by requiring roofs to achieve a minimum solar reflectivity index of 10 for high-slope roofs and 68 for low-slope roofs.
- Use light-colored aggregate in new road construction and repaving projects adjacent to existing cities.

In 2016 the County published the EWP 2016 Update, which describes the progress made toward implementing measures in the 2011 EWP, overall trends in energy use and emissions since the baseline year of the inventory (2006), and the addition of implementation measures intended to provide a greater understanding of the county's emissions status.

In March 2012, the SLOAPCD approved thresholds for Greenhouse Gas (GHG) emission impacts, and these thresholds have been incorporated into the CEQA Air Quality Handbook. For GHG emissions, the Air Quality Handbook recommended applying a 1,150 $MTCO_2e$ per year Bright Line Threshold for commercial and residential projects and included a list of general land uses and estimated sizes or capacities of uses expected to exceed this threshold. According to the SLOAPCD, this threshold was based on a 'gap analysis' and was used for CEQA compliance evaluations to demonstrate consistency with the state's GHG emission reduction goals associated with the AB32 and the 2008 Climate Change Scoping Plan. However, in 2015, the California Supreme Court issued an opinion in the *Center for Biological Diversity vs California Department of Fish and Wildlife* ("Newhall Ranch")[i] which determined that AB 32 based thresholds derived from a gap analysis are invalid for projects with a planning horizon beyond 2020. Since the bright-line and service population GHG thresholds in the 2012 Handbook are AB 32 based and project horizons are now beyond

2020, the SLO County APCD no longer recommends the use of these thresholds in CEQA evaluations. Instead, the following threshold options are recommended for consideration by the lead agency:

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

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

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

- Lead Agency Adopted Defensible GHG CEQA Thresholds: Under this approach, a lead agency may establish SB 32-based local operational thresholds by comparing local emission sectors in a jurisdiction's GHG inventory to statewide sector inventories and state target percent reductions.

  According to an update of the County's EnergyWise Plan prepared in 2016, overall GHG emissions in San Luis Obispo County decreased by approximately seven percent between 2006 and 2013, or about one-half of the year 2020 target of reducing greenhouse gas emissions by 15% relative to the 2006 baseline. According to the *California Greenhouse Gas Emissions for 2000 to 2017, Trends of Emissions and Other Indicators*, published in 2019 by the California Air Resources Board, in 2017, emissions from GHG emitting activities statewide were 424 million $MMTCO_2e$, which is 7 million MTCO2e *below* the 2020 GHG Limit of 431 $MMTCO_2e$ established by AB32. Therefore, application of the 1,150 $MTCO_2e$ Bright Line Threshold in San Luis Obispo County, together with other local and State-wide efforts to reduce GHG emissions, proved to be an effective approach for achieving the reduction targets set forth by AB32 for the year 2020.

  Since SB 32 requires the state to reduce GHG levels by 40 percent below 1990 levels by the year 2030 (as a necessary interim reduction target aimed at achieving the longer-range goal of reducing GHG emissions to 80 percent below 1990 levels by the year 2050), a reasonable SB 32-based working threshold would be 40 percent below the 1,150 $MMTCO_2e$ Bright Line threshold, or 1,150 x 0.6 = 690 $MMTCO_2e$. Therefore, for the purpose of evaluating the significance of GHG emissions for a project after 2020, a project estimated to generate less than 690 $MMTCO_2e$ is assumed to have a less than significant and less than cumulatively considerable impact associated with GHG emissions.

Discussion

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

Project-generated GHG emissions would primarily be limited to the construction vehicle emissions involved in grading the existing driveway and area associated with the proposed office. GHG emissions would also result from the operating of equipment used for decompaction of the

cultivation and nursery areas. These activities would be temporary and based on the limited scope of proposed activities, emissions would not be expected to exceed threshold of significant identified in Table 1-1 of the SLOAPCD CEQA Air Quality Handbook.

The California Energy Emissions Model (CalEEMod) was used to determine the approximate GHG emissions per square foot associated with construction and operation of the proposed outdoor cultivation operation based on an energy use factors for construction and operation. These emission factors were then multiplied by the total square feet of the office building, cultivation and nursery areas to estimate the project's construction-related and annual operational carbon dioxide equivalent emissions in metric tons ($MTCO_2e$; Table _4).

Table 4. Estimate of Project GHG Emissions

Project Component	Quantity	Emissions Rate (Annual $MTCO_2e$/sf)		Estimated Projected Annual CO_2 Emissions (MT/year)
		Construction[1]	Operation	
Baseline Conditions				
Existing barn	2,400 sq.ft.	n/a	0.0069[2]	16.56
New Development				
Office	900 sq.ft.	0.0022	0.0069[2]	8.19
Outdoor Cultivation	113,256 sq.ft.	0.0022	0.00095[3]	356.75
Ancillary Nursery	5,764 sq.ft.	0.0022	0.00095[3]	18.16
Net Change (Increase)				**383.10**

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

Notes:

1. Total construction related GHG emissions divided by the floor area of a typical commercial building (22,000 sq.ft.). Assumes 34 total construction days including site preparation, grading and building construction, and 13 vehicle miles travelled per construction day for workers.
2. Based on 21 kWhr/sq.ft./year.
3. Total operational emissions based on an energy use factor of 20 kWhr/sq.ft./year and energy provided by Pacific Gas and Electric Co.

As shown in Table 4, estimated project related GHG emissions are expected to fall below the working threshold of 690 $MTCO_2e$ per year, assuming 100 percent of project energy is provided by conventional sources from PG&E. As discussed in the project description, operational electricity associated with the processing facility and office building would be mostly provided by a new on-site solar system which will further reduce project-related GHG emissions. Lastly, if the applicant chooses to source all or a portion of the project's electricity from one of PG&E's sustainable energy programs, GHG emissions associated with the project site would be reduced further.

Emissions associated with worker vehicle trips would be relatively minimal, as the project proposes five full-time employees and five seasonal employees. Additional vehicle trips would be generated

by the ancillary transport of cannabis. Vehicles would comply with applicable federal and state fuel economy standards. Therefore, the project's potential direct and cumulative GHG emissions would be *less than significant* and less than a cumulatively considerable contribution to regional GHG emissions.

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

As discussed above, SB 32 requires the state to reduce GHG levels by 40 percent below 1990 levels by the year 2030 and to 80 percent below 1990 levels by the year 2050. Project-related GHG emissions are consistent with these goals because:

- Project-related GHG emissions are largely associated with the production of electricity and all electrical utilities in California will be subject to ongoing State-mandated GHG reduction requirements.
- The project incorporates an on-site solar photovoltaic array that will supply a significant portion of project-related electricity.
- Estimated project GHG emissions will be less than the working threshold of 690 $MTCO_2e$ which is 40 percent lower than the 1,150 $MTCO_2e$ Bright Line threshold that was used to achieve the year 2020 GHG reduction goals statewide.
- The proposed project will 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 emissions reduction goals identified in SB 32 and EO S-3-05.
- The project will 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 would be less than significant, and no mitigation measures are necessary.

Mitigation

Mitigation is not 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?	☐	☐	☐	☒
(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 (Cortese) List 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. Government Code section 65962.5 requires the California Environmental Protection Agency (CalEPA) to develop at least annually an updated Cortese List. Various state and local government agencies are required to track and document hazardous material release information for the Cortese List. The California Department of Toxic Substance Control's (DTSC's) EnviroStor database tracks DTSC cleanup, permitting, enforcement, and investigation efforts at hazardous waste facilities and sites with known contamination, such as federal superfund sites, state response sites, voluntary cleanup sites, school cleanup sites, school investigation sites, and military evaluation sites. The State Water Resources Control Board's (SWRCB's) GeoTracker database contains records for sites that impact, or have the potential to impact, water in California, such as Leaking Underground Storage Tank (LUST) sites, Department of Defense sites, and Cleanup Program Sites. The remaining data regarding facilities or sites identified as meeting the "Cortese List" requirements can be located on the CalEPA website: https://calepa.ca.gov/sitecleanup/corteselist/. The project would not be located in an area of known hazardous material contamination and is not on a site listed on the Cortese List (SWRCB 2020; California DTSC 2020).

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

The California Health and Safety Code provides regulations pertaining to the abatement of fire related hazards and requires that local jurisdictions enforce the California Building Code, which provides standards for fire resistive building and roofing materials and other fire-related construction methods. The County Safety Element provides a Fire Hazard Zones Map that indicates unincorporated areas in the county within moderate, high, and very high Fire Hazard Severity Zone (FHSZ). The project would be located within the State Responsibility Area in a very high FHSZ (County of San Luis Obispo 2016). Based on the County's fire response time map, it would take 10 to 15 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.

The project would be not located within an Airport Review Area and there are no active public or private landing strips within 2 miles of the project site.

A list of project-related hazardous materials that could be used in conjunction with the proposed cannabis activities is incorporated by reference and available for review by appointment at the Department of Planning and Building, 976 Osos Street, Suite 200, San Luis Obispo.

Discussion

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

The project proposes the routine transport and use of pesticides. Pesticides would be transported to the site in accordance with all applicable state regulations, including 3 CCR Division 6, Section 6682, which requires that pesticides be secured to vehicles in a manner that prevent spillage. The proposed pesticide ingredients are nonhazardous and conform to California Department of Pesticide Regulation and County Agricultural Commissioner requirements. All pesticides would be registered with the County Department of Agriculture prior to use. Pesticide use would be conducted in accordance with the appropriate pesticide use permit that would be obtained from the

County Department of Agriculture/Weights and Measures in accordance with LUO Section 23.08.423. Pesticides would be stored on-site in two designated locking cargo containers in compliance with 3 CCR Division 6, Section 6672. In addition, Mitigation Measure HAZ-1 has been identified to require implementation of BMPs that govern spill prevention, storage, and usage of pesticides. Therefore, the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, and impacts would be *less than significant with mitigation*.

(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 proposes the routine transport and use of pesticides. Because pesticides would be transported, stored, and used in compliance with all applicable state regulations, the risk of accidental spill would be low. Nonetheless, in the event of an accidental spill, pesticides could create a significant hazard to the public or environment. Therefore, Mitigation Measure HAZ-2 has been identified to require the implementation of a hazardous response plan to minimize spills and leaks and establish procedures for proper cleanup and maintenance.

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 cleanup requirements for any minor spills. In the rare event of an accidental spill, the hazardous substances could create a significant hazard to the public or environment. Mitigation Measure HAZ-2 require immediate cleanup of any spills and location of refueling and other potentially hazardous activities within designated staging areas only.

Compliance with applicable regulations and implementation of Mitigation Measure HAZ-2 would ensure the project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions, and impacts would be *less than significant with mitigation*.

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

The closest school facility is located approximately 9 miles northwest of the project site. The project site is not located within 0.25 mile of an existing or proposed school facility; 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 California Department of Toxic Substance Control's EnviroStar database, the State Water Resources Control Board's Geotracker database, and CalEPA's Cortese List website, there are no hazardous waste cleanup sites within the project site (SWRCB 2020; California DTSC 2020). Therefore, *no impacts would occur.*

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

The project site is not located within an airport land use plan or within 2 miles of a public airport or private airstrip (County of San Luis Obispo 2016); 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. Given the narrow right-of-way along SR-58, it is possible that grading activities associated with the project driveway would necessitate a lane closure and use of the public right-of-way. Therefore, mitigation measure HAZ-3 has been identified that would require attainment of an Encroachment Permit from the California Department of Transportation (Caltrans) and demonstration on submitted plans that at least one lane of travel along SR-58 would remain open at all times during construction. Any lane closure would be temporary, lasting only as long as the relatively short construction period. With implementation of mitigation measure HAZ-3, the project would not impair implementation or physically interfere with County hazard mitigation or emergency plans; therefore, impacts would be *less than significant with mitigation.*

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

The project is located within a very high FHSZ and is located on a highly disturbed parcel composed primarily of disturbed/denuded areas non-native grasses, chaparral, and scattered oaks. The site is located within a State Responsibility Area and based on the County's fire response time map, it would take 10 to 15 minutes to respond to a call regarding fire or life safety. The project would be designed to comply with all fire safety rules and regulations including the California Fire Code and PRC, which would require improvements to the site access driveway to allow access of emergency fire apparatuses and vegetation clearing or trimming around the proposed office and storage containers. Therefore, the project would not expose people or structures to a significant risk of loss involving wildfires and potential impacts would be *less than significant*.

Conclusion

The project proposes the routine transport, use, handling, or disposal of hazardous substances. These activities would be conducted on accordance with all applicable safety regulations. Further, Mitigation Measures HAZ-1 has been recommended to ensure spill prevention and safe storage and usage of pesticides. Additionally, Mitigation Measure HAZ-2 has been recommended to reduce potential impacts associated with hazards created by reasonably foreseeable upset or accident conditions during project construction. The project is not located within proximity to any known contaminated sites and is not within close proximity to populations that could be substantially affected by upset or release of hazardous substances. Mitigation Measure HAZ-3 has been recommended to reduce potential impacts to the County hazard mitigation plan and emergency response plan. Project implementation would not subject people or structures to substantial risks associated with wildland fires. Potential impacts related to hazards and hazardous materials would be *less than significant with mitigation*.

Mitigation

HAZ-1 The following fertilizer application BMPs shall be implemented during operation activities:

- Plant cover crop to boost soil fertility and protect from storm events.
- Follow the manufacturer's suggested application rates.
- Contain any spills immediately.
- Prevent off-site drift with hedges placed around the grow site.
- Do not spray directly on surface water or to allow fertilizers drift to surface water.
- Spray only when wind is blowing away from surface water.
- Install buffer strips, bio-swales, or vegetation down slope of cultivation site to filter runoff of chemicals from irrigation.
- Use safe pesticide alternatives recommended by Department of Pesticide Regulation.
- Implement Integrated Pest Management practices to avoid the need for pest control.
- Do not use fertilizer within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland, or vernal pool.

The following fertilizer storage BMPs shall be implemented during operation activities:

- Ensure fertilizers are properly labeled and stored to avoid contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.
- Establish and use a separate storage area for fertilizers.
- For storage areas, comply with the riparian setback requirements, be in a secured location, be located outside of areas of known slope instability, and be protected from accidental ignition, weather, and wildlife.
- Ensure storage areas have appropriate secondary containment structures to protect water quality and prevent spillage, mixing, discharge, or seepage.
- Store any chemicals in a secure building or shed to prevent access by wildlife.
- Store all products that impact water quality in a manner that does not allow for runoff to surface waters.
- Segregate acids from bases; segregate inorganic oxidizing acids (e.g., nitric acid) from organic acids (e.g., acetic acid), flammables, and combustibles.
- Segregate acids from water reactive metals, such as sodium, potassium, and magnesium.
- Store corrosives on lower shelves at least below eye level and in compatible secondary containers; do not store corrosives on metal shelves.
- Store dry powder and granular fertilizers in moisture-proof plastic tubs or containers.

The following pesticide application BMPs shall be implemented during operation activities:

- Use pesticides in accordance with proper labeling instructions.
- Do not apply pesticides when pollinators are present.
- Do not spray pesticides directly into surface water and only spray when wind is blowing away from surface water bodies.
- When possible, use naturally insecticidal plants around or throughout a grow to repel a variety of flying insects and pests.

- Do not use pesticides within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool.
- Pesticides shall be applied only by the owner of the cultivation operation or by a worker trained per County Agricultural Department regulations.
- If there is a spill or accidental discharge in or on any waters of the site, immediately notify the County Office of Emergency Services so that the local Health Officer can decide what actions, if any, may need to be taken to protect public safety. During business hours: (805) 781-5544. After Hours: HAZMAT Spill Notification (800) 852-7550 or (916) 845-8911).

The following pesticide storage BMPs shall be implemented during operation activities:

- Properly label and store pesticides to avoid contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.
- Keep pesticides in their original containers and stored in a building to prevent exposure to sunlight and precipitation and access to wildlife, with secondary containment in the case of leaks or spills.
- Store pesticides in a designated cabinet, separate from any incompatible materials.
- Dedicate separate storage areas to pesticides, fertilizers, and petroleum products, so they are all stored separately.
- Recycle empty pesticide and pest management containers; do not burn them or dispose of them by dumping.
- Always maintain safety data sheets for all pesticides.
- Store chemicals and pesticides in dedicated structures with appropriate warning signs.

The following worker protection BMPs shall be implemented prior to the commencement of operation activities. The applicant shall provide the following:

- Protections to workers and handlers from potential pesticide exposure
- Training on the safe use of pesticides and how to avoid exposures to pesticides
- Training to identify pesticides exposure symptoms and how to respond and manage exposures to pesticides if they occur

HAZ-2 During operation activities, the following spill and leak prevention and response measures shall be implemented:

- Develop and implement spill and leak response procedures to prevent industrial materials from discharging through the stormwater conveyance system. Spilled or leaked industrial materials shall be cleaned promptly and disposed of properly.
- Identify and describe all necessary and appropriate spill and leak response equipment, location(s) of spill and leak response equipment, and spill or leak response equipment maintenance procedures.
- Identify and train appropriate spill and leak response personnel.
- Maintain spill cleanup materials, safety data sheets, a material inventory, and emergency contact numbers and store in designated areas and containers.

- Fuel only in designated areas and conduct daily inspections of mechanized equipment for lubricant and fuel leaks.
- Identify all equipment and systems used outdoors that may spill or leak pollutants.
- Establish an appropriate schedule for maintenance of identified equipment and systems.
- Establish procedures for prompt maintenance and repair of equipment and maintenance of systems when conditions exist that may result in the development of spills or leaks.
- Use drip pans or absorbent pads for all vehicle and equipment maintenance activities that involve grease, oil, solvents, or other vehicle fluids.

HAZ-3 Prior to issuance of a building permit or commencement of construction activities and if project activities would necessitate a lane closure and/or use of the public right-of-way along SR-58, the applicant shall obtain an Encroachment Permit from Caltrans and demonstrate on submitted improvement plans that one lane of travel would remain open at all times along SR-58.

Initial Study – Environmental Checklist

X. HYDROLOGY AND WATER QUALITY

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

Initial Study – Environmental Checklist

Setting

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

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 or land disturbance of more than 20,000 square feet, or involve hillside development on slopes steeper than 10 percent. Preparation of a drainage plan is not required where grading is exclusively for an exempt agricultural structure, crop production, or grazing.

The LUO also dictates that an erosion and sedimentation control plan is required year-round for all construction and grading permit projects and site disturbance activities of one-half acre or more in geologically unstable areas, on slopes steeper than 30 percent, on highly erodible soils, or within 100 feet of any watercourse.

Per the County's Stormwater Program, the Public Works Department is responsible for ensuring that new construction sites implement BMPs during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1.0 acre or more must obtain coverage under the SWRCB's Construction General Permit. The Construction General Permit requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. There are several types of projects that are exempt from preparing a SWPPP, including routine maintenance to existing developments, emergency construction activities, and projects exempted by the SWRCB or RWQCB. Projects that disturb less than 1.0 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 County Safety Element 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. All development located in a 100-year flood zone is subject to Federal Emergency Management Act (FEMA) regulations. The County Land Use Ordinance designates a Flood Hazard (FH) combining designation for areas of the County that could be subject to inundation by a 100-year flood or within coastal high hazard areas. Development projects within this combining designation are subject to FH permit and processing requirements, including, but not limited to, the preparation of a drainage plan, implementation of additional construction standards, and additional materials storage and processing requirements for substances that could be injurious to human, animal or plant life in the event of flooding. The project site is not located within a Flood Hazard combining designation. As previously described, the closest water feature to the project site is an unnamed intermittent steam located approximately 0.3 mile to the north.

Discussion

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

The closest surface water feature to the project site is an unnamed intermittent steam located approximately 0.3 mile to the north. The project would result in approximately 5.4 acres of ground disturbance. Ground disturbance activities include installation of new fencing around the cultivation and nursery areas, installation of planting beds and hoop houses in the cultivation and nursery areas, and grading to support the driveway improvements and construction of building pads for the office building.

The project's ground disturbing activities could cause erosion and sedimentation issues on nearby surface water and/or groundwater resources. However, 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.

The project includes the use of pesticides and construction equipment that utilizes oil, gasoline, lubricants, fuels, and other potentially hazardous substances. A spill or leak of these materials under accident conditions during construction activities could have the potential to impact nearby surface water and/or groundwater resources. However, implementation of Mitigation Measures HAZ-1 and HAZ-2 would reduce potential impacts on water quality by requiring implementation of BMPs that govern spill prevention, storage, and use of pesticides, as well as provides procedures for response and clean-up of hazardous material spills.

Based on the distance of the project from the nearest surface water feature, compliance with existing state and County water quality, sedimentation, and erosion control standards, and implementation of Mitigation Measures HAZ-1 and HAZ-2, 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 with mitigation*.

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

Project water demand would be supplied by an existing groundwater well located east of the existing agricultural barn. Based on the estimate provided by the applicant, the project would result in annual water demand of approximately 11,340 gallons (2.32 AFY) (Wallace Group 2019). Water used for irrigation would be metered daily and monitored closely to ensure the system is operating efficiently and without leaks or line breaks. The project is not located within a groundwater basin designated as Level of Severity III per the County's Resource Management System or in severe decline by the Sustainable Groundwater Management Act (SGMA). The project would not substantially increase water demand, deplete groundwater supplies, or interfere substantially with groundwater recharge; therefore, the project would not interfere with sustainable management of the groundwater basin. Potential impacts associated with groundwater supplies would be *less than significant.*

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

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

The project would result in approximately 5.4 acres of ground disturbance. Ground disturbing activities include installation of new fencing around the cultivation and nursery areas, installation of planting beds and hoop houses in the cultivation and nursery areas, and grading to support the driveway improvements and construction of building pads for the office building. The closest surface water feature to the project site is an unnamed intermittent steam located approximately 0.3 mile to the north.. The project will be conditioned to provide final grading, erosion and sedimentation control plans for review and approval prior to building permit issuance as required by LUO Sections 22.52.100, 110 and 120.

The project site is not located within a 100-year flood plain and the amount of increased impervious surfaces is not expected to exceed the capacity of stormwater conveyances or increase downslope flooding. Therefore, based on compliance with County standards and the limited scope of project activities, project impacts associated with substantial erosion or siltation 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 proposes the addition of 900 square feet of impervious surface area associated with the new office building. Additional ground disturbing activities would be associated with installation of new fencing around the cultivation and nursery areas, installation of planting beds and hoop houses in the cultivation and nursery areas, and driveway improvements and construction of building pads for the office building. Ground disturbing activities would be limited to previously disturbed areas and would not substantially alter the topography or impervious surface areas of the project site. Based on the nature and size of the project in relation to the approximately 130-acre largely undeveloped parcel, changes in surface hydrology would be minimal. Therefore, potential impacts related to increased surface runoff resulting in flooding would be *less than significant.*

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

The project proposes the addition of 900 square feet of impervious surface area associated with the new office building. Additional ground disturbing activities would be associated with installation of new fencing around the cultivation and nursery areas, installation of planting beds and hoop houses in the cultivation and nursery areas, and driveway improvements. Ground disturbing activities would be limited to previously disturbed areas and would not substantially alter the topography or impervious surface areas of the project site. Based on the nature and size of the project in relation to the approximately 130-acre largely undeveloped parcel, changes in surface hydrology would be minimal. Therefore, potential impacts related to increased surface runoff resulting in flooding 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 County Safety Element, the project site is not located within a 100-year flood zone or within an area that would be inundated if dam failure were to occur. 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 County of San Luis Obispo 2019). The project site is not located within close proximity to a standing body of water with the potential for a seiche to occur. Therefore, the project site has no potential to release pollutants due to project inundation, and *no impacts would occur.*

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

The project is not located within a groundwater basin designated as Level of Severity III per the County's Resource Management System or in severe decline by SGMA. The project would not substantially increase water demand, deplete groundwater supplies, or interfere substantially with groundwater recharge. The project would not conflict with the Central Coastal Basin Plan, SGMA, or other local or regional plans or policies intended to manage water quality or groundwater supplies; therefore, *no impacts would occur.*

Conclusion

The project site is not within the 100-year flood zone and does not include existing drainages or other surface waters. The project would not substantially increase impervious surfaces and does not propose alterations to existing water courses or other significant alterations to existing on-site drainage patterns. The project includes the use of pesticides and hazardous materials associated with vehicle use that could affect water quality. Upon implementation of Mitigation Measures HAZ-1 and HAZ-2, the project would result in less than significant impacts on water quality.

Mitigation

Implement Mitigation Measures HAZ-1 and HAZ-2.

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 General Plan, to regulate land use in a manner that will encourage and support orderly development and beneficial use of lands, to minimize adverse effects on the public resulting from inappropriate creation, location, use or design of buildings or land uses, and to 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 County General Plan.

The County LUE 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 grown principles to define and focus the county's pro-active planning approach and balance environmental, economic, and social equity concerns. Each strategic growth principle correlates with a set of policies and implementation strategies that define how land will be used and resources protected. The LUE also defines each of the 14 land use designations and identifies standards for land uses based on the designation they are located within. The project parcel and surrounding properties north of SR-58 are all within the Agriculture land use designation. The property to the south of the project parcel (immediately south of SR-58) is within the Rural Lands 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 parcel is located within the Shandon-Carrizo Sub Area 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 proposed project is an allowable use within the property's land use designation and would be generally consistent with the guidelines and policies for development within the applicable area plan, Inland LUO, and COSE. The proposed outdoor cultivation is located approximately 139 feet from the north property line. Therefore, the proposed outdoor cultivation area would not meet the minimum 300-foot setback requirement specified in LUO Section 22.40.050.D.3.b. However, the applicant requests a modification from the 300-foot setback requirement to allow the proposed outdoor cultivation area to be located within 300 feet of the adjacent parcel. The adjacent parcel to the north is largely undeveloped and contains a single-family residence approximately 2,500 feet to the northeast. If the review authority can make the required findings to approve the setback modification, the project can be considered consistent with the provisions of the LUO.

The project is consistent with standards and policies set forth in the County of San Luis Obispo General Plan, the North County Area Plan, the SLOAPCD Clean Air Plan, and other land use policies for this area. The project would be required to be consistent with standards set forth by County Fire/CAL FIRE and the County Public Works Department.

The project would be required to implement measures to mitigate potential impacts related to air quality, biological resources, hazardous materials, and water quality; 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 be consistent with local and regional land use designations, plans, and policies and would not divide an established community. Potential impacts related to land use and planning would be less than significant with mitigation measures related to air quality, biological resources, hazardous materials, and water quality.

Mitigation

Implement Mitigation Measures AQ-1, BIO-1 through BIO 13, HAZ-1 through HAZ-3.

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 (MRZ) according to the known or inferred mineral potential of the land (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):

1. MRZ-1: Areas where available geologic information indicates that little likelihood exists for the presence of significant mineral resources.
2. 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.
3. 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 PRC Sections 2710 et seq. (SMARA); and
3. Major public utility electric generation facilities exist or are proposed.

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

Initial Study – Environmental Checklist

Discussion

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

The project is not located within a designated mineral resource zone or within an Extractive Resource Area combining designation (CGS 2015; County of San Luis Obispo 2015). 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?

There are no known or mapped mineral resources in the project area and the likelihood of future mining of important resources within the project area is very low (CGS 2015; County of San Luis Obispo 2015). Therefore, *no impacts would occur.*

Conclusion

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

Mitigation

Mitigation is not 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 policies of the Noise Element are numerical noise standards that limit noise exposure within noise-sensitive land uses and performance standards for new commercial and industrial uses that might adversely impact noise-sensitive land uses.

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

- Residential development, except temporary dwellings
- Schools – preschool to secondary, college and university, 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 (dB). A-weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear.

The LUO establishes acceptable standards for exterior and interior noise levels (Table 5) 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 5. 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.

The LUO noise standards are subject to a range of exceptions, including noise sources associated with construction, provided such activities do not take place before 7:00 a.m. or after 9:00 p.m. on weekdays or before 8:00 a.m. or after 5:00 p.m. on Saturday or Sunday. Noise associated with agricultural land uses (as listed in Section 22.06.030), traffic on public roadways, railroad line operations, and aircraft in flight are also exempt.

The existing ambient noise environment is characterized by traffic on SR-58, as well as agricultural equipment from surrounding properties. The closest off-site sensitive receptor is a single-family residence located approximately 0.5-mile northeast of the project site.

Discussion

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

Project construction activities, particularly those associated with the improving the private driveway and construction of the office building, would result in temporary increases in noise levels. All construction activities 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 and Sunday, in accordance with County construction noise standards (County Code Section 22.10.120.A). Noise generated during construction activities would considerably attenuate over the distance to the nearest off-site sensitive receptor (approximately 0.5 mile to the northeast).

Construction noise would be variable, temporary, and limited in nature and duration. The LUO requires that construction activities be conducted during daytime hours to be able to utilize County

construction noise exception standards and that construction equipment be equipped with appropriate mufflers recommended by the manufacturer. Compliance with these standards would ensure short-term construction noise would be less than significant.

The processing facility would include odor mitigation equipment and possibly a HVAC system installed at the office building and/or processing facility. The odor mitigation equipment and HVAC system(s) would be considered a permanent source of stationary noise. Noise associated with the use of wall- or roof-mounted HVAC and odor mitigation equipment would be expected to generate noise levels of approximately 65 A-weighted decibels (dBA) at distance of 25 feet from the source. Noise attenuates (diminishes) at a rate of 6 dB per doubling of distance. Therefore, noise levels would be approximately 50 dBA at the nearest property line (north) and would be negligible as perceived from the nearest off-site sensitive receptor (approximately 0.5 mile to the northeast). Additional sources of operation noise include worker vehicle trips. Up to five worker vehicle trips would be generated by the five full-time workers, and up to five additional worker vehicle trips would be generated by the five seasonal employees. Based on the distance of the nearest property line and off-site sensitive receptor and the limited number of vehicle trips, the resulting noise is not anticipated to exceed the maximum allowable nighttime level (65 dB) or the hourly average equivalent noise level (45 dB). Ambient noise levels at the project site and in surrounding areas after project implementation would not be significantly different than existing levels. Therefore, potential operational noise impacts would be less than significant.

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

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

The project includes the use of construction equipment to facilitate driveway improvements and construction of the new office building. 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 highly perceptible from the nearest off-site residence located approximately 0.5 mile to the northeast. The project does not propose pile driving or other high-impact activities that would generate substantial groundborne noise or groundborne vibration during construction. 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 or adjacent to an airport land use plan or within 2 miles of a public airport or private airstrip; therefore,* no impact would occur.

Conclusion

Short-term construction activities would be limited in nature and duration and conducted during daytime periods per LUO standards. With the exception of the projects odor control system and possible HVAC system(s), no long-term operational noise or ground vibration would occur as a result of the project. The project's odor control system and possible HVAC system(s) would not exceed the maximum allowable

nighttime level thresholds. Therefore, potential impacts related to noise would be less than significant, and no mitigation measures are necessary.

Mitigation

Mitigation is not necessary.

XIV. POPULATION AND HOUSING

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

Setting

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

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

The project site contains a single-family residence that would not be impacted by implementation of the project.

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 five full-time and five seasonal employees. The general scope and scale of the proposed activities 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 to population and housing 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

Mitigation is not necessary.

XV. PUBLIC SERVICES

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

Setting

Fire protection services in unincorporated San Luis Obispo County are provided by the California Department of Forestry and Fire Protection (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 firefighters, 300 County paid-call and reserve firefighters, and 120 state inmate firefighters. CAL FIRE responds to emergencies and other requests for assistance, plans for and takes action to prevent emergencies and to 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. The nearest fire station to the project site is County/CAL FIRE Station Number 43 located in Creston, approximately 12 vehicle miles to the northwest. The response time from this station to the project site is approximately 10 to 15 minutes.

Police protection and emergency services in the unincorporated portions of the county are provided by the San Luis Obispo County Sheriff's Office. The Sheriff's Office Patrol Division responds to calls for service, conducts proactive law enforcement activities, and performs initial investigations of crimes. Patrol personnel are deployed from three stations throughout the county, the Coast Station in Los Osos, the North Station in Templeton, and the South Station in Oceano. The nearest Sheriff's station is Templeton, which is approximately 24 vehicle miles northwest.

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 Atascadero Unified School District, which includes seven elementary schools, a middle school, a fine arts academy, and a high school. Based on the County's 2016-2018 Resource Summary Report, schools within the Atascadero Unified School District are currently operating at acceptable capacities and levels.

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. The project is located within a rural area and is not located within the vicinity of any County-maintained parks or recreational facilities.

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 (State Government Code 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 the 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 has been designed to comply with all fire safety rules and regulations, including the California Fire Code and PRC, which include improvements to the existing access road to accommodate emergency vehicle access, vegetation clearing or trimming around all existing and proposed structures, installation of a 45,000 gallon water storage tank, and fire sprinklers installed within the office building and converted processing facility. The project would be required to obtain a Fire Safety Plan from County Fire/CAL Fire and adhere to all requirements for the life of the project. 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 of the County Sheriff's Department. The security plan lays out infrastructure and operational guidelines to prevent and deter any foreseeable security breaches, crimes, and/or statute violations. The project would be required to adhere to the security measures and protocols in the security plan, as well as with any additional recommendation or requirements provided by the County Sheriff's Office. 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 a substantial increase in population growth and would not result in the need for additional school services or

facilities to serve new student populations. Therefore, potential 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

Mitigation is not 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, 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. 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 site is not within proximity to any County parks or recreational areas. The project would provide full-time employment for up to five individuals and seasonal employment opportunities for up to five individuals. As discussed in Section XIV, Population and Housing, the project's employment opportunities would not be substantial enough to induce notable population growth in the area and

therefore would not result in a notable increase in existing neighborhood and regional parks or other 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

Mitigation is not necessary.

XVII. TRANSPORTATION

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

Setting

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

In 2013, Senate Bill 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, the California Natural Resources Agency certified and adopted updates to the State CEQA Guidelines in December 2018. Also in December, 2018, the Office of Planning and Research (OPR) published a Technical Advisory On the Evaluation of Transportation Impacts In CEQA to assist local governments in implementing the new VMT requirements. The 2018 Technical Advisory states that a development project that generates less than 110 average daily trips (ADT) will not have a project-specific or cumulatively considerable impact with respect to vehicle miles travelled.

The revisions included new requirements related to the implementation of Senate Bill 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 Department of Public Works establishes bicycle paths and lanes in coordination with the RTP, which outlines how the region can establish an extensive bikeway network. County bikeway facilities are funded by state grants, local general funds, and developer contributions. The RTP also establishes goals and recommendations to develop, promote, and invest in the public transit systems, rail systems, air services, harbor improvements, and commodity movements within the county in order to meet the needs of transit-dependent individuals and encourage the increasing use of alternative modes by all travelers that choose public transportation. Local transit systems are presently in operation in the cities of Morro Bay and San Luis Obispo, and South County services are offered to Grover Beach, Arroyo Grande, Pismo Beach, and Oceano. Dial-a-ride systems provide intra-community transit in Morro Bay, Atascadero, and Los Osos. Inter-urban systems operate between the city of San Luis Obispo and South County, Los Osos, and the North Coast.

The County's Framework for Planning (Inland), includes the Land Use and Circulation Elements of the County's 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. There are no public transit facilities to the project site.

Discussion

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

The project site is located in a remote area accessed by an unnamed, privately maintained driveway off SR-58. The project would generate a maximum of 10 daily trips. This minimal projected project trip generation would generally be consistent with the surrounding agricultural land uses and would not have a significant impact on area roadway operations. Marginal increases in traffic can be accommodated by SR-58, and the project would not result in any long-term changes in traffic or circulation. The project does not propose uses that would interfere or conflict with applicable policies related to circulation, transit, roadway, bicycle, or pedestrian systems or facilities. The project would be consistent with the County Framework for Planning (Inland) and consistent with the projected level of growth and development identified in the 2019 RTP. Therefore, 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, subdivision (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. In addition, the 2018 Technical Advisory published by OPR states that a project that generates less than 110 average daily trips will not have a project-specific or cumulatively considerable impact with respect to vehicle miles travelled. According to the trip generation factors applied by the Department of Public Works, the project is expected to generate 10 ADT which is below the screening threshold of 110 ADT.

Based on the nature and location of the project, the project would not generate a significant increase in construction-related or operational traffic trips or VMT. The project would employ five permanent employees and five seasonal employees. The project would include three harvests per year; therefore, any vehicle trips associated with harvest and delivery of cannabis and nursery plants would be infrequent. The project would not substantially change existing land uses and would not result in the need for additional new or expanded transportation facilities. The project would be subject to standard development impact fees to offset the relative impacts on surrounding roadways. Therefore, potential impacts would be *less than significant*.

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

The project would not change roadway design and does not include geometric design features that would create new hazards or an incompatible use. Driveway improvements may require use of SR-58. If so, an encroachment permit would be required from Caltrans, per mitigation measure HAZ-3. The encroachment permit would require implementation of safety measures to protect users of SR-58 from potential hazards associated with construction. Based on the referral response letter received from the Department of Public Works, the project would be conditioned to provide evidence that on-site circulation and pavement structural sections have been designed in conformance with CAL FIRE standards and specifications back to the nearest public maintained roadway. Therefore, impacts would be *less than significant with mitigation*.

(d) Result in inadequate emergency access?

The project proposes improvements to the existing access approach along the private driveway off SR-58 to accommodate emergency vehicle access. Given the narrow right-of-way along SR-58, it is possible that driveway improvement activities may necessitate a lane closure and use of the public right-of-way. Therefore, Mitigation Measure HAZ-3 has been identified that would require attainment of an Encroachment Permit from Caltrans and demonstration on submitted plans that at least one travel lane along McMillan Canyon Road would remain open at all times during construction. Any lane closure would be temporary lasting only as long as the relatively short construction period. With implementation of mitigation measure HAZ-3, the project would not adversely affect existing emergency access and impacts would be *less than significant with mitigation*.

Conclusion

The project would result in minimal trip generation and VMT. Mitigation measure HAZ-3 has been recommended to reduce potential safety and emergency access impacts associated with use of SR-58 during improvements associated to the private driveway. Therefore, potential impacts related to transportation would be less than significant with mitigation.

Mitigation

Implement Mitigation Measure HAZ-3.

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	☐	☐	☒	☐
	(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 California Register of Historical Resources; or
    b. Included in a local register of historical resources as defined in PRC Section 5020.1(k).
2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(c). In applying these criteria for

the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

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

In accordance with AB 52 Cultural Resources requirements, outreach to four Native American tribes has been completed.

Discussion

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

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

The County has provided notice of the opportunity to consult with appropriate tribes per the requirements of AB 52 and the project site does not contain any known tribal cultural resources that have been listed or been found eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1. Potential impacts associated with the inadvertent discovery of tribal cultural resources would be subject to LUO 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 Planning and Building Department shall be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with 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 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 State Health and Safety Code procedures would reduce potential impacts to less than significant; therefore, potential impacts to tribal cultural resources would be less than significant, and no mitigation measures are necessary.

Mitigation

Mitigation is not necessary.

XIX. UTILITIES AND SERVICE SYSTEMS

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

Setting

The County Public Works Department provides water and wastewater services for specific County Service Areas (CSAs) that are managed through issuance of water/wastewater "will serve" letters. The 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 Public Works Department is responsible for ensuring that new construction sites implement BMPs during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1.0 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 of San Luis Obispo. The project would be served an existing well for water and an existing septic tank for waste disposal. The majority of the project's energy needs would be served by an on-site solar and battery storage system. Any energy demands in excess of the solar and energy storage system's capacity would be provided by PG&E.

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 relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electrical power, natural gas, or telecommunications 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. The project would use water supplied by an existing on-site well. Employees would use an on-site restroom facility connected to an existing septic tank. The project proposes an on-site solar and battery storage system that would supply most of the project's energy needs. 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?*

Project water demand would be supplied by an existing groundwater well located on-site, east of the existing agricultural barn. A well pump test from August 8, 2020 (Powell & Murphy Drilling, Inc. 2020) shows that the well produces 30 gallons per minute and has a 20-minute recover time. Based on the estimate provided by the project applicant, the project would result in annual water demand of approximately 11,340 gallons (2.32 AFY) (Wallace Group 2019). Water used for irrigation would be metered daily and monitored closely to ensure the system is operating efficiently and without leaks or line breaks. The project is not located within a groundwater basin designated as Level of Severity III per the County's Resource Management System or in severe decline by the SGMA. As such, given the relatively small annual water demand and sufficient groundwater availability, the project would not create new or expanded water supply entitlements. Therefore, potential impacts on water supplies would be *less than significant*.

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

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

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

Construction activities would result in the generation of minimal solid waste materials; no significant long-term increase in solid waste would occur. The applicant proposes to dispose of cannabis plant waste generated on the project site through on-site composting pursuant to the CCR. Ancillary non-plant waste would be collected by the local waste management company facility on an as-needed basis. The nearest waste facility to the project site is Chicago Grade Landfill, which has a remaining capacity of 6,022,396 cubic yards (CalRecycle 2019).The project would not generate solid waste in excess of state or local standards or otherwise impair the attainment of solid waste reduction goals. Therefore, potential impacts would be *less than significant*.

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

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

Conclusion

The project would not result in significant increased demands on water, wastewater, or stormwater infrastructure and facilities. No substantial increase in solid waste generation would occur. Therefore, potential impacts to utilities and service systems would be less than significant, and no mitigation measures are necessary.

Mitigation

Mitigation is not necessary.

XX. WILDFIRE

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

Setting

In central California, the fire season usually extends from roughly May through October, however, recent events indicate that wildfire behavior, frequency, and duration of the fire season are changing in California. FHSZs are defined by CAL FIRE based on the presence of fire-prone vegetation, climate, topography, assets at risk (e.g., high population centers), and a fire protection agency's ability to provide service to the area (CAL FIRE 2007). FHSZs throughout the county have been designated as "Very High," "High," or "Moderate." In San Luis Obispo County, most of the area that has been designated as a "Very High Fire Hazard Severity Zone" is located in the Santa Lucia Mountains, which extend parallel to the coast along the entire length of San Luis Obispo County. The project site is located in a Very High FHSZ (County of San Luis Obispo 2016).

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.
- 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, the development and implementation of mitigation efforts to reduce the threat of fire, requiring fire resistant material to 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 has prepared an Emergency Operations Plan (EOP) to outline the emergency measures that are essential for protecting the 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 proposes improvements to the existing access approach along the private driveway off SR-58 to accommodate emergency vehicle access. Given the narrow right-of-way along SR-58, it is possible that driveway improvement associated would necessitate a lane closure and use of the public right-of-way. Therefore, Mitigation Measure HAZ 3 has been identified that would require attainment of an Encroachment Permit from Caltrans and demonstration on submitted plans that at least one travel lane along SR-58 would remain open at all times during construction. Any lane closure would be temporary, lasting only as long as the relatively short construction period. Therefore, implementation of the proposed project would not have a permanent impact on any adopted emergency response plans or emergency evacuation plans. Temporary construction activities 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 with mitigation*.

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

The project is located within the Very High FHSZ and is located on a parcel with moderately dense native vegetation and limited access. The site is located within a State Responsibility Area, and, based on the County's fire response time map, it would take 10 to 15 minutes to respond to a call regarding fire or life safety. The project does not involve any hot work such as welding, cutting, or brazing that would pose a potential increased fire risk. The project components would be required to be designed and constructed in accordance with the California Fire Code and PRC, which include improvements to the existing access road to accommodate emergency vehicle access, vegetation clearing or trimming around all existing and proposed structures, installation of a 45,000 gallon water storage tank, and fire sprinklers installed within the office building and converted processing facility. Therefore, potential impacts associated with exacerbation of wildfire risks would be less than significant.

The project site has been previously disturbed and consists of disturbed/barren areas and annual grassland. Proposed cannabis activities would be located on relatively level slopes, while grading activities would occur on gentle to moderately slopping topography. The average hourly wind speed in the project area (as measured in the town of Shandon, approximately 12 miles north of the project site) experiences mild seasonal variation over the course of the year. The windier part of the year lasts for 3.9 months, from March 15 to July 13, with average wind speeds of more than 7.1 miles per hour (Weatherspark 2019). As described in Section VII, Geology and Soils, the potential for landslides in the project area is moderate, but proposed grading would not substantially alter existing slopes that would be conducive to the formation of debris flows on surrounding slopes or in the existing channel located approximately 0.3 mile north of the project site. 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. Proposed improvements to the existing driveway approach would be designed and implemented in compliance with County regulations. The project would be designed to comply with all applicable fire safety rules and regulations, including the California Fire Code and PRC, as described above. *Therefore, 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?

Proposed cannabis activities would be located on relatively level slopes, while grading activities would occur on gentle to moderately slopping topography. Grading activities would primarily be limited to existing disturbed areas and would not substantially alter slope or drainage channels. Further, the project proposes 900 square feet of impervious surfaces, which, when considered in the context of the largely undeveloped 130-acre parcel, would not substantially alter drainage channels. As described in Section VII, Geology and Soils, the potential for landslides in the project area is

moderate, but proposed ground disturbance would not substantially alter existing slopes that would be conducive to the formation of debris flows on surrounding slopes or in the existing channel located approximately 0.3 mile north of the project site. Further, the project does not include any design elements that would expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, impacts would be *less than significant*.

Conclusion

Mitigation measure HAZ-3 is recommended to reduce potential impacts to an adopted emergency response plan or emergency evacuation plan resulting from driveway improvement activities that may require use of the public right-of-way associated with SR-58. The project would not expose people or structures to new or exacerbated wildfire risks and would not require the development of new or expanded infrastructure or maintenance to reduce wildfire risks. Therefore, potential impacts associated with wildfire would be less than significant with mitigation.

Mitigation

Implement Mitigation Measure HAZ-3.

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?	☐	☐	☒	☐

Setting

Refer to setting information provided in previous sections above.

Discussion

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

Based on the nature and scale of proposed development, the project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, 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. Potential impacts would be *less than significant*.

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

The State CEQA Guidelines define cumulative impacts as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts." Section 15355 of the State CEQA Guidelines further states that individual effects can be various changes related to a single project or the change involved in several 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 with 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 6 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 (July 20, 2020). 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.

Table 6. 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	114	75.9	30
Outdoor Cultivation		225	
Ancillary Nursery	114	**66.4**	**30**
Processing	9	**-**	**-**

Manufacturing	24	-	6
Non-Storefront Dispensary	28	-	15
Commercial Distribution	8	-	1
Commercial Transport	5	-	1
Testing Laboratory	1	-	1
Total	**303**	**367.3**	**87**

[1] As of July 20, 2020.

[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 114 applications for cultivation sites would be approved and developed.
- Each cultivation site would be developed with the maximum allowed cultivation uses:
    - 3 acres of outdoor cultivation
    - 0.5 acre of indoor cultivation
    - 19,000 square feet of ancillary nursery
    - A total of six full-time employees
    - A total of 12 average daily motor vehicle trips
    - All sites served by a well and septic leach field

Aesthetics

As described in Section I, Air Quality, the project is located in a remote area and would not be visible from surrounding public roadways. 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 LUO and COSE related to the protection of scenic resources. Therefore, 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 three other approved or potential future cannabis facilities within 5 miles (as of July 31, 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 components such as security lighting and/or use of mixed-light growing techniques would be subject to standard County mitigation measures to eliminate off-site nighttime light overspill.

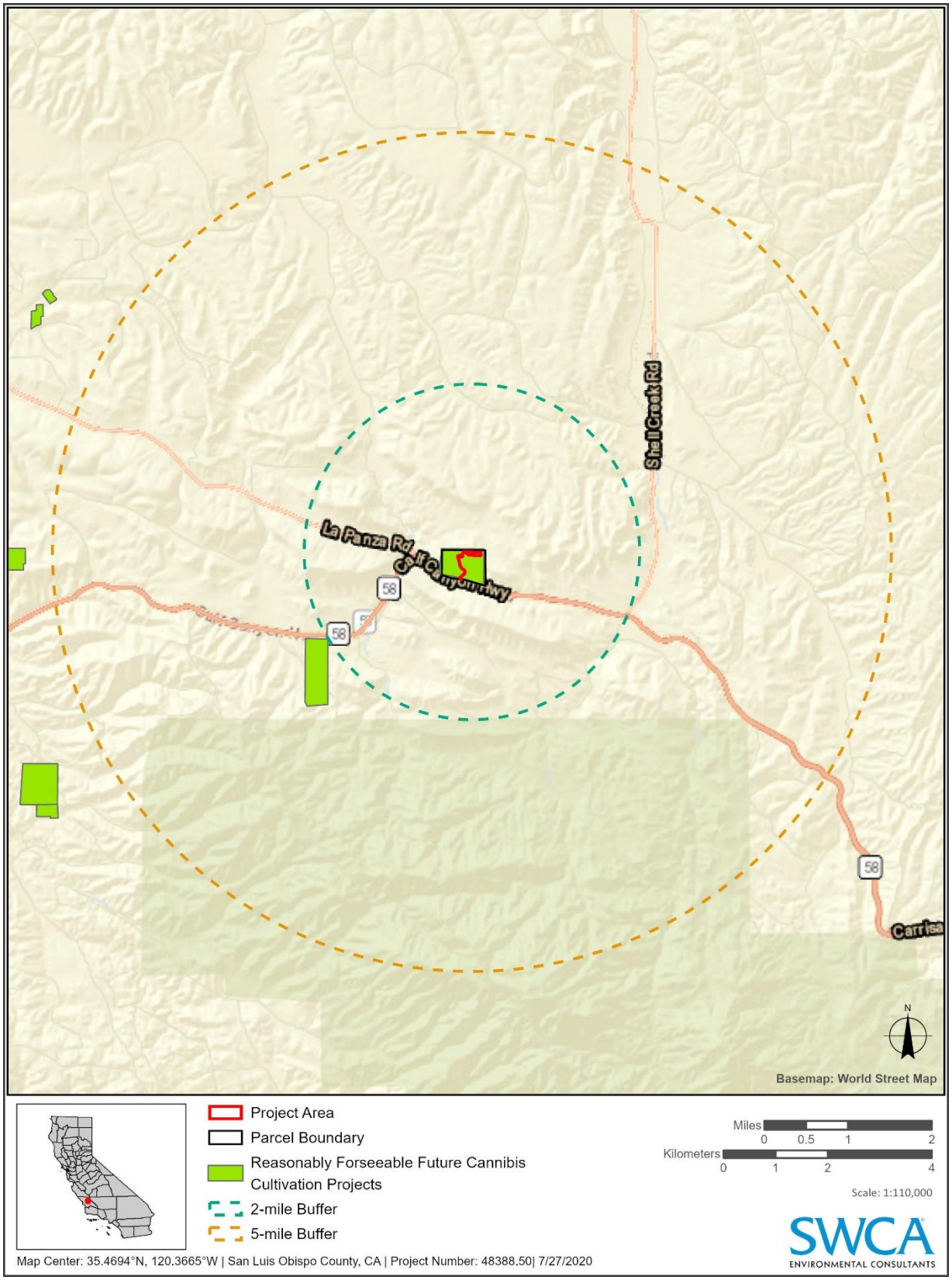
Based on the less-than-significant aesthetic impacts of the project and discretionary review of surrounding proposed cannabis projects, the impacts associated with aesthetic and visual resources

of this project, when considered with the potential impacts of other reasonably foreseeable development in the area, would be less than cumulatively considerable.

Air Quality

The analysis provided in Section III, Air Quality, concludes that the project would be consistent with the 2001 CAP. The project would exceed the SLOAPCD's thresholds for ROG + NO_x and DPM and would be subject to Mitigation Measure AQ-1 and applicable LUOs and state regulations regarding air quality emissions. The project would not expose sensitive receptors to substantial pollutant concentrations or result in other emissions adversely affecting a substantial number of people. Therefore, potential impacts to air quality would be *less than significant with mitigation*.

Figure 4. Reasonably Foreseeable Future Development Scenario Map.



Based on the County of San Luis Obispo Land Use View online mapping tool, the project site is in an area with three other approved or potential future cannabis facilities within 5 miles (as of July 31, 2020). The project is also one of 114 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.

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

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. With implementation of Mitigation Measures BIO-1 through BIO-13, potential project impacts to biological resources would be less than significant.

All surrounding proposed cannabis development projects would undergo evaluation for their 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, and native trees or to 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.

Greenhouse Gas Emissions

As discussed in Section VII, Greenhouse Gas Emissions, the project is estimated to generate approximately 383.1 metric tons of CO_2 emissions per year which is below than the working threshold of 690 $MTCO_2e$ which in turn is 40 percent lower than the 1,150 $MTCO_2e$ Bright Line threshold that was used to achieve the year 2020 GHG reduction goals statewide. As discussed in Section VII., a project that generates GHG emissions that fall below the working threshold are considered to have a less than significant impact and less than cumulatively considerable impact for GHG emissions and consistent with AB32, SB32 and other state and local efforts to reduce GHG emissions.

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 associated with GHG emissions. These proposed cannabis cultivation projects would undergo evaluation for their potential to exceed applicable SLOAPCD GHG thresholds. Projects identified to have the potential to exceed the SLOAPCD GHG thresholds would be required to implement standard mitigation measures to reduce these potential impacts, including but not limited to, preparation of an Energy Conservation Plan and/or requiring enrollment in a clean energy program.

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

Hazards and Hazardous Materials

As discussed in Section IX, Hazards and Hazardous Materials, the project proposes the use of pesticides. Additionally, project construction activities would involve the use of construction equipment that would utilize oil, gasoline, lubricants, fuels, and other potentially hazardous substances associated with the use of heavy construction equipment. A spill or leak of pesticides or hazardous materials associated with vehicle and equipment use could create a hazard. Mitigation Measures HAZ-1 and HAZ-2 have been identified to reduce potential impacts associated with hazards created by reasonably foreseeable upset or accident conditions during project construction.

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

Hydrology and Water Quality

As discussed in Section X, Hydrology and Water Quality, the project would not substantially increase impervious surfaces and does not propose alterations to existing water courses or other significant alterations to existing on-site drainage patterns. The project includes the use of pesticides and hazardous materials associated with vehicle use that could affect water quality. However, implementation of Mitigation Measures HAZ-1 and HAZ-2, would reduce potentially significant impacts on water quality to 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.

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

The project would not extract groundwater from a groundwater basin categorized as being in a state of critical overdraft or designated Level of Severity III by the County's Resource Management System (RMS). Under the RMS a groundwater basin that has not been assigned a Level of Severity, such as this one, has determined capable of meeting basin-wide demand for the next 15 yearws. As such, the project would not combine with probable future development of cannabis cultivation facilities to result in cumulative impacts associated with substantially decreasing groundwater supplies and/or interfering substantially with groundwater recharge.

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. Given the narrow right-of-way along SR-58, it is possible that the proposed driveway improvements may necessitate a lane closure and use of the public right-of-way. Therefore, mitigation measure HAZ-3 has been identified that would require attainment of an Encroachment Permit from Caltrans and demonstration on submitted plans that at least one travel lane along SR-58 would remain open at all times during construction. With implementation of Mitigation Measure HAZ-3, the project would not adversely affect existing emergency access. Probable 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 Public Works Department has derived trip generation rates for cannabis cultivation activities through the trip generation rates published by the Institute of Traffic Engineers. Table 7 provides an estimate of total average daily trips (ADT) and PM peak hour trips associated with buildout of the 114 currently proposed cannabis cultivation projects.

Table 7. Cumulative Average Daily Trips and Vehicle Miles Travelled From Cannabis Cultivation

Use	Unit	ADT per Unit[1]	Total Proposed Cannabis Cultivation Area	Total ADT	PM Peak Hour Trips[2]	Total VMT[3]
Cultivation, Indoor (includes greenhouses, plant processing, drying, curing, etc.)	1,000 sf	0.27	1,851,300 sf	500	50	13,695
Cultivation, Outdoor (includes hoop house)	Acres	2.00	225 acres	450	45	12,330
Seasonal Employees[4]	Employee	2.00	570 employees	1,140	114	31,236
			Total	**2,090**	**209**	**57,261**
			Average Daily Trips Per Cultivation Project[5]	**18.3**	--	--

Source: Department of Public Works.

Notes:

Assumes 10 percent of ADT.

Based on a round trip length of 27.4 miles per trip.

Seasonal Trips are adjusted based on the annual frequency.

2,090 average daily trips divided by 114 cultivation projects = 18.3 average daily trips.

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

The most recent estimate of total VMT for the county is from 2013, at which time total VMT per day was estimated to be 7,862,000 VMT. Assuming a 1% annual growth in VMT during the intervening 6 years, the current daily total is estimated to be around 8,333,720 VMT. Accordingly, the VMT associated with proposed cannabis cultivation projects throughout the county is estimated to result in a 0,68 percent increase in the total county VMT. The marginal increase in VMT is not expected to result in a reduction of the level of service on county streets and intersections. In addition, the total average daily trips associated with all 114 cannabis cultivation projects would generate an estimated 10.0 average daily trips which is well below the 110 ADT threshold identified by the *2018 Technical Advisory* published by OPR.

Lastly, each project will be required to mitigate the project-specific impacts to the transportation network. Such mitigation may include, but is not limited to, the installation of roadway and intersection improvements necessary to serve the project and the payment of applicable road improvement fees. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to roadway impacts 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

Land Use Planning

Mineral Resources

Noise

Population and Housing

Public Services

Recreation

Tribal Cultural Resources

Utilities and Service Systems

Wildfire

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

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

Conclusion

Potential impacts would be less than significant with previously identified mitigation measures, and no additional mitigation measures are necessary.

Mitigation

Implement previously identified Mitigation Measures AQ-1, BIO-1 through BIO-13, HAZ-1 through HAZ-3.

Initial Study – Environmental Checklist

Exhibits

Exhibit A – Initial Study References and Agency Contacts

Exhibit B – Other Agency Approvals That May Be Required

Exhibit C – Developer's Statement & Mitigation Monitoring Program

Exhibit D – Project Site Plan

Exhibit A - Initial Study References and Agency Contacts

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

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

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

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

- ☒ Project File for the Subject Application

County Documents

- ☐ Coastal Plan Policies
- ☒ Framework for Planning (Coastal/Inland)
- ☒ General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:
  - ☒ Agriculture Element
  - ☒ Conservation & Open Space Element
  - ☐ Economic Element
  - ☒ Housing Element
  - ☒ Noise Element
  - ☒ Parks & Recreation Element/Project List
  - ☒ Safety Element
- ☒ Land Use Ordinance (Inland/Coastal)
- ☒ Building and Construction Ordinance
- ☒ Public Facilities Fee Ordinance
- ☐ Real Property Division Ordinance
- ☐ Affordable Housing Fund
- ☐ Airport Land Use Plan
- ☒ Energy Wise Plan
- ☐ 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.)

Initial Study – Environmental Checklist

☒ North County Area Plan/Shandon-Carrizo SA ☐ Other

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

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Exhibit B – Other Agency Approvals That May Be Required

California Department of Food and Agriculture, CalCannabis Cultivation Licensing Division

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

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

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

Section 8102 – Annual State License Application Requirements

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

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

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

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

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

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

Section 8106 – Cultivation Plan Requirements

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

(3) A pest management plan.

Section 8108 -- Cannabis Waste Management Plans

Section 8216 – License Issuance in an Impacted Watershed

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

Section 8304 – General Environmental Protection Measures

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

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

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

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

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

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

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

Section 8305 – Renewable Energy Requirements

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

Section 8306 -- Generator Requirements

Section 8307 – Pesticide Use Requirements

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

Section 8308 – Cannabis Waste Management

Bureau of Cannabis Control

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

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

Federal Endangered Species Act

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

State Water Resources Control Board

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

California Department of Fish and Wildlife

Lake or Streambed Alternation

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

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

California Endangered Species Act

The California Endangered Species Act (CESA) ensures legal protection for plants listed as rare or endangered, and wildlife species formally listed as endangered or threatened. The state also maintains a list of California 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.

DATE: October 30, 2020

DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM FOR AGROCHIMEX MINOR USE PERMIT (DRC2018-00168)

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

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

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

AIR QUALITY (AQ)

AQ-1. ROG, NO_x, DPM Emissions. The following measures based on the SLOAPCD standard mitigation measures for construction equipment for reducing nitrogen oxides (NO_x), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment shall be implemented to reduce expose of sensitive receptors to substantial pollutant concentrations. These measures shall be shown on grading and building plans:

a. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:

   i. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,

   ii. Shall not operate a diesel-fueled auxiliary power system to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

b. Maintain all construction equipment in proper tune according to manufacturer's specifications.

c. Fuel all off-road and portable diesel-powered equipment with CARB-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).

d. Use diesel construction equipment meeting the CARB Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation.

e. Idling of all on- and off-road diesel-fueled vehicles shall not be permitted when not in use. Signs shall be posted in the designated queuing areas and/or job site to remind drivers and operators of the no idling limitation.

f. Electrify equipment when possible.

g. Substitute gasoline-powered in place of diesel-powered equipment, when available.

h. Use alternatively fueled construction equipment on-site when available, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.

Monitoring: Required with construction or grading permits. Must be maintained for the life of the project. Compliance will be verified by the County Department of Planning and Building and SLOAPCD.

BIOLOGICAL RESOURCES (BIO)

BIO-1 **Special-Status Plant Species Avoidance and Minimization Measures.** Prior to initial ground disturbance and staging activities in areas of suitable habitat for special-status plants, an early spring focused survey shall be completed by a qualified biologist. The survey shall be floristic in nature and shall be seasonally timed to coincide with the blooming period of the target species (April–May). The survey shall be conducted in accordance with the most current protocols established by the CDFW, USFWS, and consistent with the County's policies. All special-status plant species identified on-site shall be mapped onto a site-specific aerial photograph and topographic map. Survey results shall be submitted to the County Department of Planning and Building prior to initiation of construction. If special-status plant species, specifically La Panza mariposa lily (*Calochortus simulans*) and Palmer's mariposa lily (*Calochortus palmeri* var. *palmeri*), are identified within the proposed development footprint, impacts to these species will be minimized to the extent feasible to avoid impacting 90% of the plants observed. If special-status plant species are identified on the project site and direct impacts to special-status plants cannot be avoided, a salvage and relocation plan will be prepared to compensate for significant impacts on special-status plant species and identify suitable locations, methods, and success criteria for special-status plant mitigation through direct seeding and restoration of suitable unoccupied habitat. The plan shall, at a minimum, require replacement through collection of seed and topsoil from impact sites, a monitoring and management component that outlines weed management and monitoring techniques, and success criteria that require successful establishment of the target species over the acreage and numbers of impacted plants within 5 years. If on-site salvage and restoration is not feasible, the plan will identify areas that contain verified extant populations of the special-status plant species of similar size and quality and equal or greater density to the population(s) that would be impacted by the project proposed for preservation as compensatory mitigation

for special-status plant impacts. Offsite habitat occupied by the affected species shall be preserved and managed in perpetuity at a minimum 1:1 mitigation ratio (at least one plant preserved for each plant affected, and at least one occupied acre preserved for each occupied acre affected). The restoration plan will be prepared and submitted to the County Department of Planning and Building for approval prior to initial site disturbance.

BIO-2 **Worker Environmental Awareness Program (WEAP)**. Prior to initiation of construction activities (including staging and mobilization), all personnel associated with Project construction shall attend WEAP training, conducted by a qualified biologist, to aid workers in recognizing special-status resources that may occur in the project area. The specifics of this program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. All employees shall sign a form documenting that they have attended the WEAP and understand the information presented to them. The form shall be submitted to the County Department of Planning and Building to document compliance prior to initiation of construction.

Monitoring: Required prior to construction activities/site disturbanceCompliance will be verified by the County Department of Planning and Building.

BIO-3 **Noxious Weed Species.** To prevent the potential spread of invasive botanical species identified within the project site, all vehicles and equipment used at the site shall be cleaned of all dirt, mud, and plant debris prior to entering or exiting the site (e.g., driven over rumble strips) to prevent tracking of potential seed stock to or from the property. Rumble strips will also be regularly cleaned and maintained to prevent the accumulation of non-native seed stock.

BIO-4 **Crotch Bumble Bee Survey and Minimization Measures.** Within 30 days prior to initiation of ground disturbance between March and September, the project footprint will be surveyed for Crotch bumble bee using a photograph survey methodology. The site will be slowly walked by two biologists equipped with >8-megapixel point and shoot or DSLR cameras using transects to obtain 100% coverage of the project site. All insects observed during the survey will be photographed with attention to family Apidae (bees). All bees observed will be photographed to the greatest extent feasible without handling. Photographs should clearly show the entire top side of the abdomen, the side of the thorax/abdomen and the face/head. Several photos should be taken of each specimen to obtain an identification. If a bee is observed entering a burrow or other cavity, a Global Positioning System (GPS) point should be recorded and attention should be focused on the cavity to determine if multiple individuals may be entering/exiting, indicating the potential presence of a colony. Biologists will submit photos to Bumble Bee Watch (www.bumblebeewatch.org), BeeSpotter (https://beespotter.org), or a similar website that employs bumble bee experts to verify the identifications. Qualified scientific experts may also be used to verify photographic records. CDFW will

be notified as soon as possible if a *B. crotchii* observation is verified. If a *B. crotchii* colony is detected on the project site, the colony will be mapped and avoided. No vegetation or soil disturbance will be permitted within a 50-foot radius of the colony. If avoidance is infeasible, CDFW will be consulted regarding potential conservation measures.

BIO-5 **Pesticide Management Plan.** To maintain healthy populations of pollinators and natural pest enemies, an integrated pest management plan will be developed consistent with the following guidelines:

a. Before applying any pesticide, read and follow all the product label directions.

b. Target the application to the specific area where the pest is a problem to reduce the harm to natural enemies and pollinators.

c. Choose selective and nonpersistent pesticides that are pollinator-friendly.

d. Identify the pest and use the resources on the University of California Statewide Integrated Pest Management website (www.ipm.ucanr.edu) to determine which pesticides will specifically control that pest.

e. Avoid broad-spectrum, persistent insecticides, including carbamates, organophosphates, and pyrethroids that kill many different invertebrates and leave residues that kill pollinators, parasites, and predators that migrate in after the application.

f. Avoid neonicotinoids and other systemic insecticides that translocate (move) within plants and can poison bees and natural enemies that feed on nectar, pollen, and liquids that plants ooze (guttation).

g. Avoid spraying tank mixes, such as insecticides combined with fungicides.

h. Be aware that broad-spectrum (nonselective) herbicides and herbicides applied for broadleaf weeds reduce the abundance of floral plants that attract and feed pollinators and natural enemies.

i. In the event Crotch bumble bee is detected on the project site, the above Pesticide Management Plan will be submitted to CDFW for review and approval.

BIO-6 **California Tiger Salamander Avoidance and Impact Minimization.** Within 30 days prior to project disturbance, biologists will perform preconstruction clearance surveys in direct impact areas with small mammal burrows that are suitable for CTS, including California ground squirrel (*Otospermophilus beecheyi*), Botta's pocket gopher (*Thomomys bottae*) and/or kangaroo rat (*Dipodomys spp.*). Each suitable burrow that is found will be flagged with a pin flag and/or geo-referenced with a GPS unit to facilitate return to and excavation of the burrow. Excavation of suitable small mammal burrows will be conducted between April 1 and September 30 (during the CTS non-breeding season). At the discretion of the biologist, excavations may be allowed to proceed later into the year, but only if no substantial rain has fallen (rain event resulting in at least 1 inch of rainfall). If possible, each burrow excavation will be conducted by slowly removing the burrow (including any side tunnels) using a fiber-optic

inspection camera, hand tools (e.g., shovel, digging bar, garden trowel, masonry trowel, etc.). Cloth, cylinder, capped pipe, or similar material that would protect the integrity of the burrow will be pushed into the burrow approximately 12 to 16 inches to plug the burrow and prevent injury to animals attempting to exit the burrow during excavation (i.e., to prevent injury or mortality).

The excavation sequence will then continue as follows:

a. A pipe and fiber-optic inspection camera monitored by a biologist will be inserted 12-16 inches into the burrow;

b. 10-14 linear inches of burrow will be removed at a time by a second biologist or under the supervision of the first biologist;

c. The burrow will be checked for evidence of CTS or other animals; and

d. The pipe and fiber-optic inspection camera will be reinserted 12-16 inches further into the burrow.

This process will be repeated until the burrow and any side burrows have been completely excavated. All burrows (including side burrows) will be excavated to their endpoints and the excavation will then be backfilled, brought back to grade, and compacted using the same equipment that was used for excavation.

If a burrow is found to be occupied by CTS, the individual(s) present will be captured and relocated to constructed burrows in suitable habitat within the property boundary to the west of the project site (closer to the only known water sources within 2 miles). CTS handling will comply with the following:

a. Biologists will use bare hands (only) during capture and handling.

b. The project biologist will not use soaps, oils, creams, lotions, repellents, or solvents of any sort on their hands within two hours before and during periods when they are capturing and relocating CTS.

c. Individuals will not be handled by the tail, head, or limbs.

d. The location of capture will be geo-referenced with a GPS unit, and the latitude and longitude coordinates will be recorded on a standardized field data sheet.

e. The bearing between the capture location and nearest known CTS breeding pond will be determined and recorded on the standardized field data sheet.

f. Containers used for holding or transporting individuals (generally 2-gallon buckets with lids) will not contain any standing water.

g. Individuals will not be placed in positions/containers where they may physically contact other individuals.

h. Captured individuals will be kept moist and cool in a bucket containing a damp sponge that is shaded from direct sun exposure.

i. Captured individuals will be relocated to a suitable constructed burrow outside the work area on the same bearing with the nearest known CTS breeding pond.

j. Multiple captured individuals will not be released to the same repository.

k. Upon release of an individual, it will be monitored by the project biologist until it is determined that it is in no imminent danger.

All observations of state and/or federally-listed species within the work area will be recorded on California Natural Diversity Data Base (CNDDB) field data sheets and sent to the CDFW within 14 calendar days of the occurrence. Any harm, injury, or mortality (i.e., "take") of these species will be reported via phone and email to the USFWS and CDFW within 24 hours of the incident. The monitoring biologist will submit a preconstruction compliance report to the USFWS and CDFW documenting the excavation and backfill of all suitable burrows for CTS, as well as relocation of individuals within 30 calendar days of completion of preconstruction CTS clearance activities. The report shall detail (i) dates that preconstruction clearance activities occurred; (ii) pertinent information regarding the success of the Project in implementing the plan's avoidance and minimization measures; (iii) an explanation of failure to successfully implement such measures (if any); (iv) occurrences of incidental take of listed species (if any); and (vi) other pertinent information.

BIO-7 **Special-Status Reptiles Avoidance and Minimization.** Within 30 days prior to initiation of ground disturbance, sandy soils within the impact footprint will be surveyed for legless lizard by a qualified biologist utilizing a raking survey methodology, and burrows will be excavated and surveyed for California glossy snake. Any individuals found shall be relocated to appropriate habitat at least 50 feet outside the development footprint. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing the survey. A qualified biologist shall monitor initial vegetation clearing and ground disturbance in areas of suitable habitat to salvage and relocate individuals. A monitoring report summarizing results of the monitoring shall be submitted to the County Department of Planning and Building within one week of completing monitoring work for this species.

BIO-8 **Preconstruction Survey for American Badger and San Joaquin Kit Fox.** A County-approved qualified biologist shall complete a preconstruction survey for American badger and San Joaquin kit fox no less than 14 days and no more than 30 days prior to the start of initial Project activities to ensure these special-status wildlife species are not present within proposed work areas and at least a 200-foot buffer around work areas. The results of the survey shall be submitted to the County within 5 days of the survey and prior to start of initial project activities. If dens are discovered, they shall be inspected to determine if they are currently occupied.

a) 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.

b) If a known den is identified within 200-feet of any proposed project work areas, no work may start in that area.

c) 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.

d) 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 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 survey shall be updated.

BIO-9 **Preconstruction Surveys for Nesting Raptors and Birds.** The applicant shall ensure the following actions are undertaken to avoid and minimize potential impacts to nesting birds. To the extent feasible, removal of vegetation within suitable nesting bird habitats will be scheduled to avoid the nesting season and occur between September and January. For activities that cannot avoid the nesting season (February 15 to August 31), not more than 30 days prior to initiation of construction activities (e.g., mobilization and staging), a qualified biologist shall conduct preconstruction surveys for nesting raptors and other native nesting birds. The survey for the presence of nesting raptors shall cover all areas within the disturbance footprint plus a 500-foot buffer where access can be secured. Survey reports shall be submitted to the County Department of Planning and Building at least 1 week prior to initiating construction, and within 1 week of completing surveys for ongoing activities. If active nests (nests with eggs or chicks) are located, the qualified biologist shall establish an appropriate avoidance buffer ranging from 50 to 300 feet based on the species biology and the current and anticipated disturbance levels occurring in vicinity of the nest and 500 feet for nests of fully protected species (such as white-tailed kite) and raptors. All buffers shall be marked using high-visibility flagging, fencing, and/or signage. No construction activities shall be allowed within the buffers until the young have fledged from the nest or the nest fails, unless approved by the qualified biologist. The qualified biologist shall

confirm that breeding/nesting is complete, and young have fledged the nest prior to removal of the buffer. Encroachment into the buffer shall be conducted at the discretion of the qualified biologist. Monitoring reports summarizing nest avoidance measures, including buffers, fledge dates, and documentation of the avoidance of fully protected species, if applicable, shall be submitted to the County Department of Planning and Building on a monthly basis while nest buffers are in place or while activities are occurring within the specified buffer of an inactive nest of a fully protected species.

BIO-10 **Burrowing Owl Avoidance and Minimization**. No more than 30 days before the start of initial ground disturbing activities, a qualified biologist(s) shall conduct focused, preconstruction, take-avoidance surveys for burrowing owls within all areas proposed for ground disturbance that contain suitable owl habitat (CDFW 2012). Preconstruction surveys shall be consistent with CDFW recommended methods described in the Staff Report on Burrowing Owl Mitigation (CDFW 2012), conducted on foot such that 100% of the survey area is visible, and shall cover the entire impact footprint plus a 500-foot buffer. All observations of burrowing owl and sign of burrowing owl (including suitable burrows, pellets, and whitewash) shall be mapped on a site-specific aerial image. A report of survey findings shall be submitted to the County Department of Planning and Building prior to initiation of construction activities. If no suitable burrows are found, a final take avoidance survey shall be completed within 48 hours prior to initiation of ground disturbing activities. If suitable burrows for burrowing owls are found during preconstruction surveys on the project site, burrowing owl occupancy shall be determined through up to three additional focused surveys on potential burrows during the morning and/or evening survey windows as defined in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). If the burrows are determined to be unoccupied, they shall be hand excavated by a qualified biologist. If the presence of burrowing owls is confirmed, the following avoidance measures shall be implemented.

a. Occupied burrows shall not be disturbed during the nesting season (typically February through August) unless a qualified biologist verifies through non-invasive methods that the burrow is not being used for breeding. Owls present after February 1 shall be assumed to be nesting unless evidence indicates otherwise. Nest-protection buffers described below shall remain in effect until August 31 or until the nest has failed or all juvenile owls are foraging independently as determined by a qualified biologist.

b. Site-specific, no-disturbance buffer zones shall be established and maintained between project activities and occupied burrows, using the distances recommended in the CDFW guidelines (CDFW 2012). Buffer distances may be modified by a qualified biologist in consultation with CDFW. The buffer zones shall be clearly delineated by highly visible orange construction fencing, which shall be maintained in good condition through project completion or until construction activities are no longer occurring near the burrow.

c. During the nonbreeding season (generally September 1–January 31), a qualified biologist may passively relocate burrowing owls found within

construction areas. Prior to passively relocating burrowing owls, a Burrowing Owl Exclusion Plan shall be prepared by a qualified biologist in accordance with Appendix E of the Staff Report on Burrowing Owl Mitigation (CDFW 2012). The Burrowing Owl Exclusion Plan shall be submitted for review and approval to the CDFW and County Department of Planning and Building prior to implementation. The biologist shall accomplish such relocations using one-way burrow doors installed and left in place for at least two nights; owls exiting their burrows will not be able to re-enter. Then, immediately before the start of construction activities, the biologists shall remove all doors and excavate the burrows to ensure that no animals are present the burrow. The excavated burrows shall then be backfilled. To prevent evicted owls from occupying other burrows in the impact area, the biologist shall, before eviction occurs, (1) install one-way doors and backfill all potentially suitable burrows within the impact area, and (2) install one-way doors in all suitable burrows located within approximately 50 feet of the active burrow, then remove them once the displaced owls have settled elsewhere. When temporary or permanent burrow-exclusion methods are implemented, the following steps shall be taken:

i. Prior to excavation, a qualified biologist shall verify that evicted owls have access to multiple, unoccupied, alternative burrows, located nearby (within 250 feet) and outside of the projected disturbance zone. If no suitable alternative natural burrows are available for the owls, then, for each owl that is evicted, at least two artificial burrows shall be installed in suitable nearby habitat areas. Installation of any required artificial burrows preferably shall occur at least two to three weeks before the relevant evictions occur, to give the owls time to become familiar with the new burrow locations before being evicted. The artificial burrow design and installation shall be as described in the Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans per Appendix E of the Staff Report on Burrowing Owl Mitigation (CDFW 2012).

ii. Passive relocation of burrowing owls shall be limited in areas adjacent to project activities that have a sustained or low-level disturbance regime; this approach shall allow burrowing owls that are tolerant of project activities to occupy quality, suitable nesting and refuge burrows. The use of passive relocation techniques in a given area shall be determined by a qualified biologist who may consult with CDFW and shall depend on existing and future conditions (e.g., time of year, vegetation/topographic screening, and disturbance regimes).

BIO-11 **Preconstruction Giant Kangaroo Rat Burrow/Precinct Surveys and Compensation and Avoidance Measures.** No more than 30 days prior to commencement of ground disturbing activities, the applicant shall retain a County-approved, qualified biologist to conduct preconstruction surveys for the GKR. If active GKR burrows/precincts are present, the applicant shall consult

with CDFW and USFWS to develop compensation, avoidance, and relocation plans. The applicant will compensate for permanent impacts to GKR and their habitat with the creation of permanent conservation easement(s), purchase of credits from an approved mitigation bank, or transfer land in fee to a CDFW approved conservation holder with a deed restriction or other appropriate agreement for the management of the land. The applicant shall compensate for impacts to suitable GKR habitat at a 3:1 ratio for acreage permanently altered by construction. In addition, the applicant shall compensate for functional degradation of suitable GKR habitat at a 2:1 ratio. The mitigation areas must include occupied habitat that is of equal or greater habitat quality and support an equal or greater population of GKR after any restoration compared to the impacted habitat. This mitigation may occur on lands used simultaneously as mitigation for impacts to other species.

Active burrows/precincts shall be mapped, and ground-disturbing activities shall not occur within 50 feet of each. The setback shall be marked in the field to be easily visible by all construction personnel. A Final Giant Kangaroo Rat Relocation Plan will be developed in coordination with wildlife agencies (USFWS and CDFW). At least 30 days before the start of construction, a relocation plan shall be submitted to the County for approval. The plan shall include, but not be limited to, the following: the methods for capturing animals; the procedures for evaluating health of the animals; the location and methods for storing live animals; the methods for soft release (i.e., fencing); radio tagging; monitoring for survivorship; and remedial actions for injured or lost animals. The relocation plan would generally include these components; however, the details of the final plan will be subject to the approval and conditions set forth by CDFW and USFWS. Methods to prevent entry to the burrow (e.g., one-way doors) by GKR and other small mammal species shall be implemented prior to construction. If construction-related impacts would result in the crushing or destruction of a burrow, then the burrow shall be excavated (either by hand or mechanized equipment under the direct supervision of the biologist, removing no more than 4 inches at a time or as described in the CDFW and USFWS-approved relocation plan). If GKR must be trapped from January through June (recognized breeding/mating season), the relocation plan will include a protocol to be followed if a lactating female GKR or young are encountered. The applicant shall document all GKR burrows/precincts abandoned or destroyed and provide a written report to the County of San Luis Obispo.

BIO-12(a) **County Standard Mitigation of Impacts to San Joaquin Kit Fox Habitat.** Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County and CDFW that one or a combination of the following three SJKF mitigation measures for loss of SJKF habitat has been implemented:

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

conserved shall be subject to the review and approval of the CDFW and the County.

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

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

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

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

Mitigation alternative (c.) can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. 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-12(b) **County San Joaquin Kit Fox Protection Measures.** The following measures shall also apply on the project site:

a. 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.

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. 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 **Mitigation Measure 3: Lighting.** Any temporary construction lighting or permanent lighting introduced for the Project shall avoid nighttime illumination of potentially suitable habitat features for special-status species (i.e., off-site adjacent grasslands). Temporary construction lighting will be kept to the minimum amount necessary and shall be directed toward active work areas and away from open spaces and/or drainages. To minimize the effects of future exterior lighting on special-status wildlife species, all outdoor lighting fixtures shall be positioned and/or shielded to avoid direct lighting of off-site natural or semi-natural habitat areas.

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

HAZARDS (HAZ)

HAZ-1 The following fertilizer application BMPs shall be implemented during operation activities:

- Plant cover crop to boost soil fertility and protect from storm events.
- Follow the manufacturer's suggested application rates.
- Contain any spills immediately.
- Prevent off-site drift with hedges placed around the grow site.
- Do not spray directly on surface water or to allow fertilizers drift to surface water.
- Spray only when wind is blowing away from surface water.
- Install buffer strips, bio-swales, or vegetation down slope of cultivation site to filter runoff of chemicals from irrigation.
- Use safe pesticide alternatives recommended by Department of Pesticide Regulation.

- Implement Integrated Pest Management practices to avoid the need for pest control.
- Do not use fertilizer within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland, or vernal pool.

The following fertilizer storage BMPs shall be implemented during operation activities:

- Ensure fertilizers are properly labeled and stored to avoid contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.
- Establish and use a separate storage area for fertilizers.
- For storage areas, comply with the riparian setback requirements, be in a secured location, be located outside of areas of known slope instability, and be protected from accidental ignition, weather, and wildlife.
- Ensure storage areas have appropriate secondary containment structures to protect water quality and prevent spillage, mixing, discharge, or seepage.
- Store any chemicals in a secure building or shed to prevent access by wildlife.
- Store all products that impact water quality in a manner that does not allow for runoff to surface waters.
- Segregate acids from bases; segregate inorganic oxidizing acids (e.g., nitric acid) from organic acids (e.g., acetic acid), flammables, and combustibles.
- Segregate acids from water reactive metals, such as sodium, potassium, and magnesium.
- Store corrosives on lower shelves at least below eye level and in compatible secondary containers; do not store corrosives on metal shelves.
- Store dry powder and granular fertilizers in moisture-proof plastic tubs or containers.

The following pesticide application BMPs shall be implemented during operation activities:

- Use pesticides in accordance with proper labeling instructions.
- Do not apply pesticides when pollinators are present.
- Do not spray pesticides directly into surface water and only spray when wind is blowing away from surface water bodies.
- When possible, use naturally insecticidal plants around or throughout a grow to repel a variety of flying insects and pests.
- Do not use pesticides within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool.

- Pesticides shall be applied only by the owner of the cultivation operation or by a worker trained per County Agricultural Department regulations.
- If there is a spill or accidental discharge in or on any waters of the site, immediately notify the County Office of Emergency Services so that the local Health Officer can decide what actions, if any, may need to be taken to protect public safety. During business hours: (805) 781-5544. After Hours: HAZMAT Spill Notification (800) 852-7550 or (916) 845-8911).

The following pesticide storage BMPs shall be implemented during operation activities:

- Properly label and store pesticides to avoid contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.
- Keep pesticides in their original containers and stored in a building to prevent exposure to sunlight and precipitation and access to wildlife, with secondary containment in the case of leaks or spills.
- Store pesticides in a designated cabinet, separate from any incompatible materials.
- Dedicate separate storage areas to pesticides, fertilizers, and petroleum products, so they are all stored separately.
- Recycle empty pesticide and pest management containers; do not burn them or dispose of them by dumping.
- Always maintain safety data sheets for all pesticides.
- Store chemicals and pesticides in dedicated structures with appropriate warning signs.

The following worker protection BMPs shall be implemented prior to the commencement of operation activities. The applicant shall provide the following:

- Protections to workers and handlers from potential pesticide exposure
- Training on the safe use of pesticides and how to avoid exposures to pesticides
- Training to identify pesticides exposure symptoms and how to respond and manage exposures to pesticides if they occur

HAZ-2 During operation activities, the following spill and leak prevention and response measures shall be implemented:

- Develop and implement spill and leak response procedures to prevent industrial materials from discharging through the stormwater conveyance system. Spilled or leaked industrial materials shall be cleaned promptly and disposed of properly.
- Identify and describe all necessary and appropriate spill and leak response equipment, location(s) of spill and leak response equipment, and spill or leak response equipment maintenance procedures.
- Identify and train appropriate spill and leak response personnel.

- Maintain spill cleanup materials, safety data sheets, a material inventory, and emergency contact numbers and store in designated areas and containers.
- Fuel only in designated areas and conduct daily inspections of mechanized equipment for lubricant and fuel leaks.
- Identify all equipment and systems used outdoors that may spill or leak pollutants.
- Establish an appropriate schedule for maintenance of identified equipment and systems.
- Establish procedures for prompt maintenance and repair of equipment and maintenance of systems when conditions exist that may result in the development of spills or leaks.
- Use drip pans or absorbent pads for all vehicle and equipment maintenance activities that involve grease, oil, solvents, or other vehicle fluids.

HAZ-3 Prior to issuance of a building permit or commencement of construction activities and if project activities would necessitate a lane closure and/or use of the public right-of-way along SR-58, the applicant shall obtain an Encroachment Permit from Caltrans and demonstrate on submitted improvement plans that one lane of travel would remain open at all times along SR-58..

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

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

Signature of Applicant	Jonathan Hernandez Name (Print)	11/01/2020 Date