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:** April 7, 2021

PROJECT/ENTITLEMENT: White Oak Farms Minor Use Permit;DRC2019-00131

APPLICANT NAME: White Oak Farms
Email: bill@wcbuckinghamcpa.com
ADDRESS: 10150 Bar BB Lane, Arroyo Grande, CA 93420
CONTACT PERSON: William Buckingham **Telephone:** (805)481-2343

PROPOSED USES/INTENT: The proposed project is a request by **White Oak Farms** for a Minor Use Permit (DRC2019-00131) to allow for development of an indoor (mixed-light) cannabis cultivation site on a single 40.7-acre parcel. The project would construct up to 27,500 square feet of greenhouses to support up to 22,000 square-feet of indoor (mixed-light) cannabis cultivation canopy including ancillary nursery and ancillary processing, and a 2,350 square foot utility and storage unit with eight-foot-tall security fencing around the perimeter of the proposed development site and the installation of security cameras. Other proposed structures include two 2,500-gallon water storage tanks, fencing, security lighting, and walkways/landscaping within the project boundaries. A 22 kilowatt-hour (kWh) 60-panel ground-mounted, grid-tied solar system would be installed and would produce approximately 37,000 kWh of energy annually for use for cultivation activities. An existing hay barn currently located in the project area would be demolished. The project would result in approximately 72,000 square feet (1.7 acres) of ground disturbance on the 40.7-acre site, including 6,558 cubic yards of cut and fill. Also requested is a modification of the parking standards to reduce the required number of parking spaces from 55 to 5.

LOCATION: The project is within the Agriculture land use category and is located at 10150 Bar Bb Lane, Arroyo Grande in the Huasna-Lopez sub area of the South County Planning area.

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

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

OTHER POTENTIAL PERMITTING AGENCIES: 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**

Project Title & No. White Oak Farms Minor Use Permit (DRC2019-00131) ED20-174-PL

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, SWCA	Brandi Cummings		2/23/2021
Prepared by (Print)	Signature		Date
Steven McMasters	Steven McMasters Digitally signed by Steven McMasters DN: C=US, E=smcmasters@co.slo.ca.us, O=County of San Luis Obispo, OU=Planning & Building, CN=Steven McMasters Date: 2021.04.06 16:35:21-07'00'	Steve McMasters, Principal Environmental Specialist	4/6/21
Reviewed by (Print)	Signature		Date

Initial Study – Environmental Checklist

Project Environmental Analysis

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

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

A. Project

DESCRIPTION: Request by **White Oak Farms** for a Minor Use Permit (DRC2019-00131) to allow for development of an indoor (mixed-light) cannabis cultivation site on a single 40.7-acre parcel. The project would construct up to 27,500 square feet of greenhouses to support up to 22,000 square-feet of indoor (mixed-light) cannabis cultivation canopy including ancillary nursery and ancillary processing, and a 2,350 square foot utility and storage unit with eight-foot-tall security fencing around the perimeter of the proposed development site and the installation of security cameras. Other proposed structures include two 2,500-gallon water storage tanks, fencing, security lighting, and walkways/landscaping within the project boundaries. A 22 kilowatt-hour (kWh) 60-panel ground-mounted, grid-tied solar system would be installed and would produce approximately 37,000 kWh of energy annually for use for cultivation activities. An existing hay barn currently located in the project area would be demolished. The project would result in approximately 72,000 square feet (1.7 acres) of ground disturbance on the 40.7-acre site, including 6,558 cubic yards of cut and fill. The project is within the Agriculture land use category and is located at 10150 Bar Bb Lane, Arroyo Grande in the Huasna-Lopez sub area of the South County Planning area. Also requested is a modification of the parking standards to reduce the required number of parking spaces from 55 to 5.

Cannabis cultivation would take place within greenhouses on concrete slabs that use supplemental Fluorescent, Ceramic Metal Halide, and High-Pressure Sodium lighting to control the growth cycles of the plants. LED lighting would be used when operationally and financially practical. Outdoor lighting would not be used for advertisement or display, except for necessary directional signage. All outdoor lighting would be shielded away from roads and residences near the project site and would not exceed the height of the tallest building (16 feet). In lieu of constructing all 27,500 square-feet of greenhouse, the applicant may choose to stack a portion of the cultivation canopy inside a smaller greenhouse footprint. The greenhouse would include cannabis at varying stages of maturity and is expected to generate up to 21 harvest cycles per year.

A portion of the cannabis cultivation canopy (up to 5,500 square feet) would be used to create clones from mother plants, for use in future cultivation cycles. After plants are harvested, they would be dried and cured in the greenhouse from which they were harvested. Trimming and packaging would occur in the utility and storage structure.

The proposed project would employ up to seven workers (two full-time and up to five part-time/seasonal) and would be operational year round seven days a week between the hours of 8:00 a.m. and 7:00 p.m. Waste materials would be stored in 55-gallon odor eliminating containers and regularly disposed of by a licensed waste hauler.

Nuisance odors produced from the proposed project will be managed through use of negative pressure exhaust air filtration systems and carbon filters to prevent and eliminate odors from being externally released from the proposed indoor greenhouses. In addition, the project proposes landscaping to aid in odor elimination to surrounding structures.

The project proposes to use an on-site well that would be shared with an existing single-family residence on the property and produces 32 gallons of water per minute. The proposed project is expected to use 750-1000 gallons of water per day (21,00-31,000 gallons per month) for cultivation activities, 5 gallons per day (150 gallons per month) for staff usage, and 2-5 gallons per day (65-150 gallons per month) for cleaning activities. Water usage for cultivation is expected to vary between plant life cycle stages but remain within the estimated limits for use (304,644 gallons or 0.93-acre-feet per year at full operation).

BASELINE CONDITIONS: The project is located on the east side of the 40.7-acre parcel and is approximately 2,000 feet west of Huasna Townsite Road and approximately 14 miles east of the city of Arroyo Grande. The area is characterized by relatively large parcels with agricultural uses and scattered single-family residences. There is an existing single-family residence approximately 500 feet west of the project area. Access to the project site is from Huasna Townsite Road to Bar Bb Lane from the northwest. The project site currently supports valley oak woodlands and black mustard, an existing hay-barn, an existing single-family residence, riverine habitat, a freshwater pond, paved access roads from Huasna Townsite Road and Bar Bb lane, an on-site well, an on-site 4-inch water line, and an onsite septic tank. The project site is currently designated as agricultural land and was previously used for horse grazing. Surrounding land uses include undeveloped agricultural land in the north, south, and east and mixed-use land to the west with scattered single-family residences throughout the area.

ASSESSOR PARCEL NUMBER(S): 085-012-054

Latitude: 35 º 06 '16.84 " N **Longitude:** 120º 23 ' 49.94 " W **SUPERVISORIAL DISTRICT #** 1

B. Existing Setting

Plan Area: South County **Sub:** Huasna-Lopez **Comm:**

Land Use Category: Agriculture

Combining Designation: None

Parcel Size: 40.7 acres

Topography: Gently sloping to moderately sloping

Vegetation: Valley oak woodland; Black mustard

Existing Uses: Undeveloped;, Agricultural uses

Surrounding Land Use Categories and Uses:

North: Agriculture; undeveloped ***East:*** Agriculture; undeveloped

South: Agriculture; undeveloped ***West:*** Mixed Use;

Figure 1. Project Vicinity Map

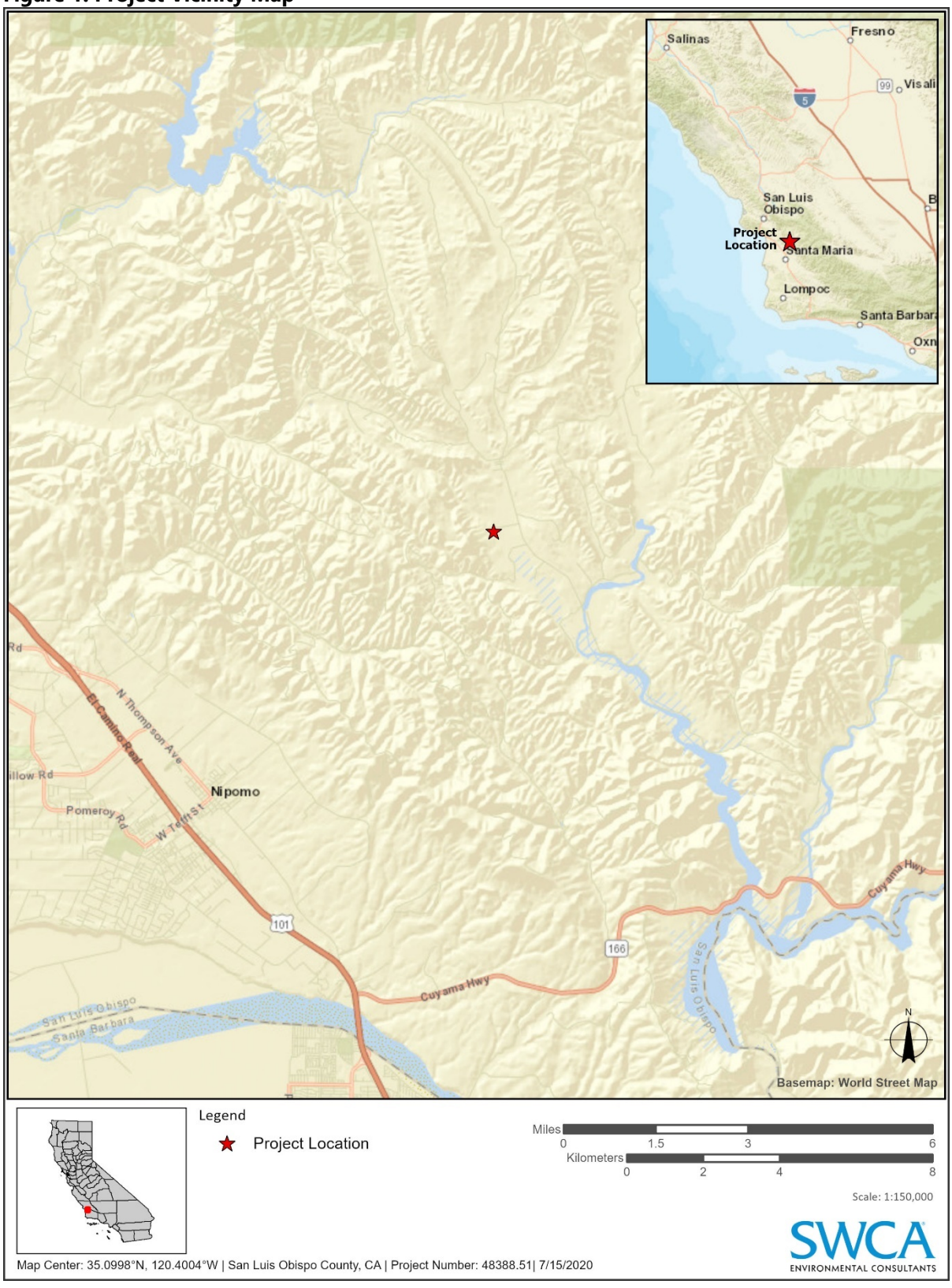

Figure 2. Project Location Map

Figure 3. Project Site Plan

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 (CalFire)

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

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 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. Portions of Highway 101, Highway 46, Highway 41, Highway 166, and Highway 33 are also classified as Eligible State Scenic Highways – Not Officially Designated.

The County of San Luis Obispo Inland Land Use Ordinance (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.

The LUO also designates portions of the Salinas River Highway Corridor, the San Luis Obispo Highway Corridor, and the South County Highway Corridor as areas subject to County highway corridor design standards. These standards include, but are not limited to, minimum 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 County of San Luis Obispo LUO applies a Sensitive Resource Area (SRA) combining designation 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 that the natural landscape continues to be the dominant view in rural parts of the county and to ensure 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 identify 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, identify, and sense of place.

The project site is located on a 40.71-acre property that is approximately 2,000 feet west of Huasna Townsite Road and approximately 14 miles east of the city of Arroyo Grande. There is existing access to the site from the northwest from Bar Bb Lane which extends from Huasna Townsite Road. The project site contains slight to moderate slopes and has naturally occurring valley oak woodlands, black mustard, riverine habitat, and a freshwater pond. Other existing development on the project site includes a hay-barn, an on-site single-family residence, an on-site 4-inch water line, an on-site well, and an on-site septic tank. The project site is within the Agriculture land use category and shows indication of past horse grazing. Surrounding land uses include undeveloped agricultural land in the north, south, and east and mixed-use land to the west with scattered single-family residences throughout the area.

Discussion

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

For the purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. The project site is located in a rural area and is accessed by a paved driveway off Bar Bb Lane. Huasna Townsite Road is located approximately 2,000 feet east of the project site, which serves as the primary public key viewing area of the project site. The County of San Luis Obispo General Plan does not designate any scenic resources in this area. The project is not located within an identified scenic vista, visually sensitive area, scenic corridor, or an identified area of high scenic quality that would be seen from key public viewpoints. Additionally, the proposed project would not be heavily visible from Huasna Townsite Road or other public roads due to intervening topography, vegetation, and distance. 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. 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?

Huasna Townsite Road is located approximately 2,000 feet east of the project site and is the only public vantage point of the project site. Operational cannabis activity would be performed indoors in greenhouses and cannabis plants would not be visible from the exterior of the project. The greenhouses would be approximately 16 feet in height and would be arranged in two rows of three greenhouses and one row of one greenhouse, parking, and the storage structure. Views of the project site from Huasna Townsite Road are screened by a small knoll that sits between the proposed project location and the roadway; however intermittent views of the tops of the greenhouses will be visible while traveling along the road. While greenhouses are generally agricultural in nature, there are no existing greenhouses within the general project viewshed. The project's 2,350 square foot utility and storage unit would be a steel building (beige walls with a red or green roof), which is similar to other metal buildings/workshops in the area.

Construction activities may be visible for a short-term from public roads, but long-term operational activity would not substantially degrade the existing visual character or quality of public views. Though portions of the project's greenhouses may be seen from Huasna Townsite Road, the views would be slight and intermittent. Therefore, the project's impact would be considered *less than significant*.

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

The project site is located in a rural portion of San Luis Obispo County with minimal development and little light pollution within the project region. According to lightpollutionmap.info, the project site is located in a moderately light-polluted area of the county, with a Bortle classification of 4 (rural/suburban transition) and an artificial brightness level of 57.1 µcd/m2[1].

The indoor mixed-light cultivation greenhouses would use CMH lighting and HPS lighting to control plant growth cycles. LED lights would be used for indoor cultivation in the future when this method becomes practical. The greenhouses would be equipped with blackout systems to prevent light pollution after sunset.

In addition, the project includes the use of outdoor lighting for illumination and security purposes that would not be used for advertisement or display, except for necessary directional signage. The project would adhere to the lighting standards outlined in LUO 22.10.060. Outdoor lighting would not be used to illuminate architecture, landscape, or other features of the proposed project. All outdoor lighting would be shielded away from roads and residences near the project site and would not exceed the height of the tallest building (16 feet).

[1] [1] A measure of luminance in units of micro candelas per square meter. A higher number indicates higher luminance. By comparison, central Arroyo Grande has a luminance of 1,210 µcd/m2.

The proposed design components would reduce project impacts on nighttime lighting but based on the minimal light pollution in the surrounding areas, Mitigation Measure **MM AES-1** is required to ensure the project and the proposed blackout systems reduce light and glare impacts to *less than significant with mitigation*.

Conclusion

The project is not located within view of a scenic vista and would not result in a substantial change to scenic resources in the area. The project would be consistent with existing policies and standards in the County LUO and COSE related to the protection of scenic resources. Implementation of **MM AES-1** would reduce project impacts on nighttime lighting to *less than significant*.

Mitigation

AES-1. **Nighttime Lighting.** Lighting components of the project have the potential to substantially increase the amount of nighttime lighting and glare within the surrounding project area. A Light Pollution Prevention Plan (LPPP) must be submitted to the Count Planning Department prior to issuance of construction permits. The LPPP should include the following components:

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

Sources

See Exhibit A.

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

The County of San Luis Obispo 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 fruit and nuts, vegetables, field crops, nursery products, and animals. The County of San Luis Obispo Agriculture Element includes policies, goals, objectives, and other requirements that apply to lands designated in the Agriculture land use category. In addition to the Agriculture Element, 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'. 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):

Table 1. FMMP Classifications and Acreage

FMMP Classification	Acres
Grazing (G)	39.37
Prime if Irrigated (P)	1.33
Total:	**40.7**

- Source: Department of Conservation Farmland Mapping and Monitoring Program, 2020
- Grazing (G). Land on which existing vegetation is suitable for the grazing of livestock.
- Prime (P). Farmland with the best combination of physical and chemical features able to sustain long term agricultural production (Irrigation is necessary for this area to be considered prime farmland).

Onsite soils include:

- 110 - Briones-Tierra Complex Soils, 15 to 50 percent slopes. The Briones-Tierra complex soils consist of 50% Briones soils, 25% Tierra soils, and 25% other soils. Briones soils have a surface layer of a gray loamy sand about 26 inches thick, underlying material that is a very pale brown loamy sand about 6 inches thick, and a soft fractured sandstone about 32 inches in depth. Tierra soils have a surface layer that is a gray sandy loam about 9 inches thick, a sublayer that is a light gray sandy loam about 2 inches thick, a subsoil that is gray and pale brown sandy clay about 42 inches in depth, and a pale brown sandy loam about 60 inches in depth. The Briones-Tierra complex is best suited for rangeland or for growing dry farmed beans or small grains. The soils are not suitable for cropland due to the high soil blowing hazard, high water erosion hazard, and low water holding capacity.
- 210 – Still gravelly sandy clay loam, 2 to 9 percent slopes. These soils consist of a surface layer that is a very dark grayish brown gravelly sandy clay loam about 23 inches thick that is underlain by grayish brown gravelly loam about 60 inches in depth. The soils have a high water holding capacity therefore irrigation should be managed to control water replacement within the soil profile for optimum crop growth. Most areas of the soil are used for hay or vegetable crops and has few limitations for crops if the soils are levelled. Other row crops that are supported by this soil type include lettuce, cabbage, and cauliflower.

The Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agriculture or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value. The project site does not include land within the Agriculture land use designation and is not within lands subject to a Williamson Act contract.

According to Public Resources Code Section 12220(g), forest land is defined as land that can support 10-percent 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?*

Most of the project site is located on FMMP designated grazing land however there is a 1.33-acre area of FMMP designated Prime Farmland (if irrigated). The Prime Farmland is located on the southeastern portion of the project site and is outside the project impact area and would not be disturbed during construction activity or implementation of the project. Therefore, there would be *no impact*.

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

The project site is located within the Agriculture land use designation. The project site is not currently used for active agricultural operations, nor has it been used for such activities in the past. The project site is not subject to a Williamson Act contract, though numerous properties in the vicinity are under contract. Cannabis cultivation is an allowed use within the Agriculture land use designation (LUO 22.06.030). Therefore, the project would not result in a conflict with existing zoning for agricultural use or a Williamson Act contract and *impacts would be less than significant.*

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

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

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

The project area does not support forest land or timberland and no trees are proposed for removal. Therefore, the project would not result in the loss or conversion of these lands to non-forest use and *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 is located in close proximity to prime agricultural land but not timberland or forest land. Structures will not be constructed on the portion of the site containing Prime Farmland. The nature of the project would not conflict with existing agricultural uses. The project would not significantly increase demand on agricultural water supplies or facilities and would not affect proximate agricultural support facilities. Therefore, the project would not result in changes in the existing environment that could result in the conversion of Farmland to non-agricultural uses or forest land to non-forest uses, therefore impacts are considered *less than significant*

Initial Study – Environmental Checklist

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

None necessary.

Sources

See Exhibit A.

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 (EPA), California Air Resources Board (ARB), and the 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 California ARB 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 California ARB 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 (FCAA) later required the U.S. EPA 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 U.S. EPA has established NAAQS for six criteria pollutants (all of which are also regulated by CAAQS): CO, lead, NO_2, ozone, 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 (NOx), reactive organic gases (ROG), greenhouse gases (GHG) and diesel particulate matter (DPM), are most significant when using large, diesel-fueled scrapers, loaders, bulldozers, haul trucks, compressors, generators and other heavy equipment. SLOAPCD has established thresholds of significance for each of these contaminants.

The proposed project site has slight to moderate slopes and will require 6,558 cubic yards of cut and fill that is expected to be balanced on-site. The proposed project will result in approximately 1.7 acres of ground disturbance. This will result in the creation of short-term construction related dust and short and long-term vehicle emissions. 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's 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 ten percent (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 a day. The significance of a given pollutant can be evaluated by comparing its atmospheric concentration to state and federal 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 the county of San Luis Obispo, 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 California Air Resources Board (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 the APCD has identified as having the potential for Naturally Occurring Asbestos (NOA).

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 applicant lives in a single-family residence onsite, and the nearest offsite sensitive receptors that would be disturbed by construction related dust and other emissions is located approximately 130 feet to the east.

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 proposed project would result in the establishment of activities that are agricultural in nature and would not result in a new or substantially different use in the project area.

The proposed project would employ up to seven workers and would be operational seven days a week between the hours of 8:00am and 7:00pm. Project activities are expected to result in an increase of 10 vehicle trips per day by employee and delivery trips. Project transportation would use conservation methods whenever possible such as employee carpooling. Adopted transportation control measures include, but are not limited to, a voluntary commute options program, local and regional transit system improvements, bikeway enhancements, and telecommuting programs. The voluntary commute options program targets employers in the county with more than 20 full time employees; because the project would employ up to a maximum of seven full-time employees, this program would generally not be applicable to the project. The project would not conflict with regional plans for transit system or bikeway improvements. Project employees would generally be performing manual tasks such as planting, harvesting, and monitoring the irrigation equipment; therefore, the project would not be a feasible candidate for participation in a telecommuting program.

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 reactive organic gasses (ROG) and nitrous oxides (NO_X) and fugitive dust emissions (PM_{10}).

Construction Impacts

The SLOAPCD CEQA Air Quality Handbook provides thresholds of significance for construction related emissions. Table 2 lists SLOAPCD's general thresholds for determining whether a potentially significant impact could occur as a result of a project's construction activities.

Table 2. SLOAPCD Thresholds of Significance for Construction Activities

Pollutant	**Threshold** (1)		
	Daily	**Quarterly Tier 1**	**Quarterly Tier 2**
Diesel Particulate Matter (DPM)	7 lbs	0.13 tons	0.32 tons
Reactive Organic Gases (ROG) + Oxides of Nitrogen (NO_X)	137 lbs	2.5	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 3 lists the SLOAPCD's screening emission rates that would be generated based on the amount of material to be moved. The SLOAPCD's CEQA Handbook also clarifies that any project that would require grading of 4.0 acres or more can exceed the 2.5-ton PM10 quarterly threshold listed above.

Table 3. Screening Emission Rates for Construction Activities

Pollutant	Grams/Cubic Yard of Material Moved	Lbs/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)	

Based on estimated cut and fill estimates and the construction emission rates shown in Table 3, construction-related emissions that would result from the project were calculated and are shown in Table 4 below.

Table 4. Proposed Project Estimated Construction Emissions.

Pollutant	Total Estimated Emissions	SLOAPCD Threshold		Threshold Exceeded?
		Daily	Quarterly (Tier 1)	
ROG + NO_X (combined)	0.37 tons	137 pounds	2.5 tons	No
Diesel Particulate Matter (DPM)	0.016 tons	7 pounds	0.13 tons	No
Fugitive Particulate Matter (PM_{10})	1.275 tons		2.5 tons	No

Notes:

1. Based on 6,558 cubic yards of material moved and 0.113 pounds of combined ROG and NOx emissions per cubic yard of material moved and 10 construction days.
2. Based 6,558 cubic yards of material moved and 0.0049 pounds of diesel particulate emissions per cubic yard of material moved.
3. Based on 1.7 acres of disturbance and 0.75 tons of PM10 generated per acre of disturbance per month and 10 days of construction.

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 offsite. 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 offsite (LUO 22.52.160.C).

The California Code of Regulations (Section 2485 of Title 13) 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.

Based on the volume of proposed grading, area of project site disturbance, estimated duration of the construction period, and the APCD's screening construction emission rates identified above, the project would not result in the emission of criteria pollutants that would exceed construction-related thresholds established by the SLOAPCD. Therefore, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is non-attainment, and impacts would be *less than significant*.

Operational Impacts

The SLOAPCD's 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 CEQA Handbook). Based on Table 1-1 of the CEQA 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 would not generate substantial new long-term traffic trips or vehicle emissions and does not propose construction of new direct (source) emissions. Therefore, potential operational emissions would be *less than significant*.

(c) Expose sensitive receptors to substantial pollutant concentrations?

The project site is located within 130 feet of a residential sensitive receptor. The project would result in temporary increases in air pollutant emissions, including emissions of fugitive dust (PM_{10}) and diesel-exhaust particulate matter (DPM) during project construction. These pollutants are known to be hazardous to health, particularly when exposed to a sensitive receptor; therefore, due to the proximity of sensitive receptors near the new facility, this impact is considered potentially significant. As discussed above, the project would require ground disturbance within 1,000 feet of a sensitive receptor and standard diesel fuel idling and dust control measures identified in LUO Section 22.52.60(C)(1) and (2) are required to reduce fugitive DPM and PM_{10} emissions during construction activities. Implementation of these standard ordinance requirements would reduce the concentrations of pollutant emissions in proximity to sensitive receptors; therefore, potential impacts would be *less than significant*.

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

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

Construction could generate odors from heavy diesel machinery, equipment, and/or materials. The generation of odors during the construction period would be temporary, would be consistent with odors commonly associated with construction, and would dissipate within a short distance from the active work area.

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

The operation of the project would contain nuisance odors within the indoor greenhouses and would mitigate the odors before they are released. The project proposes to implement odor-mitigating strategies that include 12" inline fans and 12"x40" Charcoal Air Scrubber Filters by Can Lite. Odor mitigation equipment will be installed in all greenhouses as well as the support structure. In addition to air filtration equipment, this project proposes landscaping to aid in mitigating odors in relation to adjacent parcels. Proposed landscaping includes edging the facility with air purifying and odor mitigating plant types. Proposed landscaping includes lavender and lilac bushes. Therefore, potential odor-related impacts would be *less than significant*.

Conclusion

The project would be consistent with the SLOAPCD's Clean Air Plan and thresholds for construction-related and operational emissions. The project would not result in cumulatively considerable emissions of any criteria pollutant for which the County is in non-attainment and 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 and no mitigation measures are necessary.

Mitigation

None necessary.

Sources

See Exhibit A.

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

Sensitive Resource Area Designations

The County of San Luis Obispo Land Use Ordinance (LUO) Sensitive Resource Area (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. The project site is not located within an SRA designation.

Federal and State Endangered Species Acts

The Federal Endangered Species Act of 1973 (FESA) 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 CDFW has the authority to review projects for their potential to impact special-status species and their habitats.

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
- 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. The MBTA 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 is characterized by native vegetation that includes black mustard and oak woodlands. The project site does not support 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.

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 U.S. Fish and Wildlife Service National Wetlands Inventory, the project site does not support wetlands, riparian or deep-water habitats (USFWS 2019).

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.

California Department of Food and Agriculture Requirements
Title 3, Division 8, Chapter 1, Article 4 of the CCR includes general environmental protection measures for cannabis cultivation projects, including the following requirements associated with compliance with biological resources:

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

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

Project Site Characteristics

The applicant prepared a Biological Resources Assessment (BRA, Padre 2019) for the project site to determine the existing biological conditions and potential project impacts to biological resources; the following discussion is based on information from the BRA. The Project Site is located within Huasna Valley, approximately 14 miles east of the city of Arroyo Grande and 1.4 miles south of Huasna, San Luis Obispo County, California. The Project Site lies within the southern extent of the Central Valley Coast Ranges ecoregion, which encompasses an area from Santa Maria to Livermore. Topography within the Project Site is generally flat with a gentle slope toward the south, ranging from 720 to 750 feet in elevation. The Sierra Madre Mountain Range borders the site to the west and the La Panza Range borders the site to the east. Land uses in surrounding areas can generally be classified as agriculture and low density residential, with interspersed parcels that are either undeveloped or used for livestock grazing. The project site currently supports developed structures that include a single-family residence, a hay barn,

a 2,500-gallon water storage tank, and paved access roads on a 40.7-acre parcel. There is indication of past horse grazing on the undeveloped land of the project site.

The proposed project area is bordered on the west by a blue-line stream that is classified by the National Wetland Inventory (NWI) as an Intermittent Riverine Streambed. The project site is located approximately 400 feet from two freshwater ponds to the northwest and south east. The project site is located within the Huasna Creek watershed and is approximately 1,200 feet west from Huasna Creek. The Riverine feature along the western border connects the two Freshwater Ponds with downstream Riverine features and Freshwater Forested/Shrub Wetland habitat, including Huasna Creek and Huasna River. Huasna River is a tributary of the Cuyama River, upstream of the Twitchell Reservoir.

Based on a review of a California Natural Diversity Database (CNDDB) search of special-status species within the immediate and three surrounding U.S. Geological Survey (USGS) quadrangles, evaluation of species geographic ranges, and an evaluation of existing soils and habitat conditions of the project site, the following special-status plant and wildlife species were determined to have the potential to occur within or immediately adjacent to the project area:

Special-Status Wildlife

California red-legged frogs (*Rana draytonii)* and prairie falcons *(Falco mexicanus)* have documented occurrences within five miles of the project site. Special status wildlife species were not observed during field surveys by Padre biologists. Suitable breeding habitat for the California red-legged frog is not located within the project site but is located approximately 400 feet away in the freshwater pond. Nearby aquatic resources have the potential to support aquatic life, such as the southwestern pond turtle, California red-legged frog, and Western spadefoot.

Special-Status Plants

Seven special-status plant species have documented occurrences within five miles of the project site including Santa Margarita manzanita, San Luis Obispo County lupine, Miles' milk-vetch, slender bush-mallow, Hoover's bent grass, and mesa horkelia,. Field surveys of the project site were not conducted during the blooming period of these species, but suitable habitat was detected for Hoover's bent grass (*Agrostis hooveri*), Mile's milkvetch (*Astragalus didymocarpus var. milesianus*), straight-awned spineflower *(Chorizanthe rectispina)*, and mesa horkelia (*Horkelia uneate var. puberula*). Remnants of straight-awned spineflower were detected along the eastern fence line and with sandstone outcroppings.

Several oak tree canopies overlap the disturbance footprint of the proposed project area (Padre 2019).

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 project would result in approximately 1.7 acres of site disturbance, including grading and compaction for the areas proposed for structures. The project site currently supports suitable habitat several special status plant species that include Hoover's bent grass (*Agrostis hooveri*), Mile's milkvetch (*Astragalus didymocarpus var. milesianus*), straight-awned spineflower *(Chorizanthe rectispina)*, and mesa horkelia (*Horkelia cuneata var. puberula*). Field surveys were conducted outside of the blooming period for plant species, therefore there is potential for more sensitive species to be identified. Special-status plant species that have habitat found on-site have the potential to be impacted by grading activity and construction of structures. Straight-awned spineflower *(Chorizanthe rectispina)* remnants were identified on the project

site and populations and individuals would be directly impacted by project-related grading and construction. Mitigation Measure (**MM) BIO-1** through **MM BIO-3** would reduce project related impacts to special-status plant species to be *less than significant.*

Special Status Wildlife

California red-legged frog *(Rana draytonii)* and prairie falcon (*Falco mexicanus)* have documented occurrences within five miles of the project site. Suitable breeding habitat for the California red-legged frog (*Rana draytonii)*, southwestern pond turtle (*Emys marmorata pallida*), and western spadefoot (*Spea hammondii*) is located approximately 400 feet away from the project site in a freshwater pond. There is a potential for individuals to wander into the project site during migration or to seek refuge. Potential impacts include direct impacts (injury or mortality) associated with the use and movement of construction equipment, construction materials and debris, vegetation and/or tree removal, and worker foot traffic. Indirect impacts of construction activities, including destruction or modification of habitat and generation of noise, vibration, and dust, may cause temporary disturbance to these species, if present, and may cause them to leave nesting sites and migrate to adjacent work areas.

The California Fish and Game Commission determined that the listing of the crotch bumble bee, western bumble bee, and two other bumble bee species under the CESA was warranted in June 2019. The determination was challenged in the Superior Court of Sacramento, which determined that bumble bees could not be listed under the CESA because CESA protections are not extended to terrestrial invertebrates. At the time this document was prepared, the crotch bumble bee and western bumble bee maintained its status as a Candidate for listing under the CESA. However, future litigation may result in changes to their status. Currently, there is not an established survey protocol for these species. Neither crotch bumble bee nor western bumble bee were observed in the project biological survey area during the surveys; however, the vegetative communities in the project area provide suitable nesting and foraging habitat for crotch bumble bee and western bumble bee. If crotch bumble bee or western bumble bee were present within the project site during construction, take of individuals could occur. Take could include mortality resulting from excavations unearthing nest/colony sites and/or individuals being struck by vehicles. Mitigation measure BIO-12 is provided to avoid impacts to crotch bumblebee and western bumble bee during project development.

Outdoor lighting that is proposed for the project has the potential to disturb wildlife species during the project's operation. Impacts related to lighting would be mitigated through **MM AES-1**. **MM BIO-1, MM BIO-2, MM BIO-4 through MM BIO-8, and MM BIO-12** would make the potential impacts from construction activity on special status wildlife *species less than significant*.

Migratory Birds and Raptors

Suitable migratory bird habitat is located in tree populations surrounding the project site but are not located within the project site. Potential impacts to MBTA-protected birds include direct impacts (injury or mortality) associated with the use and movement of construction equipment, construction materials and debris, and vegetation and/or tree removal within the project site, if these species are nesting within proposed impact areas. Indirect impacts of construction activities, including destruction or modification of habitat and generation of noise, vibration, and dust, may cause temporary disturbance to these species, if present. Mitigation Measures **MM BIO-1, MM BIO-2, MM BIO-9, and MM BIO-10** would make the potential impacts from construction activity on migratory birds and raptors *less than significant*.

(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 is located approximately 1,200 feet west of Huasna Creek and construction related runoff is not expected to impact water quality or flow. An intermittent stream runs through the northwestern portion of the project site and around the western and southern side of the proposed development. During field surveys, the stream was dry, but showed indications of bed and bank suggesting intermittent flows. Impacts to aquatic resources are not expected, but best management practices (BMPs) will be required during construction to avoid increased sedimentation or erosive runoff into water sources located in the project's vicinity. A Storm Water Pollution Prevention Plan (SWPPP) for all activities conducted within the Project limits would be required due to site disturbance in excess of one acre. BMPs include but are not limited to protection of stockpiles, slopes, all disturbed areas, and access roads, as well as perimeter containment measures. Erosion and sediment controls (e.g., silt fences, straw wattles) shall be installed properly to increase effectiveness and shall be maintained regularly. Other Best Management Practices (BMPs) shall also be implemented as necessary and/or as required by Project permits, such as avoid washing, refueling, and maintenance of equipment within 50 feet (unless otherwise noted in Project-specific permits) from stream channels, regardless if water is present or absent in the channel. It is also recommended that construction activity takes place when the on-site stream is dry. Therefore, impacts related to aquatic resources within the project's vicinity are *less than significant*.

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

The BRA prepared for the project does not identify any state or federal wetland features within the vicinity of the project area. Therefore, impacts would be *less than significant*.

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

The California Essential Habitat Connectivity Project was queried for Essential Habitat Connectivity, which are the best available data describing important areas for maintaining connectivity between large blocks of land for wildlife corridor purposes (CDFW 2019). These important areas are referred to as Essential Connectivity Areas. Essential Connectivity Areas are only intended to be a broad-scale representation of areas that provide essential connectivity. The project site does not fall within an Essential Connectivity Area.

The project site currently does not support any migratory fish species. However, the project area supports suitable habitat for special-status wildlife such as raptors and nesting birds which includes the prairie falcon. According to the field survey conducted for the project, a raptor's nest was observed along the ephemeral drainage onsite and other migratory birds were observed nesting and foraging. Mitigation Measure **MM BIO-1, MM BIO-2, MM BIO-9, and MM BIO-10** would reduce the impacts to migratory birds and raptors to *less than significant*.

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

Several oak tree canopies overlap the disturbance footprint of the proposed project. Oak trees are protected under the County's Land Use Ordinance (LUO) section 22.56 and 22.58. However, the project applicant proposes to avoid activities that would impact oak trees, including cutting, trimming, and other damage during construction and operations. Therefore, the potential impacts to protected oaks would be

less than significant. If impact to oak trees becomes necessary at any point during the project, Mitigation Measure **MM BIO-11** would reduce the impacts on oak trees to *less than significant*.

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

The project is not located within an area under an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the project would not conflict with the provisions of an adopted plan and *no impacts would occur*.

Conclusion

The project site directly supports special status plant species that would be impacted by project construction. Mitigation measures **MM BIO-1 through MM BIO-3** would reduce project impacts related to the straight-awned spineflower and other sensitive plant species. Sensitive wildlife species may be impacted by project related construction but would be mitigated through mitigation measures **MM AES-1, MM BIO-1, MM BIO-2, and MM BIO-4 through MM BIO-10**. Oak trees that overlay the project area would be mitigated through **MM BIO-11**, making impacts to biological resources *less than significant*.

Mitigation

AES-1. See Section I. Aesthetics.

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

BIO-2. **Biological Monitoring.** Biological monitoring shall be conducted by a qualified biologist prior to construction activity or site disturbance that includes any ground disturbance, excavation, or grading. The biologist shall survey the site prior to ground disturbance and then monitor the area as construction activity occurs.

- The construction shall be completed during daylight hours (sunrise to sunset) and shall not take place immediately after rain events.
- The Project impact area shall be clearly marked or delineated with stakes, flagging, tape, or signage prior to work. Areas outside of work limits shall be considered environmentally sensitive and shall not be disturbed.
- All equipment and vehicles shall be checked and maintained daily to prevent spills of fuel, oil, and other hazardous materials. A designated staging area shall be established for vehicle/equipment parking and storage of fuel, lubricants, and solvents. All fueling and maintenance activities shall take place in the staging area.
- Any wildlife that is observed during monitoring shall be allowed to move out of work limits of their own volition or shall be captured and relocated to nearby suitable habitat by the biologist, as necessary and in compliance with state and federal Endangered Species Act regulations.

BIO-3. **Pre-Construction Surveys for Special-Status Plant Species.** A botanical resource survey (BRS) shall be conducted by a qualified botanist during the blooming period for sensitive plant species prior to construction commencement, in particular Straight-awned spineflower populations and individuals that would be directly impacted by grading and construction of structures. This species along with any

other identified special status species shall be avoided to the maximum extent possible during construction activity. Individuals that cannot be avoided shall be preserved through seed collection, topsoil salvage, and/or transplanting. Relocation of sensitive species would make impacts to sensitive plant species less than significant.

BIO-4. **California Red-Legged Frog Worker Awareness Training.** Before any activities begin on each project phase, a United States Fish and Wildlife Service-approved biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of the California red-legged frog, the foothill yellow-legged frog and their habitats, the specific measures that are being implemented to conserve the California red-legged frog for the current project, and the boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.

BIO-5. **(a) California Red-Legged Frog Surveys and Avoidance.** A United States Fish and Wildlife Service-approved and CDFW-approved biologist shall survey the project area no more than 48 hours before the onset of project site disturbance activities of all project phases. If any life stage of the California red-legged frog or foothill yellow-legged frog is found and these individuals are likely to be killed or injured by work activities, the approved biologist will be allowed sufficient time to move them from the site before work activities begin. The United States Fish and Wildlife Service-approved and CDFW-approved biologist shall relocate the California red-legged frogs and/or foothill yellow-legged frogs the shortest distance possible to a location that contains suitable habitat and will not be affected by the activities associated with the project, preferably within the same drainage. The relocation site shall be in the same drainage to the extent practicable. The project biologist shall coordinate with the CDFW to discuss site-specific, full avoidance measures, or the relocation or take of California red-legged frogs or foothill yellow-legged frogs, prior to species capture.

(b) California Red-Legged Frog Surveys and Avoidance During Ongoing Operations. The applicant shall make every effort to schedule work activities during the dry season when impacts to CRLF and FYLF would be minimal. This would include the following:

- Avoid work during the rainy season (November 1 through March 31). If work must occur in the rainy season, no work shall occur during or immediately after rain events of 0.25 inches or greater.
- A follow-up survey shall be conducted prior to the start of work following ant rain event of 0.25 inches or greater.
- Avoid nighttime work. If nighttime work is deemed necessary, a qualified biologist shall be on site until it is determined that no potential impacts to CRLF or FYLF would occur based on conditions and the scope of work.

If operational activities such as planting or harvesting are necessary during the rainy season, an Operational Management Plan for the avoidance of amphibians shall be prepared by a qualified biologist. The project's Management Plan will be subject to the review and approval of the United States Fish & Wildlife Service (USFWS) and San Luis Obispo County Planning & Building Department prior to operational activities during the rainy season.

The Management Plan shall address items including, but not limited to: (a) monitoring that will occur during ground disturbance and related activities (e.g., monitoring duration, time, frequency), (b) procedures to follow if a California Red Legged Frog (CRLF), Foothill Yellow-Legged Frog (FYLF) or other sensitive species are encountered during operational related activities, (c) pre-activity worker training, (d) scheduling of such activities proposed to minimize impacts to sensitive species (i.e,

completing activities closest to potential CRLF habitat first), and (e) the filing of a post-activity report "lessons learned" on the effectiveness of the required measures.

BIO-6. **Aquatic Habitat Protection.** During project construction and site disturbance activities of all project phases, all refueling, maintenance, and staging of equipment and vehicles will occur at least 60 feet from riparian habitat or water bodies and in a location from where a spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water). The monitor will ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the applicant shall submit a plan detailing prompt and effective response to any accidental spills to the County Planning and Building Department for review and approval. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

BIO-7. **California Red-Legged Frog Trash Management.** During project activities of each project phase, trash that may attract predators will be properly contained, removed from the work site, and disposed of regularly. Following construction, trash and construction debris will be removed from work areas.

BIO-8. **Western Spadefoot and Western Pond Turtle Surveys and Avoidance.** Between 2 to 4 weeks prior to initiation of construction or site disturbance activities of each project phase, a qualified biologist shall survey the project site and, if present, capture and relocate any western spadefoot or western pond turtles to suitable habitat outside of proposed disturbance areas. Observations of these or other special-status species shall be documented on California Natural Diversity Database forms and submitted to the California Department of Fish and Wildlife upon phase completion. The project biologist shall submit a survey report to the County Department of Planning and Building documenting the number of observations of these or other special-status species (even if none are observed) as well as the areas in which individuals were relocated, if applicable.

BIO-9. **Nesting Bird Breeding Season Avoidance.** To the maximum extent possible, all site preparation, ground-disturbing, and construction activities of each project phase shall be conducted outside of the migratory bird breeding season (February 1 through September 15). any site preparation, ground disturbing, or construction activities associated with any project phase are required during the migratory bird breeding season (February 1 through September 15), Mitigation Measure BIO-21 shall apply.

BIO-10. **Nesting Bird Avoidance.** If any site preparation, ground disturbing, or construction activities associated with any project phase are required during the migratory bird breeding season (February 1 through September 15), the qualified biologist shall conduct a nesting bird survey no sooner than 10 days prior to site disturbance activities. If nesting activity is detected, the following measures shall be implemented:

a. The project shall be modified or delayed as necessary to avoid direct take of identified nests, eggs, and/or young protected under the MBTA and/or California Fish and Game Code;

b. If an active tricolored blackbird nesting colony is found, a minimum 300-foot exclusion zone shall be observed in accordance with "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015" (CDFW 2015). The exclusion zone shall encircle the nesting colony and have a radius of 300 feet from the outside border of the colony. All foot and vehicle traffic, as well as all project activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained for the duration of the breeding season or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival.

If 10 days lapse between project phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the tricolored blackbird survey shall be repeated.

c. The qualified biologist shall contact the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) to determine the appropriate biological buffer zone around active nest sites. Standard CDFW guidelines recommend a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. Construction activities within the established buffer zone will be prohibited until the young have fledged the nest and achieved independence; and

d. The qualified biologist shall document all active nests and submit a letter report to the County, USFWS, and CDFW, documenting project compliance with the MBTA, California Fish and Game Code, and applicable project mitigation measures within 14 days of survey completion.

In the event that a TRBL nesting colony is detected during surveys, the applicant shall consult with CDFW to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire a State Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081subdivision (b), prior to project implementation.

BIO-11. **Oak Trees**. If impacts to oak trees become necessary at any point during the Project, the following measures shall be taken:

- No oak tree shall be removed without prior County approval;
- Trees within 20 feet of grading or trenching shall be protected by placement of protective fencing at least one foot outside the dripline;
- Trenching and excavation within the tree driplines shall be hand-dug or bored to minimize root disturbance. Any root encountered on inch diameter or greater, shall be hand cut and appropriately treated;
- Pruning of lower limbs in the construction area shall occur prior to construction activities to minimize damage; and
- An oak tree replacement plan will be prepared and submitted to the County for approval, and a certified arborist shall be contracted to provide guidance on trimming and/or removal of oak trees in the field.

BIO-12. **Western Bumblebee and Crotch Bumblebee.** Prior to and during any site disturbance and/or construction activities associated with the proposed project, the applicant shall retain a County-approved qualified biologist to conduct pre-construction survey(s) for crotch bumble bee and western bumble bee within suitable habitat areas (i.e., small mammal burrows, thatched/bunch grasses, upland scrubs, brush piles, unmowed/overgrown areas, dead trees, hollow logs, etc.) on the project site and areas within 50 feet of the project site. At a minimum, the survey effort shall include visual search methods targeting colonies or individuals. Surveys shall be conducted over an extended period of time to document and establish the presence of bees within the areas of disturbance. Upon completion of the surveys, the biologist shall prepare a survey report summarizing the findings and submit it to the County planning and building department.

If the survey(s) establish presence of crotch bumble bee or western bumble bee within the areas of disturbance, the applicant shall retain a County-qualified biologist to prepare a Biological Resources Management Plan (Management Plan) subject to review and approval of the County Planning and

Building Department in consultation with CDFW. The Management Plan shall include the following, at a minimum:

a. Avoidance measures to conduct project activities in such a manner that avoids physical disturbances to the colony/nest site, including a minimum 50-foot no disturbance buffer to avoid take and potentially significant impacts;

b. If ground disturbance activities would occur during the overwintering period (October through February), the applicant, in coordination with the County Planning and Building Department, shall consult with CDFW to identify specific measures to be undertaken to avoid take as defined by the California Endangered Species Act (CESA).

If, prior to site disturbances, the California Fish and Game Commission determines that the conservation status of crotch bumble bee and western bumble bee does not warrant CESA protections or litigation changes the conservation status and the species are removed from the list of candidate species, the applicant will not need to obtain a Section 2081 Incidental Take Permit to disturb the colony(s).

Sources

See Exhibit A.

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 County of San Luis Obispo LUO Historic Site (H) combining designation is applied to areas of the county to recognize the importance of archeological and historic sites and/or structures important to local, state, or national history. Standards are included regarding minimum parcel size and permit processing requirements for parcels with an established structure and Historic Site combining designation. For example, all new structures and uses within an H combining designation require Minor Use Permit approval, and applications for such projects are required to include a description of measures proposed to protect the historic resource identified by the Land Use Element (LUO 22.14.080).

San Luis Obispo County was historically occupied by two Native American tribes: the northernmost subdivision of the Chumash, the Obispeño (after Mission San Luis Obispo de Tolosa), and the Salinan. However, the precise location of the boundary between the Chumashan-speaking Obispeño Chumash and their northern neighbors, the Hokan-speaking Playanos Salinan, is not known, as those boundaries may have changed over time.

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. Based on the COSE, the project is not located in a designated Archaeological Sensitive Area or Historic Site.

Discussion

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

According to the Phase I Archaeology Study (LSA 2019) prepared for the project, the project site does not contain, nor is it located near any historic resources identified in the National Register of Historic Places or California Register of Historic Resources. The project site does not contain a site under the Historic Site (H) combining designation identified in the COSE. The project contains a hay barn that appears to have been constructed between 1964 and 1981, according to aerial imagery. Though the structure may be of qualifying age, it does not appear to meet the criteria for designation as a historic resource. Due to the structure's age, it is not related to historical events in the Huasna Valley, such as the Huasna Mexican land grant or the Huasna Townsite. The barn is not characteristic of historic barns, and is constructed with corrugated metal siding, which is not indicative of a well-maintained historic barn (National Park Service 1999). Therefore, the project would not result in an adverse change in the significance of a historical resources and impacts would be *less than significant*.

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

Based on the Phase I Archaeology Study (LSA 2019) and archaeological field study conducted for the project and review of past records of the project vicinity, the project site does not contain, nor is it located near any identified cultural or archaeological resources. It is unlikely that resources will be uncovered during project construction because of the lack of evidence found on the surface of the land and the sandstone located directly below the soil. In addition, the project site is not located in an area that would be considered culturally sensitive due to lack of physical features typically associated with prehistoric occupation. The project does not propose substantial earthmoving activities that would have the potential to disturb subsurface archaeological resources.

In the unlikely event that resources are uncovered during grading activities, implementation of LUO 22.10.040 (Archaeological Resources) would be required. This section requires that in the event archaeological resources are encountered during project construction, construction activities shall cease, and the County Planning and Building Department must be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with state and federal law. 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?

The nearest dedicated cemetery is the Arroyo Grande Cemetery, located 15 miles to the west. The record and literature search of the project area did not identify any known burial sites within 0.5 miles of the project. Based on existing conditions, buried human remains are not expected to be present in the site area. In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code Section 7050.5 and LUO 22.10.040 (Archaeological Resources) require that no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. With adherence to State Health and Safety Code Section 7050.5 and County LUO, impacts related to the unanticipated disturbance of

archaeological resources and human remains would be reduced to less than significant; therefore, potential impacts would be *less than significant*.

Conclusion

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

Mitigation

None necessary.

Sources

See Exhibit A.

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

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

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

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

Local Energy Plans and Policies

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

In 2010, the EWP established a goal to reduce community-wide greenhouse gas emissions to 15% below 2006 baseline levels by 2020. Two of the six community-wide goals identified to accomplish this were to "[a]ddress future energy needs through increased conservation and efficiency in all sectors" and "[i]ncrease the production of renewable energy from small-scale and commercial-scale renewable energy installations to account for 10% of local energy use by 2020." In addition, the County has published an EnergyWise Plan 2016 Update to summarize

progress toward implementing measures established in the EWP and outline overall trends in energy use and emissions since the baseline year of the EWP inventory (2006).

The goals and policies in the COSE and EWP address the 2005 GHG emissions reduction targets for California (Executive Order S-03-05) issued by California's Governor in 2005. The targets include:

- By 2010 reduce GHG emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels;
- By 2050, reduce GHG emissions to 80% below 1990 levels.

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 nonresidential lighting requirements. While the CBC has strict energy and green building standards, U-occupancy structures (such as greenhouses used for cultivation activities) are typically not regulated by these standards.

Vehicle Fuel Economy Standards

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

In January 2017, USEPA Administrator Gina McCarthy signed a Final Determination to maintain the current GHG emissions standards for the model year 2022–2025 vehicles. However, on March 15, 2017, USEPA Administrator Scott Pruitt and USDOT Secretary Elaine Chao announced that the USEPA intended 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 the 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. (USEPA 2017, 2018).

As part California's overall approach to reducing pollution from all vehicles, the CARB has established standards for clean gasoline and diesel fuels and fuel economies of new vehicles. CARB has also put in place innovative programs to drive the development of low-carbon, renewable, and alternative fuels, such as their Low Carbon Fuel Standard (LCFS) Program, pursuant to California Assembly Bill (AB) 32 and the Governor's Executive Order (EO) 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 2017–2025. The new rules strengthen the GHG standard for 2017 models and beyond. This will be achieved through existing technologies, the use of stronger and lighter materials, and more efficient drivetrains and engines. The program's zero-emission vehicle regulation requires a battery, fuel cell, and/or plug-in hybrid electric vehicles to account for up to 15% of California's new vehicle sales by 2025. The program also includes a clean fuels outlet regulation designed to support the commercialization of zero-emission hydrogen fuel cell vehicles planned by vehicle manufacturers by 2015 by requiring increased numbers of hydrogen fueling stations throughout the state. The number of stations will grow as vehicle manufacturers sell more fuel cell vehicles. By 2025, when the rules will be fully implemented, the statewide fleet of new cars and light trucks will emit 34% fewer global warming gases and 75% fewer smog-forming emissions than the statewide fleet in 2016 (CARB 2016).

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

Energy Use in Cannabis Operations

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

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

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

Depending on the site and type of activities, cannabis operations may range in measures that promote the conservation of energy resources. For instance, several current operators are known to engage in practices that promote energy conservation and reduce overall energy demands using high-efficiency lighting or through generation and use of solar energy. However, many other operations within the county have been observed to engage in activities that are highly inefficient and may result in the wasteful use of energy resources. Such

operations may include the use of old equipment, highly inefficient light systems (e.g., incandescent bulbs), reliance on multiple diesel generators, and other similar inefficiencies (County of Santa Barbara 2017).

Discussion

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

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

The project proposes the development of 60 ground-mounted, grid- tied system solar panels that would produce 37,000 kWh of energy annually for cultivation activities. The proposed indoor cultivation would require mixed-use lighting for plant-growth stages rather than natural sunlight. Energy needs of ancillary structures proposed by the project would be supplied by PG&E.

Construction.

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

Operation.

A cannabis project would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during operation if it utilizes significantly more energy (>20%) than a typical commercial building of the same size. Based on the California Energy Commission Report prepared by Itron, Inc, (March 2006), a typical commercial building utilizes 21.25 kWh/sf annually. The total kWh usage for a typical commercial building of this size (27,500) would be 584,375 kWh per year.

The CBC 2019 Building Energy Efficiency Standards includes mandatory energy efficiency standards; however, U-occupancy structures (such as greenhouses) are exempt from these standards and therefore are not necessarily using efficient energy practices. Because the cultivation activities would not be subject to these state energy efficiency regulations, they could potentially result in wasteful, inefficient, or unnecessary energy consumption.

Electricity and Natural Gas. Based on an analysis of cannabis cultivation operations throughout the county, it is assumed that cannabis cultivation projects typically use an insignificant amount of natural gas. Natural gas use is typically associated with cooking appliances and space heating. Cooking appliances are not proposed as a part of the project, and all proposed space heating units would run on electricity. Accordingly, this assessment of impacts is based on electricity use.

In order to calculate a project's energy demand the County applies the energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form (County of Santa Barbara 2018). This calculation form contains formulas for estimating electricity use of cannabis operations. The form assumes that indoor cultivation uses 200 kWh/sf annually and that mixed light (greenhouse) cultivation uses 110 kWh/sf annually.

The proposed project would include 27,500 sf of mixed-light cultivation floor area in greenhouses. A preliminary estimate of the project's energy demand, based on the energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form (County of Santa Barbara 2018), is provided in Table 5. No diesel, gasoline, or natural gas is proposed.

Table 5. Project's Projected Operational Energy Use Compared with a Non-Cannabis Building of Comparable Floor Area

Project Component	Size (sf)	Rate (kWh/year-sf)	Projected Energy Demand (kWh/year)
Typical Commercial Building of Comparable Size	27,500	21.25	584,375
Mixed-Light Cultivation (greenhouses, includes ancillary nursery)		110	3,025,000
Percent in Excess of Typical Commercial Building			**518%**

Based on the California Energy Commission Report, a typical non-cannabis commercial building of 27,500 sf would use 584,375kWh per year. Based on the energy consumption rates above, the proposed project's cultivation activities would use 518% more energy than a typical non-cannabis commercial building of the same size. The project proposes the construction of a 60-panel, 22 kWh, ground-mounted, grid-tied solar system that could produce up to 37,000 kWh of energy per year. According to the National Renewable Energy Laboratory's (NREL) PVWatt Calculator for this location, Solar PV panels of this wattage would produce approximately 37,000 kWh of energy annually given 14.08% performance losses. With the inclusion of the solar system, the project would use 511% more energy than a typical non-cannabis commercial building of the same size and would be expected to use up to 2,988,000 kWh/year. This remaining energy needed for cultivation and ancillary services would be supplied by PG&E through existing infrastructure onsite. This amount of energy use has the potential to be wasteful and inefficient when compared to similar sized buildings implementing energy efficiency measures and would require mitigation.

Mitigation Measures ENG-1 and ENG-2 would reduce the project's individual and cumulative impacts associated with wasteful and inefficient energy use to a less than significant level through the preparation and implementation of an Energy Conservation Plan which would identify measures to be incorporated into the project to reduce or offset project energy demand that exceeds the demand associated with a typical commercial building of comparable floor area. ENG-1 requires the applicant to implement one or more of the measures identified in the Energy Conservation Plan until the project's energy demand is reduced and/or offset to within 20% of the energy use of a standard commercial building of the same size (701,250 kWh/year). This may be accomplished by enrollment in one of PG&E's renewable energy programs such as Solar Choice and Regional Renewable Choice. Under the Solar Choice Program, a customer may purchase electricity from a pool of solar generating projects within the PG&E service area. A customer may enroll by phone or by way of the internet. As of the date of this MND, there are a total of six dedicated solar generation facilities in this program with a combined generating capacity of 50.25 megawatts, plus one additional 1.5 MW facility under development.

Under the Regional Renewable Program, a customer may purchase up to 100% of energy demand from a specific renewable energy provider within the PG&E service area. As of the date of this MND, there are

five renewable energy providers within the PG&E service area. As with the Solar Choice Program, a customer may enroll by phone or by the internet.

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

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

Fuel Use. Construction activities will result in fuel use for worker and delivery trips and the operation of construction equipment. Ongoing operation of the project will result in fuel use associated with employee motor vehicle trips and deliveries. The project would employ 2 full-time employees and up to 4 additional part-time/seasonal employees during harvests. All vehicles used by employees and deliveries during operation would be subject to applicable state and federal fuel economy standards. Based on adherence to applicable state and federal fuel efficiency 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.

Potential impacts related to energy would be *less than significant with mitigation*.

Conclusion

The project could result in a potentially significant energy demand and inefficient energy use during long-term operations, which could result in potentially significant environmental impacts. Inefficient energy use would potentially conflict with state or local renewable energy or energy efficiency plans. Potential impacts related to energy would be less than significant with implementation of mitigation measures ENG-1 and ENG-2.

Mitigation

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

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

b. A program for providing a reduction or offset of all energy demand that is 20% or more than a typical commercial building of the same size. In this case, the estimated reduction or offset would be at least 2,988,000 kWhr/yr –701,250 kWhr/yr = 2,286,750 kWhr/yr; and the amount of energy not otherwise reduced or offset must not exceed 701,250 kWhr/yr. Such a program (or programs) may include, but is not limited to, the following:

    i. Evidence that the project will permanently source project energy demands from renewable energy sources (i.e. solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice

program or Regional Renewable Choice program or other comparable public or private program.

ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include, but is not limited to, the following:

1. Participating in an annual energy audit.
2. Upgrading and maintaining efficient heating/ cooling/ dehumidification systems.
3. Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
4. Implementing automated lighting systems.
5. Utilizing natural light when possible.
6. Utilizing an efficient circulation system.
7. Ensuring that energy use is below or in-line with industry benchmarks.
8. Implementing phase-out plans for the replacement of inefficient equipment.
9. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.

iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]

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

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

Sources

See Exhibit A.

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?	☐	☐	☒	☐
(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 San Andreas Fault zone is located along the eastern border of San Luis Obispo County and has a length of over 600 miles. The Hosgri-San Simeon fault system generally consists of two fault zones: the Hosgri fault zone that is mapped off of the San Luis Obispo County coast; and the San Simeon fault zone, which appears to be associated with the Hosgri, and comes onshore near San Simeon Point, Lastly, the Los Osos Fault zone has been mapped generally in an east/west orientation along the northern flank of the Irish Hills.

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 project site is located approximately 7,500 feet east of a potentially capable fault line.

Groundshaking refers to the motion that occurs in response to local and regional earthquakes. Seismic groundshaking is influenced by the proximity of the site to an earthquake fault, the intensity of the seismic event, and the underlying soil composition. Groundshaking 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.

Liquefaction is the sudden loss of soil strength due to a rapid increase in soil pore water pressures resulting from groundshaking during an earthquake. Liquefaction potential increases with earthquake magnitude and groundshaking 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. Per the County's Land Use View Mapping Application, the project site is located in an area that is low risk for liquefaction to occur. The area located directly east of the project site is at high risk for liquefaction to occur, with the southeastern tip of the project's property located in that area. All project activities are proposed in the area of low risk.

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. Per the County's Land Use View Mapping Application, the project area is located in an area with low potential for landslides to occur. The western portion of the property is located in an area with moderate to high potential for landslides to occur, primarily due to the steep slopes. All project activities are proposed in the area of low risk.

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. The soils found at the project area is made up of a Briones-Tierra Complex that includes 50% Briones soils, 25% Tierra soils, and components of Briones-like, Arnold, and Pismo soils. Briones Soils are comprised of loamy sand and have a low shrink swell capacity. Tierra soils are comprised of loamy clay soils and have a high shrink swell capacity. Arnold and Pismo soils are comprised of sand and loamy sand and have a low shrink swell capacity.

The County 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. All land use permit applicants located within a GSA are required to include a report prepared by a certified engineering geologist and/or registered civil/soils engineer as appropriate, with the exception of construction of one single-story single family residence, agricultural uses not involving a building, agricultural accessory structures, and alterations or additions to any structure which does not exceed 50 percent of the assessed value of the structure. In addition, all uses within a GSA are subject to special standards regarding grading and distance from an active fault within an Earthquake Fault Zone (LUO 22.14.070).

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 state and federal 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.

In the county, the Coastal Franciscan domain generally lies along the mountains and hills associated with the Santa Lucia Range. Fossils recorded from the Coastal Franciscan formation include trace fossils (preserved tracks or other signs of the behaviors of animals), mollusks, and marine reptiles. Nonmarine or continental deposits are more likely to contain vertebrate fossil sites. Occasionally vertebrate marine fossils such as whale, porpoise, seal, or sea lion can be found in marine rock units such as the Miocene Monterey Formation and the Pliocene Sisquoc Formations known to occur throughout Central and Southern California. Vertebrate fossils of continental material are usually rare, sporadic, and localized.

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 ad mitigation plan be prepared, 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.

See Section C.II for full soil descriptions. Briones-Tierra complex soils main limitations include steep slopes and erosion potential for both soils, sandy texture and depth to rock for the Briones soils, and the high shrink-swell in the Tierra subsoil.

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.

Based on the California Department of Conservation Earthquake Zone Map, the project site is not located within a mapped Alquist-Priolo earthquake hazard zone (CGS 2018). Based on the County Safety Element Fault Hazards Map, the project site is not located within 1 mile of a known active or potentially active fault. Therefore, the project would not have the potential to result in substantial adverse effects involving rupture of a known earthquake fault and impacts would be *less than significant*.

(a-ii) Strong seismic ground shaking?

Based on the County Safety Element Fault Hazards Map, the project site is not located within 1 mile of a known active or potentially active fault. However, San Luis Obispo County is located in a seismically active region and there is always a potential for seismic ground shaking. The project would be required to comply with the California Building Code (CBC) and other applicable standards to ensure the effects of a potential seismic event would be minimized through compliance with current engineering practices and techniques. The project does not include unique components that would be particularly sensitive to seismic ground shaking or result in an increased risk of injury or damage as a result of ground shaking. Implementation of the project would not expose people or structures to significant increased risks associated with seismic ground shaking; therefore, impacts would be *less than significant*.

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

Based on the County Safety Element Liquefaction Hazards Map, the project area 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?

The project site has gently to moderately sloping topography and based on the County Safety Element Landslide Hazards Map is located in an area with low potential for landslide risk. Therefore, the project would not result in significant adverse effects associated with landslides and impacts would be *less than significant*.

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

The Briones-Tierra soil complex is characterized by a high erosion potential. The project proposes to move less than 1,200 cubic yards of material per day and will disturb approximately 1.7 acres of land through cut and fill activity that will be balanced on-site. The project site has supported similar grading activity of other on-site developments including a haybarn and a single-family residence. Preparation and approval of an Erosion and Sedimentation Control Plan is required for all construction and grading projects (LUO 22.52.120) to minimize potential impacts related to erosion, sedimentation, and siltation. The plan would be prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. 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. Based on the Landslide Hazards Map provided in the County Safety Element, the project area is not located in an area with slopes susceptible to local failure or landslide.

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 (USGS 2019). Based on the County Safety Element Liquefaction Hazards Map, 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 Survey of San Luis Obispo County and Web Soil Survey, the project site is located on a Briones-Tierra soil complex, with Tierra subsoils having a high shrink-swell potential. Construction on Tierra subsoils is possible by replacing the subgrade or base material with suitable soil In addition, the development would be required to comply with section 1808A.6.1 to 1808A.6.4 of the CBC, which have been developed to properly safeguard structures and occupants from land stability hazards, which include expansive soils. Therefore, impacts 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 proposed project does not propose the installation of new septic tanks as it proposes to use ADA approved portable restrooms that would not require the use of a new or existing septic tank; therefore, impacts would be *less than significant.*

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

No known paleontological resources are known to exist in the project area and the project site does not contain any unique geologic features. The project does not include substantial grading or earthwork that would disturb the underlying geologic formation in which paleontological resources may occur. Therefore, potential 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

None necessary.

Sources

See Exhibit A.

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 gasses (GHGs) are any gases that absorb infrared radiation in the atmosphere. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide (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 (CO_2) is the most abundant GHG and is estimated to represent approximately 80–90% of the principal GHGs that are currently affecting the earth's climate. According to the California Air Resources Board (CARB), transportation (vehicle exhaust) and electricity generation are the main sources of GHGs in the state.

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

Senate Bill (SB) 32 and Executive Order (EO) S-3-05 extended the state's GHG reduction goals and require CARB to regulate sources of GHGs to meet the following goals:

- Reduce GHG emissions to 1990 levels by 2020;
- Reduce GHG emissions to 40% below 1990 levels by 2030;
- Reduce GHG emissions to 80% below 1990 levels by 2050.

The initial Scoping Plan was first approved by CARB on December 11, 2008, and is updated every 5 years. The first update of the Scoping Plan was approved by the CARB on May 22, 2014, which looked past 2020 to set mid-term goals (2030–2035) toward reaching the 2050 goals. The most recent update released by CARB is the 2017 Climate Change Scoping Plan, which was released in November 2017. The 2017 Climate Change Scoping Plan incorporates strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05.

When assessing the significance of potential impacts for CEQA compliance, an individual project's GHG emissions will generally not result in direct significant impacts because the climate change issue is global in nature. However,

an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation. Accordingly, in March 2012, the SLOAPCD approved thresholds for GHG impacts which were incorporated into their 2012 CEQA Air Quality Handbook. The Handbook recommended applying a 1,150 $MTCO_2e$ 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 AB32 and the 2008 Climate Change Scoping Plan which have a target year of 2020. However, in 2015, the California Supreme Court issued an opinion in the case of *Center for Biological Diversity vs California Department of Fish and Wildlife* ("Newhall Ranch") that determined that AB 32 based thresholds derived from a gap analysis are invalid for projects with a planning horizon beyond 2020. Since the bright-line and service population GHG thresholds in the Handbook are AB 32 based, and project horizons are now beyond 2020, the SLOAPCD no longer recommends the use of these thresholds in CEQA evaluations. Instead, the following threshold options are recommended for consideration by the lead agency:

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

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

- No-net Increase: The 2017 Scoping Plan states that no-net increase in GHG emissions relative to baseline conditions "*is an appropriate overall objective for new development*" consistent with the Court's direction provided by the Newhall Ranch case. Although a desirable goal, the application of this threshold may not be appropriate for a small project where it can be clearly shown that it will not generate significant GHG emissions (ie, di minimus: too trivial or minor to merit consideration).
- Lead Agency Adopted Defensible GHG CEQA Thresholds: Under this approach, a lead agency may establish SB 32-based local operational thresholds. As discussed above, SB 32 requires the state to reduce GHG levels by 40 percent below 1990 levels by the year 2030. According to the *California Greenhouse Gas Emissions for 2000 to 2017, Trends of Emissions and Other Indicators* published by the California Air Resources Board, emissions of GHG statewide in 2017 were 424 million $MMTCO_2e$, which was 7 million MTCO2e *below* the 2020 GHG target of 431 $MMTCO_2e$ established by AB 32. At the local level, an update of the County's EnergyWise Plan prepared in 2016 revealed that overall GHG emissions in San Luis Obispo County decreased by approximately seven percent between 2006 and 2013, or about one-half of the year 2020 target of reducing greenhouse gas emissions by 15% relative to the 2006 baseline[2]. 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. It should be noted that the 1,150 $MTCO_2e$ per year Bright Line Threshold was based on the assumption that a project with the potential to emit less than 1,150 $MTCO_2e$ per year would result in impacts that are less than significant and less than cumulatively considerable impact and would be consistent with state and local GHG reduction goals.

Since SB 32 requires the state to reduce GHG levels by 40 percent below 1990 levels by the year 2030, the application of an interim "bright line" SB32-based working threshold that is 40 percent below the 1,150 $MMTCO_2e$

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

Bright Line threshold (1,150 x 0.6 = 690 $MMTCO_2e$) would be expected to produce comparable GHG reductions "in the spirit of" the targets established by SB32. Therefore, for the purpose of evaluating the significance of GHG emissions for a project after 2020, emissions estimated to be less than 690 $MMTCO_2e$ per year GHG are considered *de minimus* (too trivial or minor to merit consideration), and will have a less than significant impact that is less than cumulatively considerable and consistent with state and local GHG reduction goals.

Discussion

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

Energy inefficiency contributes to higher GHG emissions and would conflict with state and local plans for energy efficiency, including the policies of the COSE, the EWP goals, and the 2001 SLOAPCD CAP. The California Energy Emissions Model (CalEEMod) was used to determine the approximate GHG emissions per square foot associated with construction and operation of a mixed-light cultivation operation based on an energy use factor of 110 kWh/sf per year. These emission factors were then multiplied by the total floor area of the building proposed for mixed-light indoor cultivation and ancillary nursery to estimate the project's construction-related and annual operational carbon dioxide equivalent emissions in metric tons (MTCO2e; Table 6).

Table 6. Projected Project GHG Emissions Without Mitigation

Project Component	Quantity	Emissions Rate (Annual $MTCO_2e$/sf)		Estimated Projected Annual CO_2 Emissions (MT/year) Without Mitigation
		Construction[1]	Operation	
Existing single family residence	1 dwelling	n/a	4.2[2]	4.2
Ag Accessory Building	1,500 sq.ft.	n/a	0.0069[4]	10.35
Total Existing/Baseline Emissions:				**14.55**
Mixed-Light Cultivation, including Ancillary Processing and Cloning	27,500 sq.ft.	0.0022	0.036[3]	1,050.5
Net Change (Increase)				**1,035.95**

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

Notes:

1. Total construction related GHG emissions divided by the floor area of a typical indoor cannabis cultivation building (22,000 sq.ft.). Assumes 34 total construction days including site preparation, grading and building construction, 13 vehicle miles travelled per construction day for workers and 1,000 cubic yards of cut and fill.
2. Based on 18,000 kWhr/household/year.
3. CalEEMOD version 2016.3.2. Total operational GHG emissions based on an energy use factor of 110 kWhr/sq.ft./year and energy provided by Pacific Gas and Electric Co.
4. CalEEMOD version 2016.3.2

Table 7 provides an estimate of GHG emissions that accounts for the reduction/offset of estimated energy demand associated with mitigation measure **ENG-1** in Section VI. Energy. This measure requires the

project to reduce or offset estimated energy demand to within 20% of the demand associated with a typical commercial building of comparable floor area, which in this case is 584,375 kWhr/year.

Table 7. Estimate of Project Related GHG Emissions With Mitigation Measure ENG-1

Project Component	Quantity	Emissions Rate (Annual $MTCO_2e$/sf)		Estimated Projected Annual CO_2 Emissions (MT/year) With Mitigation Measure ENG-1
		Construction[1]	Operation	
Existing single family residence	1 dwelling	n/a	4.200[3]	4.20
Ag Accessory Building	1,500 sq.ft.	n/a	0.00069	10.35
Existing Baseline GHG Emissions				**14.55**
Mixed-Light Nursery and Cloning	27,500 sq.ft.	0.0022	0.0116[2]	379.5
Net Change (Increase)				**364.95**

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

Notes:

1. Total construction related GHG emissions divided by the floor area of a typical indoor cannabis cultivation building (22,000 sq.ft.). Assumes 34 total construction days including site preparation, grading and building construction, 13 vehicle miles travelled per construction day for workers and 1,000 cubic yards of cut and fill.
2. Total operational emissions based on an energy demand of 466,599 kWhr/year (See Section VI. Energy) and energy provided by Pacific Gas and Electric Co. Emission factor derived from CalEEMOD and includes emissions associated with energy use, vehicle miles traveled and water use.
3. Based on 18,000 kWhr/household/year.

As shown in Table 7, project related GHG emissions after the application of mitigation measure **ENG-1** will fall below the interim working GHG threshold of 690 $MTCO_2e$ per year. Accordingly, project impacts associated with GHG emissions are considered less than significant with mitigation, less than cumulatively considerable and consistent with the GHG reduction goals of SB32. Moreover, project-related GHG emissions are largely associated with the production of electricity and all electrical utilities in California will be subject to ongoing State-mandated GHG reduction requirements.

Therefore, potential impacts associated with GHG emissions and applicable plans and policies adopted for the purpose of reducing GHG emissions would be *less than significant with mitigation*.

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

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

2011 EnergyWise Plan (EWP). As discussed above, the County of San Luis Obispo EnergyWise plan (EWP), adopted in 2011, serves as the County's GHG reduction strategy. The GHG-reducing policy provisions contained in the EWP were prepared for the purpose of complying with the requirements of AB 32 and achieving the goals of the AB 32 Scoping Plan, which have a horizon year of 2020. The policy provisions are divided into community-wide measures and measures aimed at reducing GHG emissions associated with County operations. The GHG reduction measures contained in the EWP are generally programmatic

and intended to be implemented at the community level. Measure No. 7. encourages energy efficient new development and provides incentives for new development to exceed Cal Green energy efficiency standards. The following is a summary of project consistency with the relevant supporting actions identified in Measure No. 7 for promoting energy efficiency in new development.

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

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

The project consists of a commercial enterprise located in a predominantly agricultural area. As discussed in Section III. Air Quality, the project does not include development of retail or commercial uses that would be open to the public, therefore, land use planning strategies such as mixed-use development and planning compact communities are generally not applicable. The project would result in the establishment of activities that are agricultural in nature and would employ up to 38 full-time regular employees and 30 seasonal employees. The project would likely draw from the local labor pool and would not require a significant number of employees and therefore would not significantly affect the local area's jobs/housing balance.

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

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

- Implement SB350 which is aimed at Reduce GHG emissions in the electricity sector;
- 2030 Low Carbon Fuel Standard (LCFS) -- Transition to cleaner/less-polluting fuels that have a lower carbon footprint.
- 2030 Mobile Source Strategy (Cleaner Technology and Fuels [CTF] Scenario) -- Reduce GHGs and other pollutants from the transportation sector through transition to zero-emission and low-emission vehicles, cleaner transit systems and reduction of vehicle miles traveled.
- Implement 59VariousSB 1383 which is aimed at reducing Short-Lived Climate Pollutants to reduce highly potent GHGs.
- Implement the 2030.2030 California Sustainable Freight Action Plan aimed at improving freight efficiency, transition to zero emission technologies, and increase competitiveness of California's freight system.
- Implement the.2030 Post-2020 Cap-and-Trade Program which is aimed at reducing GHGs across the largest GHG emissions sources.

The strategies described in the 2017 Scoping Plan are programmatic and intended to be implemented state-wide and industry-wide. They are therefore not applicable at the level of an individual project. However, as discussed in Section XVII. Transportation, the project is not expected to generate a significant increase in construction-related or operational traffic trips or Vehicle Miles Traveled (VMT) which is consistent with Scoping Plan strategies for reducing vehicle miles traveled.

Overall, the project is consistent with adopted plans and policies aimed at reducing GHG emissions.

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 greenhouse gas emissions would be less than significant and no additional mitigation measures are necessary.

Mitigation

Implement Mitigation Measure ENG-1.

Sources

See Exhibit A.

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 EPA 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 is not located on nor is it located near a site listed on the "Cortese List".

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 zones. The project site is located within high and very high fire hazard zones. County Fire/CAL FIRE response time for this location is approximately 32 minutes. For more information about fire-related hazards and risk assessment, see Section XX. Wildfire.

The County also 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.

Discussion

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

The project would not use any hazardous materials outside common household products such as bleach, isopropyl alcohol, hydrogen peroxide, and neem oil (see Attachment 10 of the application materials). The project proposes the regular and as needed pick-up of waste materials by a licensed waste hauler (Gaia CA). Possible waste includes waste from cannabis cultivation as well as ancillary services that may use cleaning solutions or non-volatile chemicals. Commonly used hazardous materials (e.g. cleaners, solvents, oils, paints, etc.) would be transported, stored, and used according to regulatory requirements and existing procedures for the handling of hazardous materials. Impacts associated with the routine transport of hazardous materials would be *less than significant*.

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

The project does not propose the handling or use of hazardous materials or volatile substances that would result in a significant risk of upset or accidental release conditions. Construction of the proposed project is anticipated to require use of limited quantities of hazardous substances, including gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws for the handling of hazardous materials, including response and clean-up requirements for any minor spills. Additionally, Mitigation Measure BIO-6 would protect aquatic features from accidental spills. Therefore, potential 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 to the project site is Branch Elementary School located 10 miles northwest. 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. 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 nearest public airport is the Oceano County Airport located 19 miles east of the project site. Therefore, the project site is not located within an airport land use plan or within 2 miles of a public airport or private airstrip; therefore, *no impacts would occur*.

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

The project would be located on an existing parcel and would not alter or prohibit access to the local circulation system. By following the recommendations laid out in the County Fire/Cal Fire referral response, explained in more detail in Section XX Wildfire, the proposed project would be able to accommodate emergency vehicles and would not conflict with any emergency response plans or emergency evacuation plans. Therefore, impacts would be less than significant. Implementation of the proposed project would not result in a significant temporary or permanent impact on any adopted emergency response plans or emergency evacuation plans. No breaks in utility service or road closures would occur as a result of project implementation. Any construction-related detours would include proper signage and notification and would be short-term and limited in nature and duration. Therefore, potential impacts would be *less than significant*.

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

The project is located within the High and Very High Fire Hazard Severity Zone and is located on a parcel with moderately dense native vegetation and limited access. It would take approximately 32 minutes to respond to a call regarding fire or life safety. The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and Public Resources Code, which includes improvements to the existing access road/driveway to accommodate emergency vehicle access, vegetation clearing or trimming around all existing and proposed structures, and installation of a water storage tank for fire protection. Design elements would comply with CBC recommendations which include fire resistant walls and ceilings and fire alarms and sprinklers. County Fire /Cal Fire prepared a Fire Safety Plan letter for the project, and the applicant will be required to comply with the requirements of the plan for the life of the project; therefore, potential impacts would be *less than significant*.

Initial Study – Environmental Checklist

Conclusion

The project does not propose the routine transport, use, handling, or disposal of hazardous substances. It 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. Project implementation would not subject people or structures to substantial risks associated with wildland fires and would not impair implementation or interfere with any adopted emergency response or evacuation plan. Therefore, potential impacts related to hazards and hazardous materials would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

Sources

See Exhibit A.

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?	☐	☐	☐	☒

Setting

The Central Coast Regional Water Quality Control Board (RWQCB) has established Total Maximum Daily Load (TMDL) thresholds for waterbodies within the County. A TMDL establishes the allowable amount of a particular pollutant a waterbody can receive on a regular basis and still remain at levels that protect beneficial uses designated for that waterbody. A TMDL also establishes proportional responsibility for controlling the pollutant, numeric indicators of water quality, and measures to achieve the allowable amount of pollutant loading. Section 303(d) of the Clean Water Act (CWA) requires states to maintain a list of bodies of water that are designated as "impaired". A body of water is considered impaired when a particular water quality objective or standard is not being met.

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 U.S. Army Corps of Engineers (USACE), through Section 404 of the CWA, regulates the discharge of dredged or fill material into waters of the U.S., including wetlands. Waters of the U.S. are typically identified by the presence of an ordinary high water mark (OHWM) and connectivity to traditional navigable waters or other jurisdictional features. The State Water Resources Control Board (SWRCB) and nine 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, or have the potential to impact waters of the State. Waters of the State are defined by the Porter-Cologne Act as any surface water or groundwater, including saline waters, within the boundaries of the state.

The proposed project area is located within the Huasna Creek Watershed, and a portion of the property is located within the Huasna Valley Groundwater Basin (basin number 3-045), which is not currently listed as an impacted (Severity level III) basin. The other portion of the property lies within an unidentified water basin. The project proposes to use an on-site well that produces 46,000 gallons of water per day.

The County LUO dictates which projects are required to prepare a drainage plan, including any project that would, for example, change the runoff volume or velocity leaving any point of the site, result in an impervious surface of more than 20,000 square feet, or involve hillside development on slopes steeper than 10 percent. Preparation of a drainage plan is not required where grading is exclusively for an exempt agricultural structure, crop production, or grazing.

The County 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 best management practices 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 San Luis Obispo County LUO . The project will be moving less than 1,200 cubic yards/day of material and disturbing less than 1.7 acres of area.

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. An unnamed intermittent stream runs through the property, and Huasna Creek is located 1,400 feet east of the project site.

Discussion

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

Huasna Creek is located 1,400 feet east of the project site and would not be adversely affected by project construction or operation. There is an unnamed intermittent stream that runs through the property which has the potential to be affected by runoff produced by the project construction. The project site does not contain Waters of the U.S. or the State. Implementation of the project may have the potential to change the volume of runoff leaving the project site during times of construction. The site is characterized by moderate slopes that require cut and fill activity that could increase the amount of run-off into the intermittent stream during construction activity. The project would be required to comply with all National Pollution Discharge Elimination System (NPDES) requirements and prepare a Stormwater Pollution Prevention Plan (SWPPP) that incorporate Best Management Practices (BMPs) during construction to reduce runoff. Water quality protection measures would include protection of stockpiles, slopes, all disturbed areas, and access roads, as well as perimeter containment measures. It is also recommended that construction activity takes place when the on-site stream is dry.

The project does not meet the applicability criteria for Stormwater Management because it is either located outside a Stormwater Management Area or is within but creates or replaces less than 2,500 square feet of impervious surface. The project would need to comply with Post Construction Requirements (PRCs) described in the CBC Appendix C. The project proposes water quality testing as part of its day-to-day operations to ensure optimal pH and nutrient balance. Impacts related to violation of water quality standards, quality of groundwater, stormwater system capacity, amount of runoff, and location of activities within the flood zone are *less than significant.*

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

The proposed project is expected to use 750-1000 gallons of water per day (21,00-31,000 gallons per month) for cultivation activities, 5 gallons per day (150 gallons per month) for staff usage, and 2-5 gallons per day (65-150 gallons per month) for cleaning activities. Water usage for cultivation is expected to vary between plant life cycle stages but remain within the estimated limits for use (304,644 gallons or 0.93-

acre-feet per year at full operation). The project proposes to use from an existing on-site that can produce 46,000 gallons of water per day. Therefore, the on-site well produces enough water to support the proposed development and the single-family residence on the property and the project would not result in a substantial increase in demand on water. The project proposes the development of a 2,500-gallon water storage tank and a 2,500-gallon wastewater storage tank for wastewater collection. The implementation of a gutter system on the greenhouses would reduce stormwater runoff by collecting approximately 5,000 gallons of water for every 1 inch of rain. The use of reclaimed water would decrease the project's demand on groundwater.

The project site is located within the Huasna Valley Groundwater Basin, which has not been assigned a Level of Severity III per the County's Resource Management System (RMS). Under the RMS, a groundwater basin that has not been assigned a Level of Severity is not in a state of overdraft and is presumed to be capable of meeting water demand over at least the next 15 years. in the project site is not subject to a water use offset requirement and is not in an area of severe decline. The basin is not governed by a groundwater management plan as required by the Sustainable Groundwater Management Act (SGMA). The project proposes to use an on-site well that would be shared with an existing single-family residence on the property. Water usage for cultivation is expected to vary between plant life cycle stages but remain within the estimated limits for use. The Huasna Valley Groundwater Basin has that capacity to support the proposed project, therefore 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?

With compliance of LUO requirements for erosion and sedimentation controls, the project would not substantially degrade Huasna Creek nor the intermittent stream onsite. The project would result in over 1.0 acre of ground disturbance, and therefore would need to implement Management Practices (BMPs) to control erosion and siltation. BMPs include but are not limited to protection of stockpiles, slopes, access roads, and disturbed areas, as well as perimeter protection. The project would also need to implement requires elements of the site's erosion and sediment control plan as required by the San Luis Obispo County LUO. The proposed project is within a drainage review area, therefore the applicant must ensure that all proposed site grading and new impervious surfaces are constructed in compliance with the County drainage standards, Section 22.52.110 of the LUO and the Public Improvement Standards. If the above measures are followed, potential impacts related to erosion and 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 would not substantially increase the amount of impervious surface area or the rate and volume of surface runoff in a manner that could result in flooding on- or off-site. Based on the nature and size of the project, changes in surface hydrology would be negligible. 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 proposed project is within a drainage review area, therefore the applicant must ensure that all proposed site grading and new impervious surfaces are constructed in compliance with the County

drainage standards, Section 22.52.110 of the LUO and the Public Improvement Standards. The project would not substantially increase the amount of impervious surface area or the rate and volume of surface runoff in a manner that could exceed the capacity of existing stormwater or drainage systems. Based on the nature and size of the project, changes in surface hydrology would be negligible. Therefore, potential impacts related to increased surface runoff exceeding stormwater capacity 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 (DOC 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 RMS or in an area of severe decline as defined 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 s. 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 would not substantially increase water demand, deplete groundwater resources, or interfere substantially with groundwater recharge. Therefore, potential impacts related to hydrology and water quality would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

Sources

See Exhibit A.

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 Land Use Element (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 site is currently designated as agricultural land and shows indication of horse grazing. Surrounding land uses include undeveloped agricultural land in the north, south, and east and mixed-use land to the west with scattered single-family residences throughout the area.

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 is located on the east side of the 40.7-acre parcel and is approximately 2,000 feet west of Huasna Townsite Road in the South Bay planning area (Huasna-Lopez sub 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 *impacts would be less than significant.*

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

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

The project would be required to implement measures to mitigate potential impacts associated with aesthetic resources, biological resources, energy, and noise; 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 associated with aesthetic resources, biological resources, energy, and noise.

Mitigation

Implement measure AES-1, BIO-1 through BIO-10, ENG-1, and N-1 through N-3.

Sources

See Exhibit A.

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 (Public Resources Code 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 2011a):

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

The County 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.

Discussion

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

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

(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. Therefore, impacts would be *less than significant.*

Conclusion

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

Mitigation

None necessary.

Sources

See Exhibit A.

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

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

- Residential development, except temporary dwellings
- Schools – preschool to secondary, college and university, 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 existing ambient noise environment is characterized by marginal traffic on Huasna Townsite Road located approximately 2,000 feet east of the project site and connecting roadways that include Bar Bb Lane to the northwest. The nearest existing noise-sensitive land use is a rural residence located approximately 90 feet east of the property line and an on-site residence located approximately 420 feet west from the project site.

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

Table 8. Maximum allowable exterior noise level standards(1)

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

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

(2) Applies only to uses that operate or are occupied during nighttime hours

Discussion

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

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

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

The project proposes the use of an HVAC and odor control systems that would be a permanent source of stationary noise. Noise associated with the use of wall- or roof-mounted HVAC and odor mitigation

equipment associated with the proposed greenhouses and metal building would be expected to generate noise levels of approximately 65 dBA at distance of 25 feet from the source. Noise attenuates (diminishes) at a rate of 6 dB per doubling of distance. As proposed, the nearest greenhouses would be located 50 feet from the eastern property line, which would result in HVAC noise generation of approximately 50 dBA at the property line. Should the HVAC system be located at the eastern wall of the greenhouses closest to the property line, the hourly average equivalent noise level could exceed the limits for both daytime and nighttime. To ensure the HVAC in the ancillary processing structure meets the maximum allowable daytime and nighttime hourly average equivalent noise levels at the property line, **Mitigation Measure N-1** is required to locate the HVAC at the western wall of the greenhouses closest to the property line. This would result in the HVAC being located approximately 80 feet from the eastern property line, which would result in a HVAC noise generation of approximately 55 dBA. The HVAC could still exceed the daytime and nighttime hourly average equivalent noise levels at the eastern property line. **Mitigation Measure N-2** would require additional buffering of the HVAC so that noise levels at the northern property line do not exceed 50 dBA, and **Mitigation Measure N-3** would require that the HVAC be limited to no more than 1 hour of use during the hours of 10:00 p.m. and 7:00 a.m., unless **Mitigation Measure N-2** is implemented so that noise levels at the eastern property line do not exceed 45 dBA. 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 with mitigation*.

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 with mitigation*.

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

The project proposes 1.7 acres of grading activity (6,558 cubic yards) during construction of the proposed development and would move less than 1,200 cubic yards/day of material. Grading activity has the potential to create groundborne noise. These activities would be performed during daylight hours (7am-10pm) and would be limited in duration and are not likely to be perceptible from adjacent areas. Operation of the proposed project is not likely to produce long-term 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. Mitigation measure N-1 through N-3 has been identified reduce potential impacts associated with the exceedance of hourly average equivalent noise level standards set forth in the LUO to less than

significant. No other potentially significant impacts were identified, and no other mitigation measures are necessary.

Mitigation

N-1 **HVAC Location Within Greenhouses Adjacent to Eastern Property Line.** At time of application for construction permits for the greenhouse located adjacent to the eastern property line, the applicant shall locate any HVAC system at the western wall of the structure.

N-2 **HVAC Noise Buffer.** At time of application for construction permits for the greenhouse located adjacent to the eastern property line, the applicant shall demonstrate sufficient insulation or other buffer methods so that noise associated with the HVAC does not exceed 50 dBA at the eastern property line. Prior to final inspection or occupancy, the applicant shall demonstrate implementation and compliance with this measure.

N-3 **HVAC Operation.** For the life of the project, operation of any HVAC system in the greenhouse located adjacent to the eastern property line shall be limited to no more than 1 hour daily between the hours of 10:00 p.m. and 7:00 a.m., unless the applicant demonstrates, per Mitigation Measure N-2, that noise associated with the HVAC does not exceed 45 dBA at the eastern property line.

Sources

See Exhibit A.

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 County of San Luis Obispo General Plan Housing Element 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.

There is an existing single-family residence on the proposed property and there are scattered single-family residences on surrounding parcels. The current land use is designated for agricultural purposes and supports other scattered single-family residences

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 does not include the construction of new homes or businesses or the extension or establishment of roads, utilities, or other infrastructure that would induce development and population growth in new areas. The project would not generate a substantial number of new employment opportunities that would encourage population growth in the area. Therefore, the project would not directly or indirectly induce substantial growth and impacts would be *less than significant.*

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

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

Conclusion

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

Mitigation

None necessary.

Sources

See Exhibit A.

XV. PUBLIC SERVICES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
	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 of San Luis Obispo to provide full-service fire protection since 1930. Approximately 180 full-time state employees operate the County Fire Department, supplemented by as many as 100 state seasonal fire fighters, 300 County paid-call and reserve fire fighters, and 120 state inmate fire fighters. CAL FIRE responds to emergencies and other requests for assistance, plans for and takes action to prevent emergencies and 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 County Fire/Cal Fire Station is CAL FIRE San Luis Obispo County Fire Station #20 located 22.4 miles southwest from the project site. The response time from the County Fire/Cal Fire station to the project site is approximately 36 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 station is the South Station in Oceano and is located 18 miles west from the project site. The response time form the sheriff's station is approximately 33 minutes.

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 Lucia Mar School District, which includes eleven elementary

schools, three middle schools, three comprehensive high schools, one continuation high school, and one adult education program. Based on the County's 2016-2018 Resource Summary Report, schools within the Lucia Mar School District are currently operating at acceptable capacities and levels, with the exception of elementary schools, which are at capacity.

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 site is located 13 miles away east from Strother Park, a City-maintained day use park.

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 would be required to comply with all fire safety rules and regulations including the California Fire Code and Public Resources Code prior to issuance of building permits. The project would need to comply with the CBC by adding fire safety design features such as fire-resistant walls and ceilings, fire alarms and sprinklers, etc. and comply with the requirements set forth in the Fire Safety Plan prepared by County Fire/CAL FIRE. Based on the limited nature of development proposed, the project would not result in a significant increase in demand for fire protection services. The project would be served by existing fire protection services and would not result in the need for new or altered fire protection services or facilities. In addition, the project would be subject to development impact fees to offset the project's contribution to demand for fire protection services. Therefore, impacts would be *less than significant*.

Police protection?
The project does not propose a new use or activity that would require additional police services above what is normally provided for similar surrounding land uses. The project proposes the implementation of security measures including security lighting and cameras in order to prevent loitering and criminal activity. The project would not result in a significant increase in demand for police protection services and would not result in the need for new or altered police protection services or facilities. In addition, the project would be subject to development impact fees to offset the project's contribution to demand on law enforcement services. Therefore, impacts related to police services would be *less than significant*.

Schools?
As discussed in Section XIV. Population and Housing, the project would not induce 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

None necessary.

Sources

See Exhibit A.

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 County of San Luis Obispo Parks and Recreation Element (Recreation Element) 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 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.

The project site is not located within a five-mile radius of recreational facilities including but not limited to parks, trails, pedestrian/bike paths, etc. The project would not result in a need for new recreational facilities within the project area.

Discussion

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

Based on the project description, the project would not result in a substantial growth within the area and would not substantially increase demand on any proximate existing neighborhood or regional park or other recreational facilities. *No impacts would occur*.

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

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

Conclusion

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

Mitigation

None necessary.

Sources

See Exhibit A.

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

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, in December 2018, the California Natural Resources Agency certified and adopted updates to the State CEQA Guidelines. The revisions included new requirements related to the implementation of Senate Bill 743 and identified vehicle miles traveled (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. 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 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, preparation of a Regional Transportation Plan (RTP), programming of state funds for transportation projects, and the administration and allocation of transportation development act funds required by state statutes. As the Metropolitan Planning Organization (MPO), SLOCOG is also responsible for all transportation planning and programming activities required under federal law. This includes development of long-range transportation plans and funding programs, and the approval of transportation projects using federal funds.

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 of San Luis Obispo as well as the Cities within the county in facilitating the development of the RTP.

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. The project site is not located in close proximity to any public transportation systems nor designated pedestrian/bike trails. The nearest public transportation service is a bus stop located 20 miles away in Nipomo.

Discussion

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

The project does not propose the substantial temporary or long-term alteration of any proximate transportation facilities. According to the applicant, the proposed project would generate an average of ten trips per day from employee arrival/departure and incoming/outgoing shipments. Most trips would occur before 8:00 am and after 6:00 pm. Marginal increases in traffic can be accommodated by existing local streets and the project would not result in any long-term changes in traffic or circulation. 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. The Department of Public Works did not identify any concerns regarding the circulation system. Therefore, potential impacts would be *less than significant*.

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

The County of San Luis Obispo has not yet identified an appropriate model or method to estimate vehicle miles traveled for proposed land use development projects. Section 15064.3, subdivision (b) states that if

existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively.

Based on the nature and location of the project, the project would not generate a significant increase in construction-related or operational traffic trips or vehicle miles traveled. . In addition, the project would generate 10 average daily trips which is considerably less than the 110 average daily trip threshold of significance identified by the Technical Advisory On the Evaluation of Transportation. 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)?

There are existing paved access roads to the project site that do not need to be reconstructed for the project. The project proposes a cement paved road for access from Bar Bb Lane into the development as well as a paved area for parking. The project would not change existing roadway design and does not include geometric design features that would create new hazards or an incompatible use. Therefore, impacts would be *less than significant*.

(d) Result in inadequate emergency access?

The project would not result in road closures during short-term construction activities or long-term operations. Paved roadways would be available for emergency access to and from the site. Individual access to adjacent properties would be maintained during construction activities and throughout the project area. Project implementation would not affect long-term access through the project area. Therefore, the project would not adversely affect existing emergency access and impacts would be *less than significant*.

Conclusion

The project would not alter existing transportation facilities or result in the generation of substantial additional trips or vehicle miles traveled. Payment of standard development fees and compliance with existing regulations would ensure potential impacts were reduced to less than significant. Therefore, potential impacts related to transportation would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

Sources

See Exhibit A.

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 subdivision (k) of California Public Resources Code Section 5020.1.
2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of California Public Resources Code Section

5024.1. 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.

The project site was previously inhabited by the Chumash. In accordance with AB 52, a request was submitted to the Native American Heritage Commission (NAHC) to request a review of the Sacred Lands File (SLF) for the presence of Native American cultural resources that might be impacted by the proposed project. The NAHC maintains the SLF database and is the official State repository of Native American sacred site location records in California. As of March 5, 2019, the NAHC has not responded to the SLF search request.

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. A Sacred Lands File (SLF) was requested on February 1, 2019 for the project but has yet to receive a response from the Native American Heritage Council (NAHC) as of the date of this document. The Phase I Archaeology Study (LSA 2019) did not identify 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 (LSA 2019). Potential impacts associated with the inadvertent discovery of tribal cultural resources would be subject to LUO 22.10.040 (Archaeological Resources), which requires that in the event resources are encountered during project construction, construction activities shall cease, and the County Planning and Building Department shall be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with state and federal law. Therefore, 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.*

Per the requirements of AB 52, an SLF was submitted to the NAHC; as of the date of this document no response has been received. The Phase I Archaeology Study (LSA 2019) did not identify any t, known archaeological cultural resources in the area. Uncovering an artifact cannot be completely ruled out

because of visibility issues during portions of the field survey. However, it is unlikely that artifacts would be uncovered due to the lack of cultural resources on the surface and the sandstone directly beneath the topsoil. The SLF should be forwarded as soon as it is received in order to ensure resources of significance to a California American tribe is not located onsite and would not be harmed during project construction. Project impacts would be *less than significant*.

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 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 County 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

None necessary.

Sources

See Exhibit A.

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 onsite 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 best management practices 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. Pacific Gas & Electric Company (PG&E) is the primary electricity provider and both PG&E and Southern California Gas Company provide natural gas services for

urban and rural communities within the County of San Luis Obispo. The project proposes to implement solar panels for a majority of the project's energy demand and would utilize PG&E for the remaining energy needs. The proposed project site has an existing on-site well that pumps 46,000 gallons of water per day and would support the project's water demands. The project proposes the development of a 2,500-gallon wastewater storage tank and 2,500-gallon water storage tank as well as a network of gutters along the greenhouses to divert rainwater into storage drums for the project to use as a reclaimed water source.

There are three landfills in San Luis Obispo County: Cold Canyon Landfill, located near the City of San Luis Obispo, Chicago Grade Landfill, located near the community of Templeton, and Paso Robles Landfill, located east of the City of Paso Robles. The project proposes to use services from South County Sanitary for solid waste disposal. Cannabis waste would be disposed of by a licensed hauler (Gaia CA).

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 the demand for 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 proposes use of a 60-panel ground-mounted, grid-tied system that would be implemented on the eastern portion of the project site and produce 37,000 kWh of energy for cultivation greenhouses. The remaining energy needs (2,286,750 kWh) would be provided by PG&E for the ancillary structures for cannabis production. The project, with incorporation of the recommended mitigation measures, would not result in a substantial increase in energy demand, natural gas, or telecommunications and no new or expanded facilities would be required. No utility relocations are proposed. Therefore, impacts would be *less than significant*.

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

750-1000 gallons of water per day (21,00-31,000 gallons per month) for cultivation activities, 5 gallons per day (150 gallons per month) for staff usage, and 2-5 gallons per day (65-150 gallons per month) for cleaning activities. Water usage for cultivation is expected to vary between plant life cycle stages but remain within the estimated limits for use (304,644 gallons or 0.93-acre-feet per year at full operation). The existing on-site well produces 46,000 gallons of water per day and would be able to support the project's water demand. Short-term construction activities would require minimal amounts of water, which would be met through available existing supplies. 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 proposes to utilize portable restrooms for employees and visitors that would not significantly increase demands on existing wastewater collection, treatment, and disposal facilities. The project does not include new connections to wastewater treatment facilities; therefore, the impacts would be *less than significant*.

(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 project proposes to use a licensed waste hauler (Gaia CA) for cannabis waste disposal. For disposal of solid waste produced by the project that is not cannabis materials, the South County Sanitation landfill and other local landfills have adequate permit capacity to serve the project and the project does not propose to generate solid waste in excess of State or local standards or otherwise impair the attainment of solid waste reduction goals. Therefore, potential impacts 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

None necessary.

Sources

See Exhibit A.

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. Fire Hazard Severity Zones (FHSZ) are defined by the California Department of Forestry and Fire Protection (CALFIRE) 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 Moderate Hazard designation does not mean the area cannot experience a damaging fire; rather, it indicates that the probability is reduced, generally because the number of days a year that the area has "fire weather" is less than in high or very high fire severity zones. The proposed project site is located in High and Very High Fire Severity Zones.

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

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

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

Topography influences wildland fire to such an extent that slope conditions can often become a critical wildland fire factor. Conditions such as speed and direction of dominant wind patterns, the length and steepness of slopes, direction of exposure, and/or overall ruggedness of terrain influence the potential intensity and behavior of wildland fires and/or the rates at which they may spread (Barros et al. 2013). The project site is characterized by slight to moderate slopes and wind speeds averaging between 0-5 miles per hour throughout the year.

The County of San Luis Obispo Safety Element 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?

Implementation of the proposed project would not have a permanent impact on any adopted emergency response plans or emergency evacuation plans. Project construction would not impede public roadways including Huasna Townsite Road and Bar Bb Lane. Temporary construction activities and staging would not substantially alter existing circulation patterns or trips. Access to adjacent areas would be maintained throughout the duration of the project. Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Potential impacts would be *less than significant*.

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

The project site is characterized by gentle to moderate slopes and average wind speeds of 0-5 miles per hour. The proposed project operation would not significantly increase or exacerbate potential fire risks. The project design would be compliant with the California Building Code (CBC) and would meet recommended fire safety standards such as fire resistive walls and ceilings, implement fire alarms and sprinklers, etc. and would be required to comply with the requirements set forth in the Fire Safety Plan

dated July 18, 2019. The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and Public Resources Code, which includes improvements to the existing access road/driveway to accommodate emergency vehicle access, vegetation clearing or trimming around all existing and proposed structures, and installation of a water storage tank for fire protection. These infrastructure improvements would reduce fire risk. The project does not propose any design elements that would increase risks and expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire. Therefore, potential impacts would be *less than significant*.

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

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

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

The project region is at high risk for wildfire; however, the project proposes grading activity that would support structures on relatively level slopes. Therefore, project operation would be done on level slopes. As described in the Geology and Soils section, the project is located on soil with low risk for landslides and the site does not have a history of landslides. The project does not include any design elements that would put people or structures in significant risk. Therefore, the potential impacts are *less than significant*.

Conclusion

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

Mitigation

None necessary.

Sources

See Exhibit A.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
(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 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?*

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

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

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

The State CEQA Guidelines allow for the use of two different methods to determine the scope of projects for the cumulative impact analysis:

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

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

Existing and Reasonably Foreseeable Cannabis Activities

In 2016, the County estimated that were as many as 500 unpermitted (illegal) cannabis cultivation sites within the unincorporated county. Assuming one-half acre per site, the canopy associated these activities could be as high as 250 acres.

Table 9 provides a summary of the total number of cannabis activities for which the County has either approved or has received an application as of the date of this initial study. As shown on Table 5, the County has received applications for a total of 115 cultivation sites (including indoor and outdoor) with a total potential cannabis canopy of 330 acres. Under the County's cannabis regulations (LUO Sections 22.40. et seq. and CZLUO Section 22.80 et seq.), the number of cultivation sites allowed within the unincorporated county is limited to 141, and each site may have a maximum of 3 acres of outdoor canopy and 22,000 sf (0.5 acres) of indoor canopy. Therefore, if 141 cultivation sites are ultimately approved, the maximum total cannabis canopy allowable in the unincorporated county will be 493 acres (141 sites x 3.5 acres of canopy per site = 493 acres).

Figure 4. Project Location Map

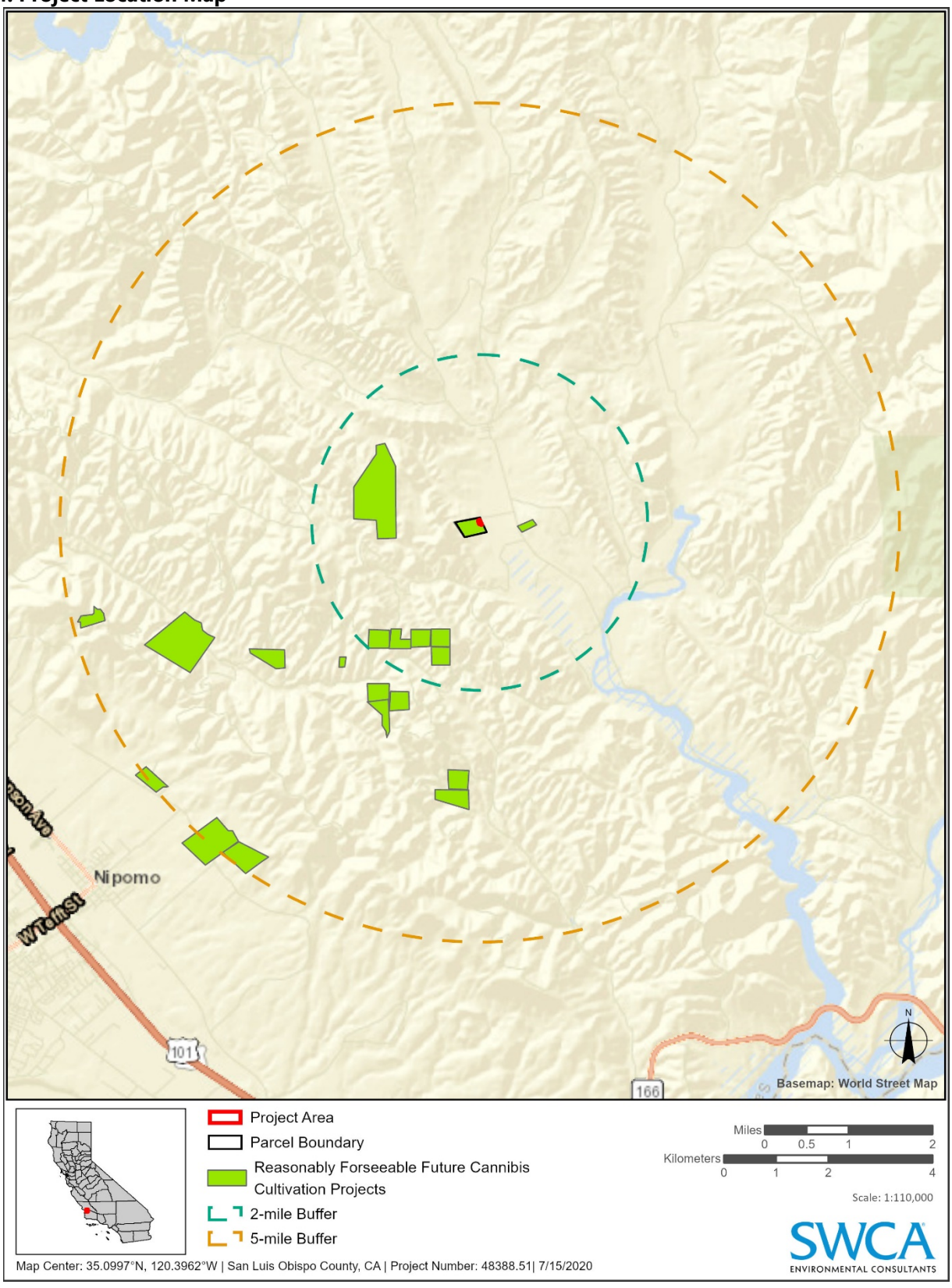

Table 9. Summary of Cannabis Activities for Unincorporated San Luis Obispo County[1]

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	-	4
Commercial Transport	5	-	1
Testing Laboratory	1	-	1
Total	**303**	**367.3**	**87**

Notes:
1. As of the date of this initial study.
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 cannabis activities.

There are 19 proposed cannabis facilities within a five-mile radius from the project site.

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

- All 114 cultivation sites will be approved and developed;
- Each cultivation site will be developed as follows:
    - 3 acres of outdoor cultivation;
    - 0.5 acres of indoor cultivation;
    - 19,000 sf of ancillary nursery;
    - A total area of disturbance of 6.0 acres to include the construction of one or more buildings to house the indoor cultivation, ancillary nursery and processing;
    - A total of six full-time employees;
    - A total of six average daily motor vehicle trips;
    - All sites will be served by a well and septic leach field;

Aesthetic and Visual Resources

The analysis conducted in Section I, Aesthetic and Visual Resources, describes the existing visual setting of the project area and concludes that project impacts would be less than significant with mitigation measures to reduce impacts of light pollution on nighttime lighting. Based on the mitigation measures identified to reduce potential project impacts and discretionary review of surrounding proposed cannabis

projects, the impacts to aesthetic and visual resources of this project, when considered with the potential impacts of other reasonably foreseeable development in the area, would be less than cumulatively considerable.

Agricultural Resources

The analysis conducted in Section II, Agriculture and Forestry Resources, describes the existing agricultural setting of the project area and concludes that project impacts would be less than significant. The FMMP shows that between 2008 and 2016 (the most recent data year), the amount of agricultural land in San Luis Obispo County has decreased by 7,233 acres, approximately 0.005% over the 8-year period. During this same period, the amount of Important Farmland (Prime, Unique, Statewide Importance) decreased by 13,349 acres, approximately 3.25% over an 8-year period.

Considered cumulatively with all 114cannabis cultivation applications, there is potential for up to 400 acres of impact to Farmland from cannabis projects. The actual amount of converted acreage would likely be lower as this number represents the worst-case scenario. The proposed project does not propose to construct on Prime Farmland and are considered less than cumulatively considerable.

Air Quality

The analysis provided in Section III, Air Quality, concludes that the project's potential construction-related and operational emissions will fall below APCD thresholds of significance for both project-related and cumulative impacts. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to potential impacts to air quality are considered less than cumulatively considerable.

Biological Resources

The analysis provided in Section IV, Biological Resources, concludes that the project would have a less-than-significant impact upon implementation of the identified avoidance and mitigation measures for special-status wildlife species and their habitats, and avoidance and replacement of potentially impacted native trees. With implementation of measures BIO-1 through BIO-10, potential impacts to biological resources would be less than significant.

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

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

Energy Use

Cannabis cultivation operations typically use an insignificant amount of natural gas. Accordingly, this assessment of cumulative energy impacts is based on electricity use. The analysis provided in Section VI, Energy, states that the project could result in an annual energy demand of 2,988,000 kWh per year (with construction of the proposed solar system).

Table 10 provides a summary of the estimated worst-case scenario of total electricity demand associated with development of all 114 proposed and/or approved cannabis cultivation projects with 22,000 square

feet (0.5 acre) of mixed-light (indoor) cannabis cultivation based on the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form.

Table 10. Projected Demand for Electricity from Approved and Reasonably Foreseeable Cannabis Cultivation Projects

Proposed Land Use	Total Electricity Demand from Proposed Cannabis Cultivation Projects[1] (Kilowatt-Hours/Year)	Total Electricity Demand (Gigawatt Hours/Year)	Electricity Consumption in San Luis Obispo County in 2018[2] (Gigawatt Hours)	Total Demand in San Luis Obispo County with Proposed Cannabis Cultivation (Gigawatt Hours/Year)	Percent Increase Over 2018 Electricity Demand
Mixed-light (indoor) Cultivation	203,643,000	203.6			
Outdoor Cultivation	119,572,200	119.6			
Total	**323,215,200**	**323.2**	**1,765.9**	**2,089**	**18%**

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

[2]Source: California Energy Commission 2019.

Table 9 indicates that electricity demand in San Luis Obispo County could increase by as much as 18% if all 114 cultivation projects are developed with 22,000 square feet of mixed-light cultivation and are approved. PG&E is required by state law (the Renewable Portfolio Standard) to derive at least 60% of their electricity from renewable sources by 2030. These sources are "bundled" and offered for sale to other Load Serving Entities (utility providers). Table 11 shows the percent increase in the projected 2030 demand for these bundled sources of electricity throughout PG&E's service area for, assuming all 114 cultivation projects are developed with 22,000 square feet of mixed-light cultivation and approved.

Table 11. Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects Compared With Projected PG&E 2030 Available Service Load

Increased Electricity Consumption in San Luis Obispo County with 114 Cannabis Cultivation Projects[1] (Gigawatt Hours/Year)	323
Projected PG&E 2030 Bundled Service Load[2] (Gigawatt Hours)	33,784
Percent Increase in 2030 Demand With Cannabis Cultivation	**0.95%**

[1]Source: CalEEMOD 2016 v.3.2. Assumes 114 cultivation projects with 3.5 acres of cannabis canopy.

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

The project's contribution to the overall increased demand for electricity would have the potential to result in potentially cumulatively considerable environmental impacts through GHG emissions. Mitigation measures ENG-1 and ENG-2, require the applicant to prepare and implement an Energy Conservation Plan to identify strategies to reduce or offset for cannabis-related electricity demand and GHG emissions. In addition, all proposed cannabis cultivation projects within the county would be subject to discretionary review by County staff. Indoor and mixed-light cultivation projects that are determined to have the potential

to result in potentially significant impacts from their proposed energy use would be required to implement mitigation measures to reduce their energy demand and use sources that result in less GHG emissions. It is also important to note that while many proposed cannabis cultivation projects would result in new permitted facilities, a portion of these facilities are being proposed in existing buildings previously used for unpermitted cannabis cultivation activities or other uses. Therefore, the estimated increases in energy demand provided in Tables 9 and 10 are assumed to be overestimations.

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

Greenhouse Gas (GHG) Emissions

As discussed in Section VIII, Greenhouse Gas Emissions, the project is estimated to generate approximately 364.95 metric tons of CO_2 emissions per year after implementation of the energy reduction measures recommended by ENG-1. Accordingly, the project will not exceed the interim working GHG threshold of 690 metric tons of CO_2 emissions per year and project emissions will be consistent with the GHG reduction measures set forth by SB 32 and the County's EnergyWise Plan.

All proposed cannabis cultivation operations located within the county 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.

Hydrology/Water Demand

As discussed in Section X. Hydrology and Water Quality, compliance with existing regulations and/or required plans would adequately reduce potential impacts associated with hydrology and water quality to be less than significant.

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 storage, refilling, and dispensing County Department of Environmental Health standards. All cannabis cultivation projects within the county would also be required to comply with applicable riparian, wetland, and other waterway setbacks established by the Regional Water Quality Control Board.

Noise

As discussed in Section XIII, Noise, noise associated with proposed HVAC and odor management systems would be mitigated through implementation of mitigation measures N-1 through N-3 to a less than significant level.

Reasonably foreseeable future cannabis cultivation projects would require discretionary permits and would be reviewed by County staff for potentially significant environmental impacts, including impacts associated with noise. Future projects with potential to generate noise above County standards or noise that would

adversely affect surrounding sensitive receptors would be required to implement measures to reduce associated impacts. In addition, most cultivation activities would be required to adhere to the established setback distances from property lines as detailed in the LUO and these setbacks would allow noises to dissipate to some degree before reaching surrounding land uses.

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

Population and Housing

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

Cannabis cultivation activities in the County typically employ 6 – 8 full-time workers and up to 12 workers during the harvest. The 2050 employment forecast does not account for employment in the cannabis industry, because of the formerly illegal status of the industry. However, assuming 114 cultivation projects, total employment associated with cannabis cultivation could result in as many as 920 workers. It is most likely that these workers will be sourced from the existing workforce in San Luis Obispo County. If all 920 workers are new residents to the County, it would represent a 2% increase in the projected growth in population between 2015 and 2050. The small increase in projected population is not expected to result in an increased demand for housing throughout the county. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to impacts related to housing and population is considered less than cumulatively considerable.

Public Services

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

Transportation

The Department of Public Works has derived trip generation rates for cannabis cultivation from traffic reports and through the trip generation rates published by the Institute of Traffic Engineers. Table 12 provides an estimate of total ADT and vehicle miles traveled associated with buildout of the 114 approved and active cannabis cultivation projects.

Table 12. Cumulative Average Daily Trips From Cannabis Cultivation

Use	Unit	ADT	Cannabis Cultivation	Total ADT	PM Peak Hour Trips	Vehicle Miles Travelled
Cultivation, Indoor (includes greenhouses, plant processing, drying, curing, etc.)	1,000SF*	0.27	2,530,000 sf	690	10.3	19,320
Cultivation, Outdoor (includes hoop house)	Acres*	2.00	345 acres	683	68.3	19,126
Seasonal Employees**	Employee	2.00	460 employees	460	460	12,880
Total:				**1,833**	**538.6**	**51,326**

Notes:

* Units based on gross square feet, acres, and employees.

** Seasonal Trips are adjusted based on the annual frequency.

The most recent estimate of total vehicle miles travelled (VMT) for the County is from 2013 at which time total VMT per day was estimated to be 7,862,000. Assuming a 1% annual growth in VMT during the intervening six years, the current VMT is estimated to be about 8,333,720. Accordingly, the 57,262 VMT associated with cannabis cultivation will result in an increase of about 0.61 percent in the total county VMT. The small increase in VMT is not expected to result in a reduction of the level of service on county streets and intersections. Moreover, 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 is considered 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;
- Geology and Soils;
- Hazards and Hazardous Material;
- Land Use Planning;
- Mineral Resources;
- Recreation;
- Tribal Cultural Resources;
- Utilities and Service Systems; and
- Wildfire.

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

Environmental impacts that may have an adverse effect on human beings, either directly or indirectly, are analyzed in each environmental resource section above. In addition, implementation of mitigation measures AES-1, BIO-1 through BIO-10, ENG-1, and N-1 through N-3 identified in in the resource sections above would reduce potential adverse effects on human beings to less than significant; therefore, impacts would be *less than significant with mitigation.*

Conclusion

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

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	**None**
☒	County Agricultural Commissioner's Office	**None**
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☒	Air Pollution Control District	**None**
☒	County Sheriff's Department	**None**
☒	Regional Water Quality Control Board	**None**
☐	CA Coastal Commission	**Not Applicable**
☒	CA Department of Fish and Wildlife	**None**
☒	CA Department of Forestry (Cal Fire)	**In File****
☐	CA Department of Transportation	**Not Applicable**
☐	Community Services District	**Not Applicable**
☒	Other _____	**In File****
☐	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
☒ South County Area Plan/Huasna-Lopez SA
☐ Design Plan
☐ Specific Plan
☐ Annual Resource Summary Report
☐ Circulation Study

Other Documents

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

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

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

CAL FIRE. 2007. "Draft Fire Hazard Severity Zones in Local Responsibility Areas." Available at <http://frap.fire.ca.gov/webdata/maps/san_luis_obispo/fhszl06_1_map.40.pdf>

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

California Department of Transportation (Caltrans). 2008. Scenic Highway Guidelines. October 2008.

California State Water Resources Control Board. 2012. Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems. June 19th, 2012.

_____. 2015. Geotracker. Available at: <http://geotracker.waterboards.ca.gov/>

_____. 2018. Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTUS Policy) Fact Sheet. August 2018.

County of San Luis Obispo. 2007. San Joaquin Kit Fox Standard Mitigation Ratio Areas. Available at: <https://www.slocounty.ca.gov/getattachment/2c0fc293-eb37-4a0c-af22-5e0992efd025/Kit-Fox-Habitat-Area.aspx>

_____. 2016. 2015/2016 County Bikeways Plan. July 6th, 2016.

_____. 2016. Emergency Operation Plan. December 2016.

_____. 2018. San Luis Obispo County Parks & Recreation Group Day Use & Facilities. Available at: <https://slocountyparks.com/day-use-parks/>

County of San Luis Obispo Department of Planning and Building. 2018. Onsite Wastewater Treatment System Local Agency Management Program. January 18th, 2018.

Department of Conservation (DOC). 2019. San Luis Obispo County Tsunami Inundation Maps. Available at: < https://www.conservation.ca.gov/cgs/tsunami/maps/San-Luis-Obispo>.

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

San Luis Obispo Council of Governments (SLOCOG). 2019. Responsibilities. Available at: <https://slocog.org/about/responsibilities>.

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

U.S. Fish and Wildlife Service (USFWS). 2019. National Wetlands Inventory Surface Waters and Wetlands. May 5, 2019. Available at: <https://www.fws.gov/wetlands/data/Mapper.html>

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: February 23, 2021

DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM FOR WHITE OAK FARMS MINOR USE PERMIT (DRC2019-00131)

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

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

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

AESTHETICS (AES)

AES-1. Nighttime Lighting. Lighting components of the project have the potential to substantially increase the amount of nighttime lighting and glare within the surrounding project area. A Light Pollution Prevention Plan (LPPP) must be submitted to the Count Planning Department prior to issuance of construction permits. The LPPP should include the following components:

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

Monitoring: Required at time of application for construction permits. Compliance will be verified by the County Department of Planning and Building.

BIOLOGICAL RESOURCES (BIO)

BIO-1. Qualified Biologist Retention. Prior to issuance of construction or grading permits for any and all project phases or establishment of use of any and all project phases, whichever occurs first, the applicant shall provide evidence to the County that they have retained a County-

approved qualified biologist. The scope of work shall include preconstruction surveys, training, monitoring, and reporting, as detailed in the mitigation measures listed below.

BIO-2. Biological Monitoring. Biological monitoring shall be conducted by a qualified biologist prior to construction activity or site disturbance that includes any ground disturbance, excavation, or grading. The biologist shall survey the site prior to ground disturbance and then monitor the area as construction activity occurs.

- The construction shall be completed during daylight hours (sunrise to sunset) and shall not take place immediately after rain events.
- The Project impact area shall be clearly marked or delineated with stakes, flagging, tape, or signage prior to work. Areas outside of work limits shall be considered environmentally sensitive and shall not be disturbed.
- All equipment and vehicles shall be checked and maintained daily to prevent spills of fuel, oil, and other hazardous materials. A designated staging area shall be established for vehicle/equipment parking and storage of fuel, lubricants, and solvents. All fueling and maintenance activities shall take place in the staging area.
- Any wildlife that is observed during monitoring shall be allowed to move out of work limits of their own volition or shall be captured and relocated to nearby suitable habitat by the biologist, as necessary and in compliance with state and federal Endangered Species Act regulations.

BIO-3. Pre-Construction Surveys for Special-Status Plant Species. A botanical resource survey (BRS) shall be conducted by a qualified botanist during the blooming period for sensitive plant species prior to construction commencement, in particular Straight-awned spineflower populations and individuals that would be directly impacted by grading and construction of structures. This species along with any other identified special status species shall be avoided to the maximum extent possible during construction activity. Individuals that cannot be avoided shall be preserved through seed collection, topsoil salvage, and/or transplanting. Relocation of sensitive species would make impacts to sensitive plant species less than significant.

BIO-4. California Red-Legged Frog Worker Awareness Training. Before any activities begin on each project phase, a United States Fish and Wildlife Service-approved biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of the California red-legged frog, the foothill yellow-legged frog and their habitats, the specific measures that are being implemented to conserve the California red-legged frog for the current project, and the boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.

BIO-5. (a) California Red-Legged Frog Surveys and Avoidance. A United States Fish and Wildlife Service-approved and CDFW-approved biologist shall survey the project area no more than 48 hours before the onset of project site disturbance activities of all project phases. If any life stage of the California red-legged frog or foothill yellow-legged frog is found and these individuals are likely to be killed or injured by work activities, the approved biologist will be allowed sufficient time to move them from the site before work activities begin. The United States Fish and Wildlife Service-approved and CDFW-approved biologist shall relocate the California red-legged frogs and/or foothill yellow-legged frogs the shortest distance possible to a location that contains suitable habitat and will not be affected by the activities associated with the project, preferably within the same drainage. The relocation site shall be in the same drainage to the extent practicable. The project biologist shall coordinate with the CDFW to discuss site-specific, full avoidance measures, or the relocation or take of California red-legged frogs or foothill yellow-legged frogs, prior to species capture.

(b) California Red-Legged Frog Surveys and Avoidance During Ongoing Operations. The applicant shall make every effort to schedule work activities during the dry season when impacts to CRLF and FYLF would be minimal. This would include the following:

- Avoid work during the rainy season (November 1 through March 31). If work must occur in the rainy season, no work shall occur during or immediately after rain events of 0.25 inches or greater.
- A follow-up survey shall be conducted prior to the start of work following ant rain event of 0.25 inches or greater.
- Avoid nighttime work. If nighttime work is deemed necessary, a qualified biologist shall be on site until it is determined that no potential impacts to CRLF or FYLF would occur based on conditions and the scope of work.

If operational activities such as planting or harvesting are necessary during the rainy season, an Operational Management Plan for the avoidance of amphibians shall be prepared by a qualified biologist. The project's Management Plan will be subject to the review and approval of the United States Fish & Wildlife Service (USFWS) and San Luis Obispo County Planning & Building Department prior to operational activities during the rainy season.

The Management Plan shall address items including, but not limited to: (a) monitoring that will occur during ground disturbance and related activities (e.g., monitoring duration, time, frequency), (b) procedures to follow if a California Red Legged Frog (CRLF), Foothill Yellow-Legged Frog (FYLF) or other sensitive species are encountered during operational related activities, (c) pre-activity worker training, (d) scheduling of such activities proposed to minimize impacts to sensitive species (i.e, completing activities closest to potential CRLF habitat first), and (e) the filing of a post-activity report "lessons learned" on the effectiveness of the required measures.

BIO-6. Aquatic Habitat Protection. During project construction and site disturbance activities of all project phases, all refueling, maintenance, and staging of equipment and vehicles will occur at least 60 feet from riparian habitat or water bodies and in a location from where a spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water). The monitor will ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the applicant shall submit a plan detailing prompt and effective response to any accidental spills to the County Planning and Building Department for review and approval. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

BIO-7. California Red-Legged Frog Trash Management. During project activities of each project phase, trash that may attract predators will be properly contained, removed from the work site, and disposed of regularly. Following construction, trash and construction debris will be removed from work areas.

BIO-8. Western Spadefoot and Western Pond Turtle Surveys and Avoidance. Between 2 to 4 weeks prior to initiation of construction or site disturbance activities of each project phase, a qualified biologist shall survey the project site and, if present, capture and relocate any western spadefoot or western pond turtles to suitable habitat outside of proposed disturbance areas. Observations of these or other special-status species shall be documented on California Natural Diversity Database forms and submitted to the California Department of Fish and Wildlife upon phase completion. The project biologist shall submit a survey report to the County Department of Planning and Building documenting the number of observations of these or other special-status species (even if none are observed) as well as the areas in which individuals were relocated, if applicable.

BIO-9. Nesting Bird Breeding Season Avoidance. To the maximum extent possible, all site preparation, ground-disturbing, and construction activities of each project phase shall be conducted outside of the migratory bird breeding season (February 1 through September 15).

any site preparation, ground disturbing, or construction activities associated with any project phase are required during the migratory bird breeding season (February 1 through September 15), Mitigation Measure BIO-21 shall apply.

BIO-10. Nesting Bird Avoidance. If any site preparation, ground disturbing, or construction activities associated with any project phase are required during the migratory bird breeding season (February 1 through September 15), the qualified biologist shall conduct a nesting bird survey no sooner than 10 days prior to site disturbance activities. If nesting activity is detected, the following measures shall be implemented:

a. The project shall be modified or delayed as necessary to avoid direct take of identified nests, eggs, and/or young protected under the MBTA and/or California Fish and Game Code;

b. If an active tricolored blackbird nesting colony is found, a minimum 300-foot exclusion zone shall be observed in accordance with "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015" (CDFW 2015). The exclusion zone shall encircle the nesting colony and have a radius of 300 feet from the outside border of the colony. All foot and vehicle traffic, as well as all project activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained for the duration of the breeding season or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival.

   If 10 days lapse between project phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the tricolored blackbird survey shall be repeated.

c. The qualified biologist shall contact the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) to determine the appropriate biological buffer zone around active nest sites. Standard CDFW guidelines recommend a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. Construction activities within the established buffer zone will be prohibited until the young have fledged the nest and achieved independence; and

d. The qualified biologist shall document all active nests and submit a letter report to the County, USFWS, and CDFW, documenting project compliance with the MBTA, California Fish and Game Code, and applicable project mitigation measures within 14 days of survey completion.

   In the event that a TRBL nesting colony is detected during surveys, the applicant shall consult with CDFW to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire a State Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081subdivision (b), prior to project implementation.

BIO-11. Oak Trees. If impacts to oak trees become necessary at any point during the Project, the following measures shall be taken:

- No oak tree shall be removed without prior County approval;
- Trees within 20 feet of grading or trenching shall be protected by placement of protective fencing at least one foot outside the dripline;
- Trenching and excavation within the tree driplines shall be hand-dug or bored to minimize root disturbance. Any root encountered on inch diameter or greater, shall be hand cut and appropriately treated;

- Pruning of lower limbs in the construction area shall occur prior to construction activities to minimize damage; and
- An oak tree replacement plan will be prepared and submitted to the County for approval, and a certified arborist shall be contracted to provide guidance on trimming and/or removal of oak trees in the field.

BIO-12. Western Bumblebee and Crotch Bumblebee. Prior to and during any site disturbance and/or construction activities associated with the proposed project, the applicant shall retain a County-approved qualified biologist to conduct pre-construction survey(s) for crotch bumble bee and western bumble bee within suitable habitat areas (i.e., small mammal burrows, thatched/bunch grasses, upland scrubs, brush piles, unmowed/overgrown areas, dead trees, hollow logs, etc.) on the project site and areas within 50 feet of the project site. At a minimum, the survey effort shall include visual search methods targeting colonies or individuals. Surveys shall be conducted over an extended period of time to document and establish the presence of bees within the areas of disturbance. Upon completion of the surveys, the biologist shall prepare a survey report summarizing the findings and submit it to the County planning and building department.

If the survey(s) establish presence of crotch bumble bee or western bumble bee within the areas of disturbance, the applicant shall retain a County-qualified biologist to prepare a Biological Resources Management Plan (Management Plan) subject to review and approval of the County Planning and Building Department in consultation with CDFW. The Management Plan shall include the following, at a minimum:

a. Avoidance measures to conduct project activities in such a manner that avoids physical disturbances to the colony/nest site, including a minimum 50-foot no disturbance buffer to avoid take and potentially significant impacts;

b. If ground disturbance activities would occur during the overwintering period (October through February), the applicant, in coordination with the County Planning and Building Department, shall consult with CDFW to identify specific measures to be undertaken to avoid take as defined by the California Endangered Species Act (CESA).

If, prior to site disturbances, the California Fish and Game Commission determines that the conservation status of crotch bumble bee and western bumble bee does not warrant CESA protections or litigation changes the conservation status and the species are removed from the list of candidate species, the applicant will not need to obtain a Section 2081 Incidental Take Permit to disturb the colony(s).

Monitoring: Required at time of application for construction permits and during construction. Compliance will be verified by the County Department of Planning and Building.

ENERGY/GREENHOUSE GAS EMISSIONS (ENG)

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

a. A detailed inventory of energy demand prepared by a Certified Energy Analyst. The inventory shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities including, but not limited to, lighting,

odor management, processing, manufacturing and climate control equipment. The quantification of demand associated with electricity shall be expressed in total kilowatt hours (kWh) per year; demand associated with natural gas shall be converted to kWh per year.

b. A program for providing a reduction or offset of all energy demand that is 20% or more than a typical commercial building of the same size. In this case, the estimated reduction or offset would be at least 2,988,000 kWhr/yr – 701,250 kWhr/yr = 2,286,750 kWhr/yr; and the amount of energy not otherwise reduced or offset must not exceed 701,250 kWhr/yr. Such a program (or programs) may include, but is not limited to, the following:

   i. Evidence that the project will permanently source project energy demands from renewable energy sources (i.e. solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.

   ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include, but is not limited to, the following:

      1. Participating in an annual energy audit.
      2. Upgrading and maintaining efficient heating/ cooling/ dehumidification systems.
      3. Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
      4. Implementing automated lighting systems.
      5. Utilizing natural light when possible.
      6. Utilizing an efficient circulation system.
      7. Ensuring that energy use is below or in-line with industry benchmarks.
      8. Implementing phase-out plans for the replacement of inefficient equipment.
      9. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.

   iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]

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

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

Monitoring: Required at the time of application for construction permits. Implementation required prior to building permit issuance. Compliance will be verified by the County Department of Planning and Building.

February 23, 2021

NOISE (N)

N-1 **HVAC Location Within Processing Building.** At time of application for construction permits for the processing/drying structure, the applicant shall locate any HVAC system at the southwest corner of the structure.

N-2 **HVAC Noise Buffer.** At time of application for construction permits for the ancillary processing structure, the applicant shall demonstrate sufficient insulation or other buffer methods so that noise associated with the HVAC does not exceed 50 dBA at the northern property line. Prior to final inspection or occupancy, the applicant shall demonstrate implementation and compliance with this measure.

N-3 **HVAC Operation.** For the life of the project, operation of any HVAC system in the ancillary processing structure shall be limited to no more than 1 hour daily between the hours of 10:00 p.m. and 7:00 a.m., unless the applicant demonstrates, per Mitigation Measure N-2, that noise associated with the HVAC does not exceed 45 dBA at the northern property line.

Monitoring: Required at the time of application for construction permits and 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.

William C. Buckingham 2.24.21

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