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 21-088 **DATE:** May 21, 2021

PROJECT/ENTITLEMENT: Integrated Agriculture, Inc. Minor Use Permit;DRC2018-00083

APPLICANT NAME: Integrated Agriculture, Inc.
Email: giovanni@integratedagriculture.services
ADDRESS: PO Box 4730 Paso Robles, CA 93447
CONTACT PERSON: Giovanni DeGarimore **Telephone:** 805-215-9787

PROPOSED USES/INTENT: A request by **Integrated Agriculture, Inc**. for a Minor Use Permit (DRC2018-00083) for up to three (3) acres of outdoor cannabis cultivation canopy (within hoop structures), ancillary processing activities (de-stemming and weighing), and immediate ancillary transport of product (grown on-site) to licensed off-site facilities. The project would include the installation of 163,548 square feet of hoop structures, a new aggregate base access road, security fencing and surveillance, a new 9,500-gallon galvanized steel water tank, and a one seatrain container within a 1,953 square foot area for storage. Project development would result in approximately 7.8 acres of site disturbance including 267 cubic yards (cy) of cut and 225 cy of fill on a 107-acre parcel. The project site is in the Agriculture land use category and located at 3520 Creston Road in the El Pomar-Estrella Sub-Area of the North County Planning Area, approximately one mile east of the City of Paso Robles.

LOCATION: 3520 Creston Road, Paso Robles, CA 93446
LEAD AGENCY: **County of San Luis Obispo**
Dept of Planning & Building
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040
Website: http://www.sloplanning.org

STATE CLEARINGHOUSE REVIEW: YES ☒ **NO** ☐
OTHER POTENTIAL PERMITTING AGENCIES: California Department of Fish and Wildlife
California Department of Food and Agriculture California Department of Forestry (Calfire)
Regional Water Quality Control Board
ADDITIONAL INFORMATION: Additional information pertaining to this Environmental Determination may be obtained by contacting the above Lead Agency address or (805)781-5600.
COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT .....4:30 p.m. (2 wks from above DATE)
30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County Planning Department Hearing Officer 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.

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

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING

Initial Study – Environmental Checklist

PLN-2039
04/2019

Project Title & No. Integrated Agriculture, Inc. Minor Use Permit (ED21-088) DRC2018-00083

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.

Steve Conner, AICP	Steve Conner		4/29/2021
Prepared by (Print)	Signature		Date
Dave Moran	Dave Moran	For Steve McMasters, Principal Environmental Specialist	5/21/2021
Reviewed by (Print)	Signature		Date

Initial Study – Environmental Checklist

Project Environmental Analysis

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

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

A. Project

DESCRIPTION: A request by **Integrated Agriculture, Inc**. for a Minor Use Permit (DRC2018-00083) for up to three (3) acres of outdoor cannabis cultivation canopy (within hoop structures), ancillary processing activities (de-stemming and weighing), and immediate ancillary transport of product (grown on-site) to licensed off-site facilities. Project development would result in approximately 7.8 acres of site disturbance including 267 cubic yards (cy) of cut and 225 cy of fill. The project would include the installation of 163,548 square feet of hoop structures, a new aggregate base access road, security fencing and surveillance, a new 9,500-gallon galvanized steel water tank, and a one seatrain container within a 1,953 square foot area for storage. The project would employ up to five (5) full-time workers. The project site is in the Agriculture land use category on a 107-acre property located at 3520 Creston Road, in the El Pomar-Estrella Subarea of the North County Planning Area, approximately one mile east of the City of Paso Robles.

The proposed outdoor cultivation would be located in the northern part of the property in an area that has historically been used for agriculture and is currently being used for grazing. Figure 1 shows the project location and Figure 2 shows an aerial image of the project site. Table 1 summarizes the project components and Figure 3 and Figure 4 show the site plans. Cannabis would be planted under three (3) sets of 11 temporary hoop structures within approximately 5 acres of fenced area. Access to the site would be from Hanson Road via an easement along the privately maintained section of Hanson Road that continues south of its intersection with Meadowlark Road. The access road would be improved pursuant to CalFire access standards and widened to 16 feet. The improvements would also include a hammerhead turnaround at the northern entry to the fenced cultivation area, and three drainage crossings. Earthwork for project development would require a total of 267 cy of cut and 225 cy of fill to be balanced on-site with the excess cut utilized within the cultivation area and access road during initial site disturbance.

The project would operate one eight (8) hour day per week during the cultivation season (June – October). Hours of operation would vary during the year but would typically occur from 6:00 AM to 6:00 PM, and only during daylight hours. The proposed project would require a total of five (5) full-time staff. There may be up to twelve seasonal employees for up to three (3) days of harvest activities in late October.

The cannabis operations would be enclosed within a six-foot tall secure chain-link fence with privacy slats and a 16-foot-wide-locking-swing gate or as otherwise required by the Sheriff's Department. Solar-powered wi-fi

connected security cameras will be co-located on the security fence. Security cameras/exterior lighting would be mounted on four poles along the center of the cultivation area; one on the northern and southern security fence lines (two total), and one central to the access paths between the middle and outer rows of hoop houses (two total). Security lighting will be LED fixtures mounted at a 15' height and shielded downward. The light poles would also contain remote-portable solar-powered security stations with motion detection, wireless data transceivers, and a locked data storage device. According to the application materials, the project's annual estimated energy consumption would be 2,278 kilowatt-hours (kWh) per year.

The proposed project would utilize an existing well for water supply. The well is located adjacent to the on-site residence near the southern property boundary. The projected water demand for the operation is 2.17 acre-feet per year. The project is located in the Paso Robles Groundwater Basin, which has been assigned a Level of Severity III by the County Resource Management System; the project is not located within an Area of Severe Decline. Therefore, the project would be required to offset the projected water use at a 1:1 ratio in compliance with the Countywide Water Conservation Program (CWWCP).

Five (5) 9-foot by 18-foot parking spaces would be provided. All green waste would be composted on-site in a 7-foot by 10-foot area inside the northeast corner of the secured fence area and tilled back into the soil after harvest. Other solid waste would be temporarily stored in a three (3) cubic-yard dumpster adjacent and immediately west of the designated parking area and would then be hauled off-site for disposal by a contracted trash pick-up service. The proposed cultivation would not generate wastewater and therefore no on-site septic system is proposed. Portable restrooms would be utilized by on-site staff.

Table 1 – Project Components

Project Component	Count	Structure Size	Footprint (sf)	Canopy(sf)
(N) Outdoor Cultivation (hoop houses mature/flowering)	33	177' x 28'	163,548	130,680
(N) Storage area	1	63' x 31'	1,953	N/A
(N) Organic waste storage	1	7' x10'	70*	N/A
(N) Water storage tank	1	9,500 gal.	N/A	N/A
	Total	**N/A**	**219,450**	**130,680**

(N) = new
(sf) = square feet
*Included in cultivation footprint

Details regarding proposed operations and routine maintenance are provided in the Operations Plan, which is incorporated by reference, attached in Exhibit A, and available for review at the Department of Planning and Building, 970 Osos Street, Suite 200, San Luis Obispo.

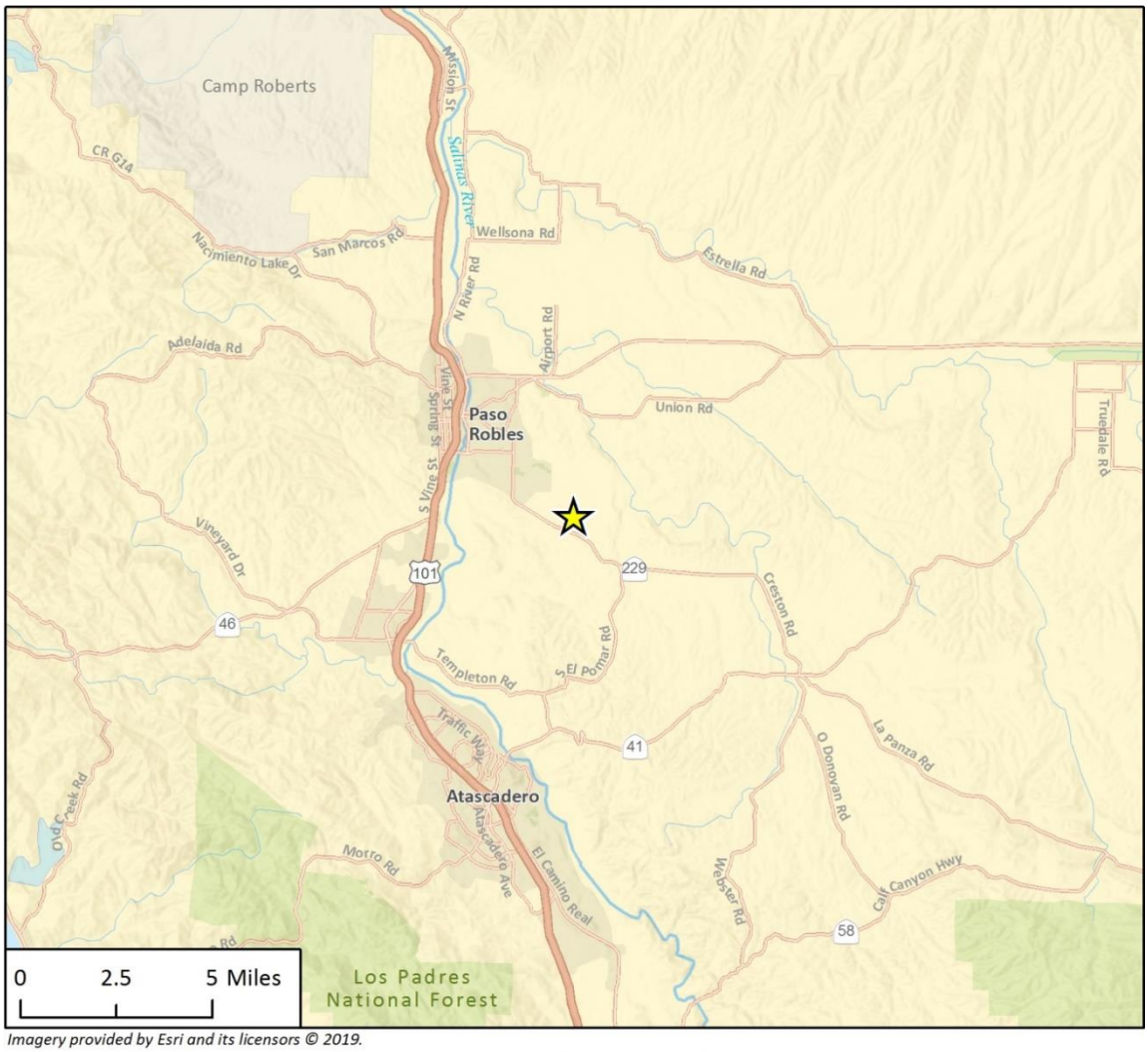
Baseline Conditions:

Existing development on site includes a residence, a secondary dwelling, two barns, and small accessory structures. A blue line creek runs east-west and crosses the southern half of the property. A depressional swale runs east to west across the northern portion of the project site. The proposed access road would cross the depressional swale in three locations. The proposed cultivation would be set back a minimum of approximately 160 feet from the blue line creek.

PAX Environmental, Inc. prepared a Biological Resources Assessment (BRA) in January 2019, which was later revised in December 2020, and an Addendum in December 2020 for the project site. The BRA indicates that the survey area within the subject parcel is primarily composed of tilled pastures surrounded by scattered oak trees (PAX, 2020). Topography of the project site is relatively flat, gently sloping downhill from north to

south, with elevations ranging between 865 to 950 feet above mean sea level (msl). Soils on the project site consist of Arbuckle-San Ysidro complex (90%) and Lockwood-Concepcion complex (10%). The Project site has a history of agricultural use dating back to at least 1994, as determined from aerial imagery, and currently supports alfalfa and barley cultivation and low-intensity cattle and sheep grazing. Surrounding land uses include undeveloped land, agricultural operations and widely spaced rural residences.

Initial Study – Environmental Checklist



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Project Location

N

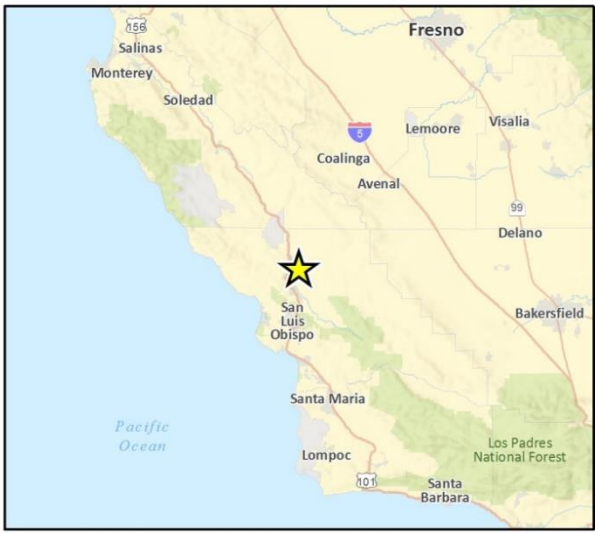

Figure 1 Regional Location

Initial Study – Environmental Checklist

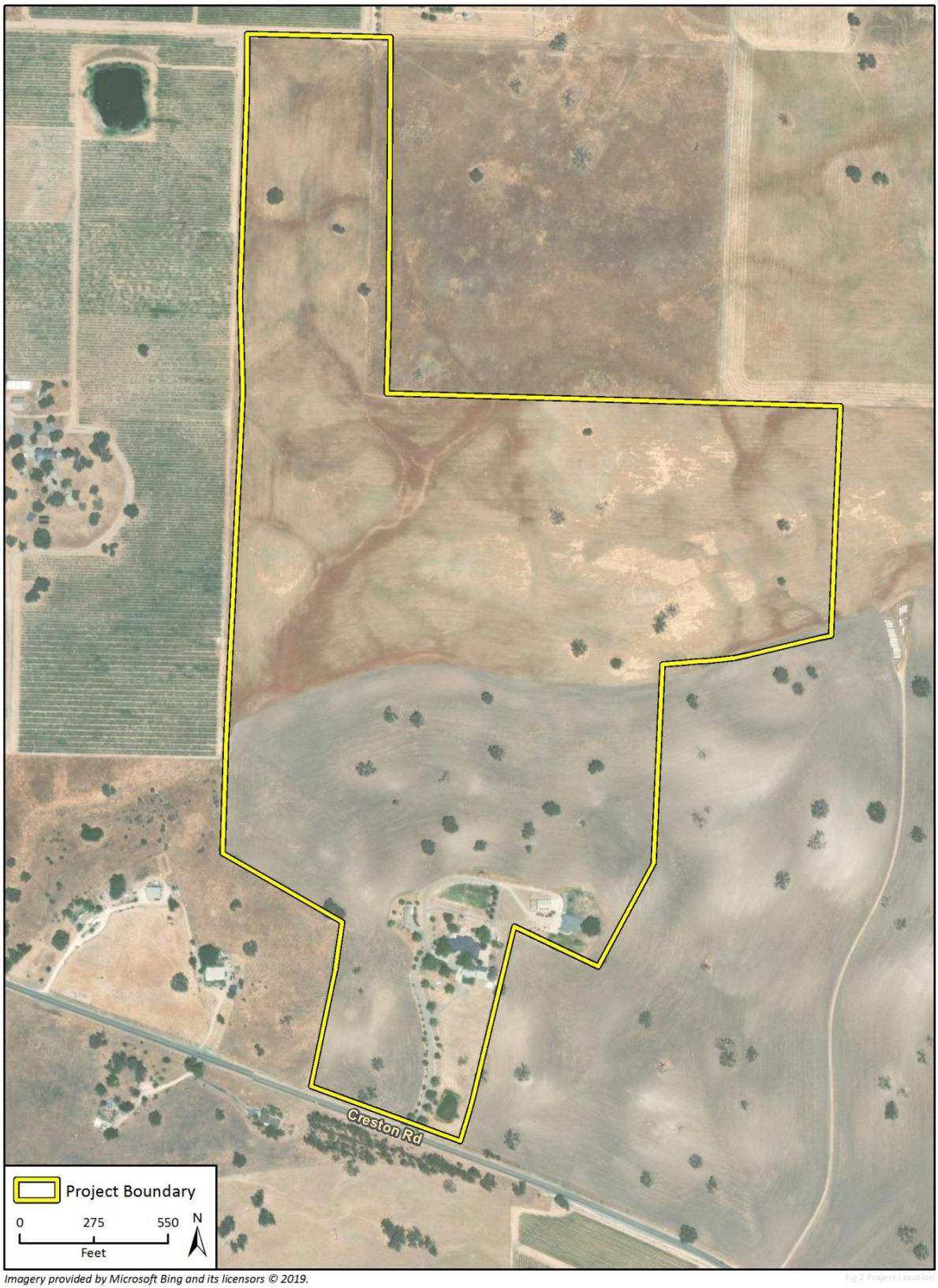

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Figure 2 Project Site

Initial Study – Environmental Checklist

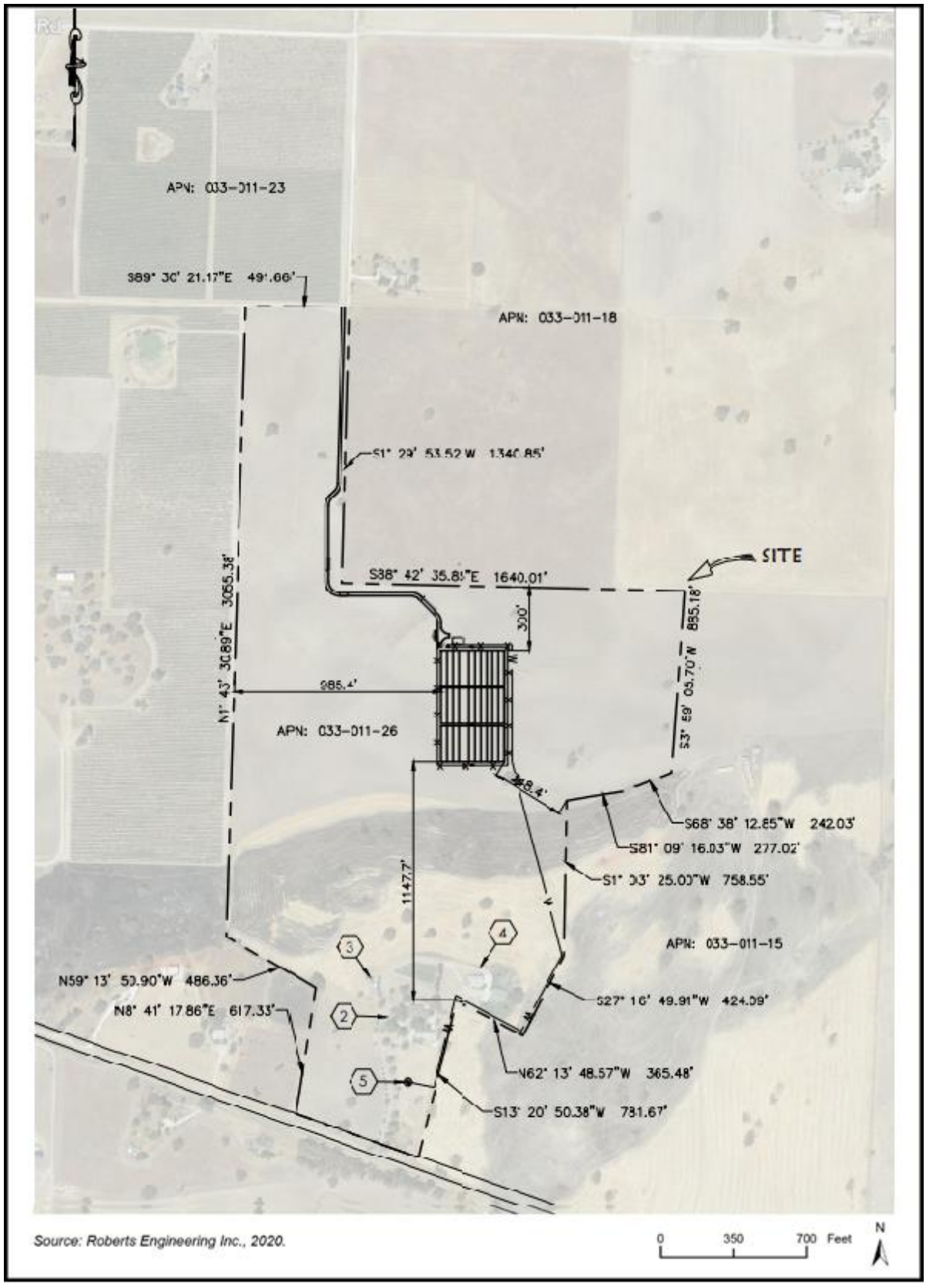


Figure 3 Site Plan

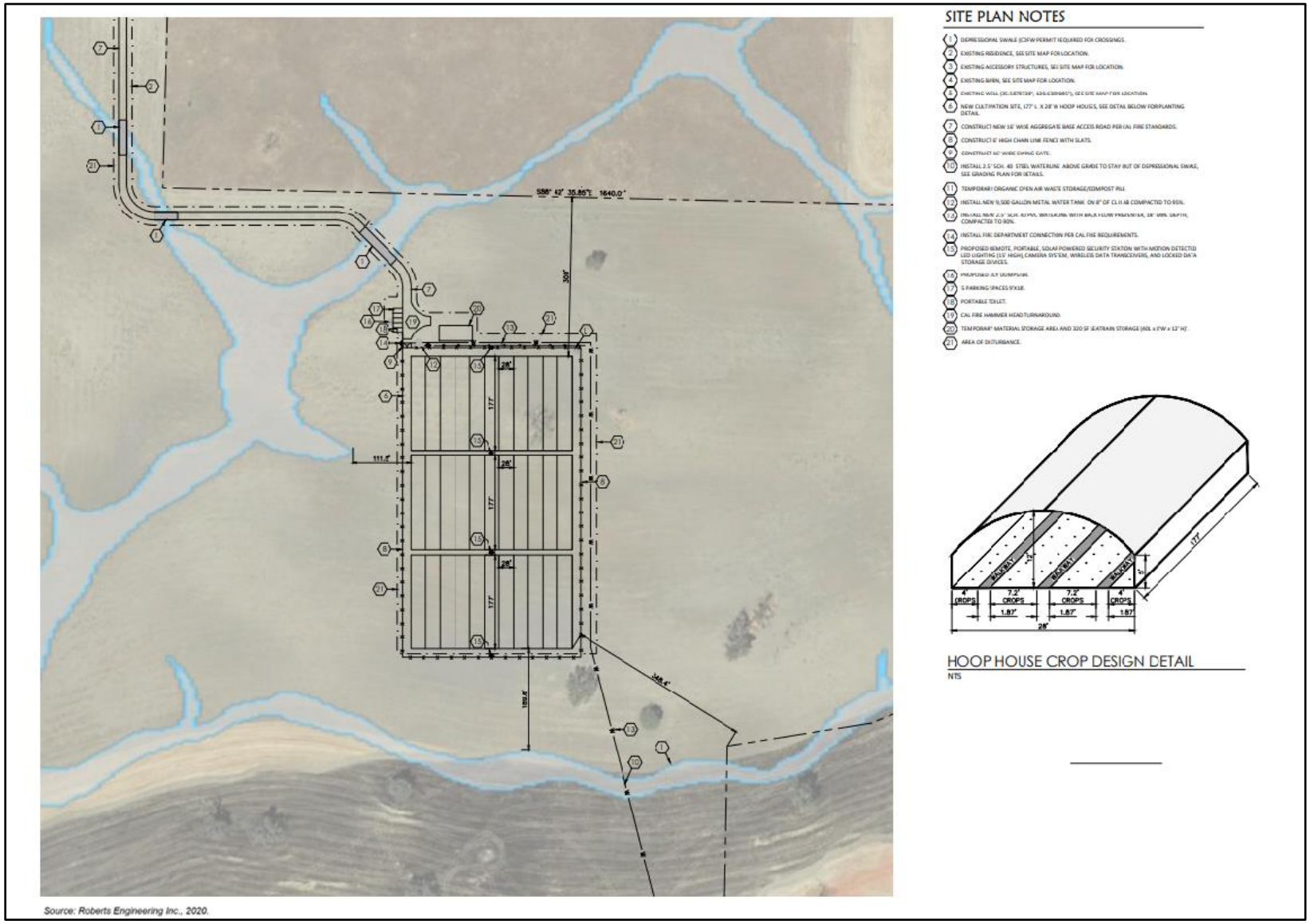


Figure 4 Cultivation Area Site Plan

Initial Study – Environmental Checklist

ASSESSOR PARCEL NUMBER(S): 033-011-026

Latitude: 35.58816 ° N **Longitude:** 120.63084 ° W **SUPERVISORIAL DISTRICT #** 1

B. Existing Setting

Plan Area: North County **Sub:** El Pomar/Estrella **Comm:**

Land Use Category: Agriculture

Combining Designation: None

Parcel Size: 107acres

Topography: Nearly level to to gently rolling

Vegetation: Grasses Scattered Oaks

Existing Uses: Single-family residence(s) ; Vacation rental (VRBO);accessory structures agricultural uses

Surrounding Land Use Categories and Uses:

North: Agriculture; residential

East: Agriculture; undeveloped

South: Agriculture; residential

West: Agriculture; residential

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.

Initial Study – Environmental Checklist

I. AESTHETICS

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

Setting

The project site is located along Creston Road in a predominantly rural and agricultural area with scattered rural residences. The proposed cannabis cultivation site and operations would be accessed from the north by way of an unpaved assess road that extends south from Hanson Road. The site, as with most of the surrounding uses, is currently utilized for agricultural purposes, with relatively flat to gently sloping topography. The majority of the northern portion of the property is undeveloped; with a cluster of multiple accessory structures, existing residences, and barns that occupy the southern portion of the property and are accessed from Creston Road. Areas that are not under cultivation are characterized primarily by open grassland with scattered oaks. Agricultural uses on the surrounding properties include hay and barley and low intensity cattle and sheep grazing. The properties to the north, east, south, and west of the project site are agricultural parcels with single-family residences and accessory agricultural uses.

Per the County Conservation and Open Space Element, the project site is not located in a designated scenic area. There are no unique geological or physical features located on-site. Table VR-2 of the Conservation and Open Space Element provides a list of Suggested Scenic Corridors; none of the roadways in the vicinity of the project site are listed on Table VR-2. Existing sources of lighting in the vicinity of the project site include lighting from single-family residences and vehicles traveling along Creston Road. State law sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8304 (c) states: All outdoor lighting used for security purposes shall be

shielded and downward facing. Section 8304 (g) states: mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare.

Discussion

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

The project is not located in a designated scenic view open to the public. No impact would occur.

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

The project site is not visible from a State Scenic Highway, and it does not contain any scenic resources such as rock outcroppings, or historic buildings. No impact would occur.

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

The project site is in a rural area with predominantly agricultural uses. The project would involve clearing and grubbing of an area that is currently dry farmed. The cleared area would be planted with up to three acres of outdoor cannabis (within hoop structures) and site access improvements would be installed. The proposed water tank and storage area for temporary materials would be located in the central portion of the site, and set back from Creston Road, such that they would be partially screened from the roadway by the intervening topography, proposed structures and fencing, and existing trees.

In compliance with LUO Section 22.40.050.D.6, cannabis plants associated with cultivation shall not be easily visible from off-site. The proposed outdoor cultivation area would be enclosed in hoop structures within a six-foot high, secured fence with privacy slats to minimize visibility. The project would be compatible with adjacent uses and surrounding visual character (agricultural and rural residential). Therefore, the project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. Impacts would be less than significant.

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

Existing sources of light in the project vicinity include exterior lighting from the existing residences and from the surrounding residences; however, nighttime lighting in the area is minimal. The project would introduce new sources of light and glare, including exterior security lighting. Security/exterior lighting would be motion activated and located to illuminate the cultivation area and access road. In accordance with California Code of Regulations Section 8304(c), each security lighting fixture would be directed downwards with positioned shields to minimize light pollution and reduce spillover. Impacts from exterior security lighting would be less-than-significant.

Conclusion

No significant aesthetic impacts would occur, and no mitigation measures are necessary.

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 project site is in a predominantly rural and agricultural area; agricultural activities occurring on the property have included alfalfa and barley cultivation and low-intensity cattle and sheep grazing.

Initial Study – Environmental Checklist

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

Land Use Category: Agriculture

State Farmland Mapping and Monitoring (FMMP) Classification: Farmland of Local Importance

Historic/Existing Commercial Crops: Alfalfa and barley

In Agricultural Preserve? El Pomar

Under Williamson Act contract? No

The developed and undeveloped portions of the project site are nearly level to gently rolling. The average slope of the parcel is under 10 percent. Table SL-2 of the Conservation/Open Space Element lists the important agricultural soils of San Luis Obispo County. Soils on the project site and total acreages are shown in Figure 5 and Table 2 and then described in detail below.

Table 2 – Classifications and Acreages of Soils On-Site

Soil	Farmland Classifications		Acres
	County Classification	FMMP Classification	
Arbuckle-Positas Complex (9 to 15 percent slopes)	Other Productive Soils	Farmland of Local Importance	24.3 acres
Arbuckle-San Ysidro complex (2 to 9 percent slopes)	Farmland of Statewide Importance	Farmland of Local Importance	22.1 acres
Linne-Calodo complex (9 to 30 percent slopes)	Other Productive Soils	Farmland of Local Importance	34 acres
Lockwood-Concepcion complex (2 to 9 percent slopes)	Farmland of Statewide Importance	Farmland of Local Importance	26.6 acres
Source: Classifications based on Table SL-2 of the County General Plan's Conservation/Open Space Element and State Farmland Mapping and Monitoring Program			

Based on the County's Conservation/Open Space Element, the project site contains Farmland of Statewide Importance and Other Productive Soils. The project footprint would be located on Arbuckle-Positas Complex (9 to 15 percent slopes) and Arbuckle-San Ysidro complex (2 to 9 percent slopes).

Based on Natural Resources Conservation Service Soil classifications, the soil type(s) and characteristics on the site include:

Arbuckle-Positas Complex (9 to 15 percent slopes)

> Present on terraces at elevations of 600 to 1,500 feet. The parent material of these soils is alluvium from mixed rock sources. The natural drainage class is well drained. These soils have very high runoff risk and low frequency of flooding.

Arbuckle-San Ysidro complex (2 to 9 percent slopes)

> Present on terraces at elevations of 600 to 1,500 feet. The parent material of these soils is alluvium from mixed rock sources. The natural drainage class is ranges from moderate well drained to well drained. These soils have low to very high runoff risk and low frequency of flooding.

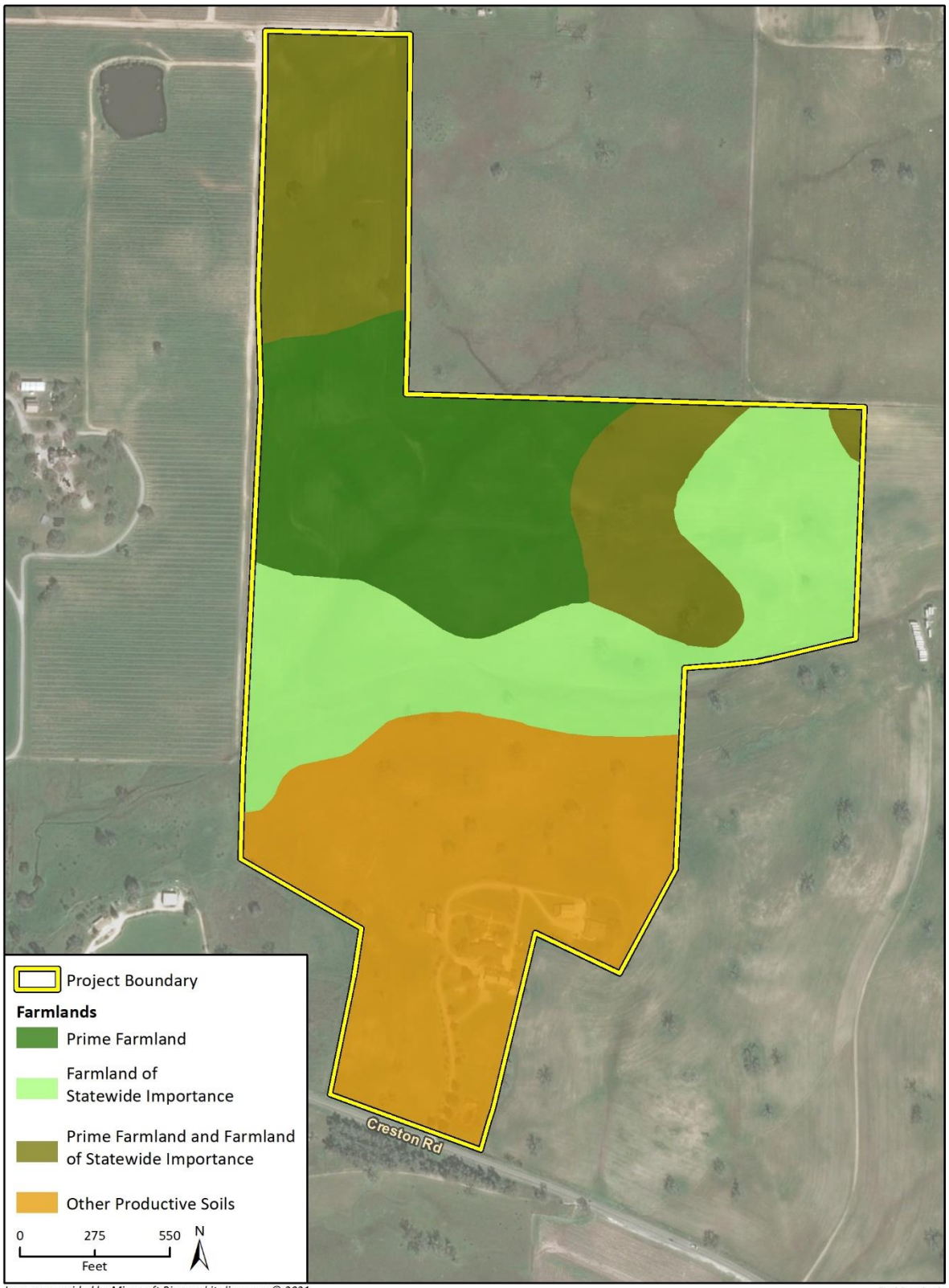
Linne-Calodo complex (9 to 30 percent slopes)

Present on hills at elevations of 600 to 1,500 feet. The parent material of these soils is residuum weathered from calcareous shale and/or sandstone. The natural drainage class is well drained. These soils have very high runoff risk and low frequency of flooding.

Lockwood-Concepcion complex (2 to 9 percent slopes)

Present on terraces at elevations of 600 to 1,500 feet. The parent material of these soils is alluvium derived from sedimentary rocks and mixed rocks. The natural drainage class ranges from moderate well drained to well drained. These soils have medium to high runoff risk and low frequency of flooding.

Initial Study – Environmental Checklist



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Additional data provided by SLO County Conservation and Open Space Element.

Figure 5 County Conservation / Open Space Farmlands

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?

Based on the Farmland Mapping and Monitoring Program data, the project site is mapped as Farmland of Local Importance. However, this analysis also takes into consideration County farmland classifications. Based on the County's Conservation/Open Space Element, the project would result in the disturbance of approximately one (1) acre of Farmland of Statewide Importance and _____ acres of Other Productive Soils to allow for proposed outdoor cannabis cultivation and access. However, impacts to important farmland are considered less than significant because:

- The project does not include any permanent structures and would not permanently convert productive agricultural soils to a non-agricultural use. Impacts would be less than significant.
- The acreage of Farmland of Statewide Importance that will be semi-permanently removed from production is insignificant compared with the total acreage in the County as mapped by FMMP for the year 2016.

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

The project site is within the Agriculture land use category where cannabis is an allowable use. The project site is located in the El Pomar Agricultural Preserve but is not under Williamson Act Contract. The project was referred to the County of San Luis Obispo Department of Agriculture/Weights & Measures and was reviewed for ordinance and policy consistency. The recommended conditions of approval set forth in their letter of July 23, 2018, will be incorporated into the project conditions to ensure consistency with ordinance and policy. The recommended conditions include project adherence to USDA Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG) conservation practices, consultation with the Department of Agriculture on potential need for an Operator Identification Number for potential pesticide use, and best management water conservation practices. Therefore, the project would not 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 contain land which is zoned as forest land or timberland. Therefore, the project would not conflict with existing zoning for, or cause rezoning of, forest land or timberland. No impact would occur.

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

The project site and immediate vicinity do not include any forest land. Therefore, the project would not result in the loss of forest land as defined in Public Resources Code section 12220(g), or the conversion of forest land to non-forest use. No impact 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 would result in the disturbance of approximately 7.8 acres of Prime Farmland and Farmland of Statewide Importance pursuant to the COSE, to allow the proposed outdoor cannabis cultivation and access. The proposed project would continue to support agricultural uses and no other changes to the existing environment would result in conversion to non-agricultural uses. No forest land would be affected. Impacts would be less than significant.

Conclusion

The proposed project would result in less than significant impacts to agriculture resources and no impact to forestry resources. No mitigation measures are 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

The project site is located in the South Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (SLOAPCD). The District is in non-attainment for the 24-hour state standard for particulate matter (PM_{10}) and the eight-hour state standard for ozone (O_3) (APCD 2015). The SLOAPCD adopted the 2001 Clean Air Plan (CAP) in 2002, which sets forth strategies for achieving and maintaining Federal and State air pollution standards. The CAP provides a complete description of the air basin and the environmental and regulatory setting and is incorporated by reference. The CAP may be reviewed in its entirety by following this link https://www.slocleanair.org/rules-regulations/clean-air-plan.php.

The SLOAPCD identifies significant impacts related to consistency with the CAP by determining whether a project would exceed the population projections used in the CAP for the same area, whether the vehicle trips and vehicle miles traveled generated by the project would exceed the rate of population growth for the same area, and whether applicable land use management strategies and transportation control measures from the CAP have been included in the project to the maximum extent feasible.

Thresholds of Significance for Construction Activities. The SLOAPCD developed and updated their San Luis Obispo County CEQA Air Quality Handbook (2012) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. The Handbook includes screening criteria for project impacts. According to the Handbook, a project with grading in excess of 4.0 acres and/or a project that will move 1,200 cubic yards of earth per day can exceed the construction thresholds for diesel particulate matter (PM_{10}) and ozone precursors (ROG + NOx). The SLOAPCD has estimated that a project with operations that include an unpaved roadway of one mile in length carrying 6.0 round trips would likely exceed the 25 lbs/day PM_{10} threshold.

Table 3 – APCD CEQA Handbook Thresholds of Significance for Construction.

	Threshold[1]		
Pollutant	**Daily**	**Quarterly Tier 1**	**Quarterly Tier 2**
ROG + NOx (combined)	137 lbs	2.5 tons	6.3 tons
Diesel Particulate Matter	7 lbs	0.13 tons	0.32 tons
Fugitive Particulate Matter (PM10), Dust[2]	--	2.5 tons	--

Notes:
Source: SLOAPCD CEQA Air Quality Handbook, page 2-2.
1. Daily and quarterly emission thresholds are based on the California Health and Safety Code and the California Air Resources Board 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.

Thresholds of Significance for Operations. Table 1-1 of the SLOAPCD's CEQA Handbook provides screening criteria based on the size of different types of projects that would normally exceed the operational thresholds of significance for greenhouse gases (GHG) and ozone precursors. The list of project categories in Table 1-1 is not comprehensive and does not include cannabis-related activities. However, operational impacts are focused primarily on the indirect emissions associated with motor vehicle trips associated with development. For example, a project consisting of 99 single-family residences generating 970 average daily vehicle trips would be expected to exceed the 25 lbs/day operational threshold for ozone precursors.

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

If a project has the potential to cause an odor or other nuisance problem which could impact a considerable number of people, then it may be significant. The nearest offsite sensitive receptor to the site is a single-family residence located approximately 1,500 feet west of the proposed outdoor cultivation area.

Discussion

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

The applicable air quality plan is the SLOAPCD Clean Air Plan (SLOAPCD 2002). In order to be considered consistent with the CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP (SLOAPCD 2012). Adopted land use planning strategies include, but are not limited to, planning compact communities with higher densities, providing for mixed land use, and balancing jobs and housing. The project does not include development of retail or commercial uses that would be open to the public; therefore, land use planning strategies such as mixed-use development and planning compact communities are generally not applicable. The project would result in the establishment of activities that are agricultural in nature, and would employ up to five (5) full-time employees and up to twelve (12) seasonal employees. The project would not result in a significant increase in employees and therefore would not significantly affect the local area's jobs/housing balance.

Adopted transportation control measures include, but are not limited to, a voluntary commute options program, local and regional transit system improvements, bikeway enhancements, and telecommuting programs. 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. No regional transit system serves the project area and therefore improvements to the transit system are not feasible. The project site is in a rural area far from an established bikeway system, and therefore bikeway enhancements are not feasible. Therefore, since the project would not conflict with or obstruct implementation of the CAP, 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?

Construction-related impacts. Ground disturbance includes clearing and grubbing, installation of base material, and trenching for the waterline. The earthwork associated with the proposed project would be approximately 267 cubic yards of cut and 225 cubic yards of fill for trenching the water line and installation of base material for the access road. The project disturbance footprint would be approximately 7.8 acres. Based on the SLOAPCD's CEQA Air Quality Handbook (2012) and Clarification Memorandum (2017), estimated construction-related emissions were calculated and are shown in Table 4 below. Construction-related emissions would exceed general thresholds triggering construction-related mitigation for fugitive particulate matter and would be significant unless mitigated.

Table 4 – Estimated Construction-Related Emissions

Pollutant	Total Estimated Project Emissions	APCD Emissions Threshold	Mitigation Required?
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO_x) (combined)	55.60 lbs per day (0.612 tons per quarter)[1]	137 lbs./day 2.5 tons/quarter	No
Diesel Particulate Matter (DPM)	2.41 lbs. (0.027 tons)[2]	7 lbs./day 0.13 tons/quarter	No
Fugitive Particulate Matter (PM_{10})	5.85 tons[3]	2.5 tons/quarter	**Yes**

Notes:
1. Based on 492 cubic yards of material moved and 0.113 pounds of combined ROG and NOx emissions per cubic yard of material moved and 22 days of construction.
2. Based 492 cubic yards of material moved and 0.0049 pounds of diesel particulate emissions per cubic yard of material moved and 22 days of construction.
3. Based on 7.8 acres of disturbance and 0.75 tons of PM_{10} generated per acre of disturbance per month and 22 days of construction.

Operational impacts.

During operations, the project has the potential to generate criteria pollutants (ozone precursors and fine particulates), primarily from new vehicle trips. According to trip generation rates for cannabis activities applied by the applicant's traffic consultant (OES, 2018), the project is expected to generate zero (0) new PM peak hour trips. However, it is assumed that five full-time employees associated with the project would generate up to 5 average daily trips (ADT). Employees would be required to carpool during harvest. According to the 2012 SLOAPCD CEQA Handbook, a project that generates fewer than 99 average daily motor vehicle trips will generate emissions that fall below the threshold of significance for ozone precursors. In addition, the site would be accessed via a 0.4-mile unpaved roadway off of Hansen Road, a private road authorized for use via a recorded access easement. Because the road is less than one mile in length, project operations would not exceed the 25 lbs/day PM_{10} threshold. Therefore, impacts related to exceedance of federal, state, or APCD ambient air

quality standards due to operational activities would be less than significant and less than cumulatively considerable.

(c) Expose sensitive receptors to substantial pollutant concentrations?

Sensitive receptors are people who have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residential dwelling unit(s). The nearest offsite sensitive receptor to the site is a single-family residence located approximately 1,500 feet west of the proposed outdoor cultivation area.

As proposed, the project would result in the disturbance of approximately 7.8 acres of land to allow for up to three acres of outdoor cannabis cultivation and the new access road to connect the proposed cultivation area to Hansen Road. As discussed in Threshold III.b, the project would not result in substantial pollutant exposure from construction or operational activity. Widening the unpaved road would require temporary, minimal ground disturbing activities over a presumed duration of less than two weeks. According to the California Air Resources Board's (ARB) Community Health Perspective Handbook, temporary activities do not typically result in particulate matter emissions concentrations that would cause a significant health risk effect (ARB, 2005). Therefore, the project would not expose sensitive receptors to substantial pollutant concentrations and impacts would be less than significant.

According to the SLOAPCD CEQA Air Quality Handbook, naturally occurring asbestos (NOA) has been identified as a toxic air contaminant by the ARB. Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities a geologic evaluation should be conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Based on the APCD online map of potential NOA occurrence, the project site does not lie in the area where a geologic study for the presence of NOA is required (ARB, 2000; County of San Luis Obispo Online Land Use Viewer). Therefore, 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 includes outdoor cannabis cultivation which can produce potentially objectionable odors during flowering, harvest, drying, and processing stages. Although the project would not affect a substantial number of people, these odors could disperse through the air and be sensed by surrounding receptors. Accordingly, Section 22.40.050.D.8 of the LUO requires the following:

> *All cannabis cultivation shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite.*

The project is located in an area designated for agricultural uses. Surrounding land uses include active agriculture, rural residential, and undeveloped lands on parcels of similar size (25-100 acres). The nearest off-site sensitive receptor to the project site is a single-family residence located approximately 1,500 feet west of the proposed outdoor cultivation area.

With regard to the effects of cannabis odors on air quality, there are no standards for odors under either the federal or State Clean Air Acts. Accordingly, there are no objective standards through which

the adverse effects of odors may be assessed. Although odors do affect "air quality", they are treated as a nuisance by the County and abated under the County's nuisance abatement procedures.

Exposure to unpleasant odors may affect an individual's quality of life. As discussed above, odors are not considered an air pollutant under federal or state air quality laws.

The project incorporates the following features to address odors:

- The outdoor cannabis cultivation would be sited in the central portion of the site and set back a minimum of 300 feet from all property lines.
- The Operations Plan, required by LUO Section 23.08.416.A.3, sets forth operating procedures to be followed to help ensure nuisance odors associated with cannabis-related activities do not leave the project site.
- The project has been conditioned to operate in a manner that ensures nuisance odors associated with cannabis activities are contained on the project site.
- The project has been conditioned to participate in an ongoing cannabis monitoring program. Once implemented by the County, the project site will be inspected four times per year to ensure ongoing compliance with conditions of approval, including those relating to odor management.

The incorporated features as required by the LUO and conditions of approval would ensure that the project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Impacts would be less than significant.

Conclusion

The project will result in approximately 7.8 acres of disturbance that will involve grubbing and clearing and roadway work that will generate fugitive particulates in excess of SLOAPCD thresholds. With mitigation, project related impacts would be less than significant and less than cumulatively considerable.

Mitigation

AQ-1 **Fugitive Dust Construction Control Measures.** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

1. Reduce the amount of the disturbed area where possible;
2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;
3. All dirt stock-pile areas shall be sprayed daily as needed;
4. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
5. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and

6. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

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

The following are existing biological resources or habitats on or near the proposed project site:

On-site Vegetation: Agriculture (dryland grain crop and pasture), blue oak trees (*Quercus douglasii)*, valley oak trees (*Quercus lobata*), coast live oak (*Quercus agrifolia*), gold cup live oak (*Quercus chrysolepsis),* interior live oak (*Quercus wislizenii*) and nonnative grasses.

Name and distance from blue line creek(s): Unnamed riparian swale, approximately 160 feet south of the proposed cultivation.

Habitat(s): Agriculture, annual grassland, scattered oaks, landscaped/developed

Site's tree canopy coverage: Approximately less than 1%

PAX Environmental, Inc. prepared a Biological Resources Assessment (BRA) dated January 2019 that was later revised in December 2020 and an Addendum dated December 2020 for the proposed project. The purpose of the BRA was to characterize the site's existing conditions and identify biological resources that would potentially be impacted by the project. The study examined an approximately 7.8-acre portion of the property, which encompasses the proposed cultivation area and necessary roadway improvements. The BRA included a California Natural Diversity Database (CNDDB) records search, and two reconnaissance-level field surveys conducted in December 2018 and January 2019. In response to an information request by the California Department of Fish and Wildlife (CDFW), PAX also completed an addendum to their BRA that included an assessment of potential jurisdictional features found on the project site.

Habitat types on site include: agriculture (dryland grain crop and pasture), scattered blue oak and valley oak trees, California annual grassland, and landscaped/developed areas. Oak woodland is protected under Section 22.58 of the County of San Luis Obispo Land Use Ordinance. Seven oak trees (one appeared to have died between 2015 and 2017 – as determined by aerial imagery) exist within or adjacent to proposed project disturbance areas. The site contains two valley oaks at the center of the proposed cultivation site, one blue oak along the proposed access road approximately 925 feet south of the current terminus of Hansen Road, and one valley oak adjacent to the proposed water pipeline and approximately 600 feet north of Creston Road. In addition, there are ornamentally-planted oaks associated with the residence along the eastern side of Hansen Road, including one interior live oak, one gold cup oak, and two coast live oaks.

Two unnamed riverine swales/hydrologic features run east-west and bisect the northern and southern halves of the property. The swale on the southern portion of the study area consists of two channels that drain from northeast to southwest with a confluence approximately 1,000 feet southwest of the proposed cultivation area. The southern channel of the southern swale is mapped as an unnamed blue-line stream by the U.S.G.S. and classified in the National Wetlands Inventory (NWI) as R4SBJ. Based on field conditions, the swales lack prevailing or annual surface water with aperiodic input by storm events that percolate into the underlying soil or discharge to downstream areas. Therefore, the swale features would not be subject to permitting under the Clean Water Act. However, PAX observed areas of discernable Ordinary High Water Mark, bed and bank, and evidence of discharge into downstream-receiving waters. Therefore, the swales may be subject to a 1602 Streambed Alteration Agreement with CDFW under its regulatory authority as a Trustee Agency.

No special-status plant species were detected on the project site during the field surveys (PAX, 2020). However, timing of the surveys did not coincide with the flowering for a majority of the locally occurring native plant species. Based on site conditions and the CNDDB records search, the BRA determined that the following special-status plant species have low potential to occur on-site:

- San Luis Obispo owl's clover (*Castilleja densiflora var. obispoensis*)
- Shining navarettia (*Navarettia nigelliformis* ssp. *radians*)
- Hoover's bent grass (*Agrostis hooveri*)

- Douglas' fiddleneck (*Amsinckia douglasiana*)
- Small-flowered morning-glory (*Convulvulus simulans*)

No special status wildlife species were detected during the field surveys (PAX, 2020). Based on the CNDDB records search and input from CDFW regarding candidates for listing as State Endangered, the following special status animal species were identified as having low potential to occur on site based on the presence of suitable habitat:

- Western spadefoot toad (*Spea hammondii*)
- Northern California legless lizard (*Anniella pulchra*)
- California horned lark (*Eermophila alpestris actia*)
- Burrowing owl (*Athene cunicularia*)
- American Badger (*Taxidea taxus*)
- Crotch bumble bee (*Bombus crotchii*) Candidate for State Endangered
- Western bumble bee (*Bombus occidentalis*) Candidate for State Endangered
- San Joaquin kit fox (*Vulpes macrotis*)

In 2018, a petition to list four species of bumblebee as endangered was received by the California Fish and Game Commission, and CDFW was tasked with evaluating available scientific information to determine if listing was warranted. The four bumble bee species are: Crotch bumble bee (Bombus crotchii), Franklin's bumble bee (Bombus franklini), Suckley cuckoo bumble bee (Bombus suckleyi), and western bumble bee (Bombus occidentalis). CDFW's Evaluation Report was completed in April 2019 and it was determined that, based on information in the petition, the four species are warranted for listing as endangered under the California Endangered Species Act (CESA). The Fish and Game Commission accepted the petition for consideration at their June 2019 meeting, and CDFW is completing additional analysis to determine if the species will meet the listing criteria. During the approximate one-year review period, the four bumble bee species have been identified as candidate species as defined by Section 2068 of the Fish and Game Code, and thereby are afforded all legal protections under CESA consistent with listing as endangered. CDFW's final evaluation report is expected in early 2021.

Although no records of these four species were identified in the vicinity of the project from a query of the CNDDB conducted as part of the BRA, two of these species, the Crotch bumble bee and western bumble bee, historically occurred in the San Luis Obispo County area. However, because the Crotch bumble bee and western bumble bee are known to have occurred historically in the general area, and given the extensive grassland and scrub habitats in the region, it is possible that individuals (particularly of the Crotch bumble bee, which is still known to occur in this area) could be present within the project area. They could also occur in off-site habitats and fly over and potentially forage on, or adjacent to, the proposed project area. As stated above, the ongoing and historic surface disturbance from agricultural operations onsite would remove nesting and overwintering habitat of the western bumble bee and Crotch bumble bee from the proposed project area. Given the current land uses on the project site, it is unlikely that these two species could nest or overwinter in the proposed area of disturbance, but fallow areas or agricultural crops could potentially contain individuals foraging on-site at the time project activities commence.

The project site is located in one of the areas designated as habitat for the San Joaquin kit fox (*Vulpes macrotis*) (Figure 6), which is a Federal and State listed species. The County has established procedures for the mitigation of potential impacts to San Joaquin kit fox in these designated areas. If the site is less than 40 acres

in size, the pre-determined standard mitigation ratio for the project area is applied. The standard mitigation ratio is based on the results of previous kit fox habitat evaluations and determines the amount of mitigation acreage based on the total area of disturbance from project activities.

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

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

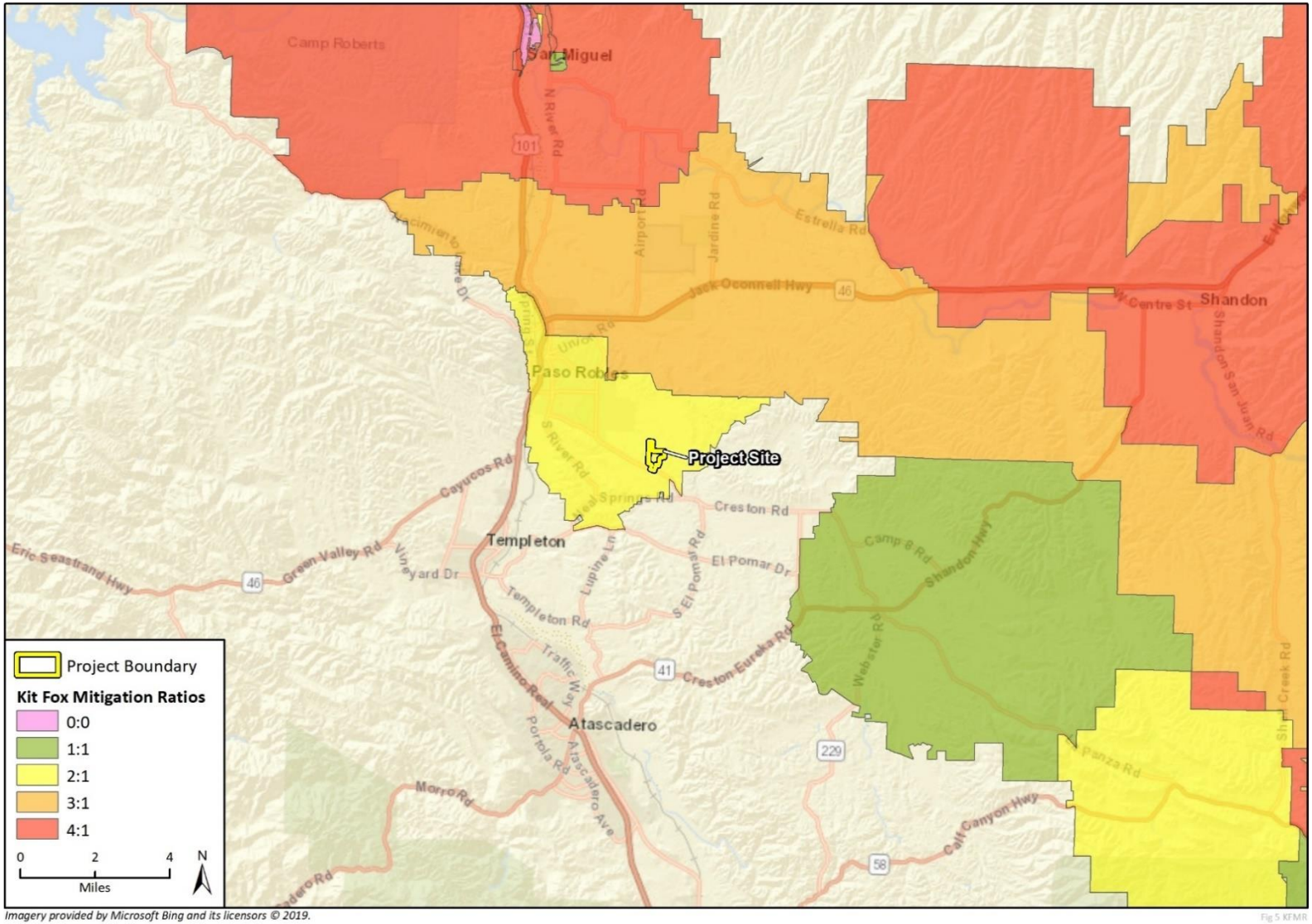

Figure 6 SJKF Standard Mitigation Ratio Map

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. No special status plants were observed during the reconnaissance survey conducted by PAX; however, the survey was not a protocol-level botanical survey effort because it occurred outside the typical blooming period for the plants that were determined to have a low potential to occur within suitable habitat found within portions of the project site (PAX, 2020). Direct impacts from project construction would include ground-disturbing activities that could result in removal of special status plant species, if present. Indirect impacts would occur if construction equipment inadvertently transports residual plant material from other construction sites (e.g., seeds of invasive plant species carried to the site within the undercarriage or tires of heavy equipment that has not been cleaned thoroughly between construction sites), which could lead to the spread of invasive, non-native species from construction equipment. Direct and indirect impacts to special status plant species would be less than significant with incorporation of mitigation measures BR-1, BR-2, and BR-12.

Special Status Wildlife. As described above, PAX and CDFW identified special status wildlife species that have the potential to be on and/or in the vicinity of the project site based on CNDDB occurrence records and presence of at least some suitable habitat within the project site. The project site has been subject to repeated disturbance over many years as a result of active agricultural operations.

The project site was determined to have a low potential for occurrence of the following species: western spadefoot toad, Northern California legless lizard, Burrowing owl, American badger, Crotch bumble bee, and Western bumble bee. The project has a moderate potential for California horned lark, and a high potential for nesting birds. Although Cooper's hawk (*Accipiter cooperii*), Golden eagle (*Aquila chrysaetos*), and white-tailed kite (*Elanus leucura*) are not expected to nest on the project site, they could potentially nest within a 500-foot radius of the site and active nest(s) potentially occurring may be affected by project construction. These species are protected by the Migratory Bird Treaty Act (16 United States Code Sections [§§] 703–712) and California Fish and Game Code (CFGC Division 4, Part 2, §§ 3503 and 3513). San Joaquin kit fox was determined to have a high potential to occur on and/or adjacent to the project site.

Special Status Reptiles and Amphibians. Site preparation and project construction activities could impact special status reptiles and amphibians, including the Northern California legless lizard and Western spadefoot toad. Direct impacts to these species, if present, may occur as a result of construction activities that may crush, trample, or entomb individuals underground. Indirect impacts include an increase in anthropogenic activities (e.g., trespass outside of area of disturbance) and alteration or removal of suitable habitat. Direct impacts to these species would be less than significant with incorporation of mitigation measures BR-1 and BR-3, which would require worker awareness training and biological surveys. Indirect impacts would be less than significant with incorporation of mitigation measures BR-12, which would reduce potential impacts related to trespass outside of the site disturbance area to less than significant.

Western Burrowing Owl. Site preparation and project construction activities could impact western burrowing owl if active burrows are present. Western burrowing owl was determined to have the potential to occur within the project site and surrounding area, due to presence of suitable habitat

and ground squirrel burrows. The project would impact a small area in relation to the regional habitat availability and the large amount of open space surrounding the project. Potential impacts to western burrowing owl would only be anticipated to occur during initial construction activities. Direct impacts to burrowing owls, if present, may occur as a result of construction activities that may result in direct impacts to an individual or entomb an active nest burrow that has eggs or nestlings. Indirect impacts include an increase in anthropogenic activities (e.g., site lighting, trespass outside of project footprint) that may deter nesting or cause a nearby nest to fail, and alteration or removal of suitable habitat. Impacts to western burrowing owl would be less than significant with incorporation of the avoidance, protection, and monitoring measures provided in mitigation measures BR-1 and BR-4, which would require worker awareness training and pre-construction surveys. Indirect impacts would be less than significant with incorporation of mitigation measures BR-12, which would reduce potential impacts related to trespass outside of the site disturbance area to less than significant.

American Badger. Although American badger was not present during the reconnaissance-level survey conducted by PAX, this species is known to occur throughout the project vicinity. Further, due to their transient nature, American badger could occupy the site or move through the site at any time. Site preparation and project construction activities could impact American badger if active dens are present. The project would impact a small area in relation to the regional habitat availability and the large amount of open space surrounding the project. Direct impacts to American badger, if present, may occur as a result of construction activities that may result in direct impacts to an individual or entomb an animal in an active den. Indirect impacts include an increase in anthropogenic activities (e.g., trespass outside of site disturbance area) that may deter denning and alteration or removal of suitable habitat. As such, impacts would be potentially significant, and mitigation is required to reduce construction impacts to badgers. Implementation of mitigation measures BR-1 and BR-5 would reduce construction impacts to a less than significant level by requiring pre-construction surveys and worker awareness training. Indirect impacts would be reduced to less than significant with incorporation of mitigation measures BR-12, which would reduce potential impacts related to trespass outside of the site disturbance area to less than significant.

Crotch and Western bumble bees. CDFW has provided input regarding two invertebrate candidates for listing as State Endangered: Crotch bumble bee (*Bombus crotchii*) and western bumble bee (*Bombus occidentalis*). The current distribution (2002-2017) of Crotch bumble bee in Central and Southern California is restricted to the coast, except for three occurrences in the vicinity of the San Gabriel Mountains and San Bernardino Mountains. However, the project site is located within the historic distribution of Crotch bumble bee and, therefore, the species has some potential to occur on the project site (Xerces Society, 2018). The current and historic distribution of western bumble bee is predominantly in northern California along the coast and in mountains. There are no current reports of western bumble bee in San Luis Obispo County and only one historic record on the coast near Pismo Beach. The nearest current records are to the south near the Santa Monica Mountains and on the northern Channel Islands (Xerces Society, 2018). Therefore, it was determined that the western bumble bee has no potential to occur on the project site. The project would impact a small area in relation to the regional habitat availability and the large amount of open space surrounding the project. Site preparation and project construction activities could impact Crotch bumble bee if ground nests are present. Ground nests are often in abandoned holes made by ground squirrels, mice and rats, or occasionally abandoned bird nests (Osborne et al. 2008). Other indirect impacts may occur due to habitat loss (e.g., loss of foraging habitat). Impacts to Crotch bumble bee and Western bumble

bee would be less than significant with incorporation of mitigation measure BR-6, which requires pre-construction surveys and avoidance measures in consultation with CDFW.

Special Status Nesting Birds. Suitable foraging and nesting habitat is present for special status nesting birds on and surrounding the project site. Site preparation and project construction activities could indirectly impact special status nesting bird species such as California horned lark, Cooper's hawk, golden eagle, and white-tailed kite that may nest within suitable habitat found adjacent to the project and within the project area. These impacts would occur if construction activities take place during the typical avian nesting season, generally February 1 through September 15. Other indirect impacts may occur due to habitat loss (e.g., conversion of grassland habitat) or construction-related disturbances that may deter nesting or cause nests to fail. Increased short- and long-term anthropogenic activity including increased light pollution may also result in nest failures or deterring nesting behavior. Impacts to special status nesting birds would be less than significant with the incorporation of mitigation measures BR-1 and BR-7, which would require worker awareness training and nesting bird surveys. Indirect impacts to would be less than significant with incorporation of mitigation measure BR-12, which would reduce potential impacts related to trespass outside of the project footprint and site disturbance to less than significant.

San Joaquin Kit Fox. Site preparation, project construction, and ongoing operational ground disturbance related to outdoor cultivation activities could impact San Joaquin kit fox if active dens are present on or within 200 feet of the project site and/or an individual is traversing the site. San Joaquin kit fox was not expected to occur on the project site, but multiple California ground squirrel burrow complexes were noted throughout the project site. Kit foxes could potentially expand and occupy these burrows. The project would impact a small area in relation to the regional habitat availability and the large amount of available open space surrounding the proposed project. Construction and implementation of the proposed project would result in disturbance to dryland grain crop and annual grassland habitats. For projects less than 40 acres in size, completion of a SJKF habitat evaluation form may optionally be completed to receive approval for a lower mitigation ratio than what is mapped for the project site, based on site-specific conditions. Mitigation must be fulfilled by contribution to the preservation of habitat through a conservation easement agreement, compensation to a predetermined mitigation bank, or payment of an in-lieu fee to the San Francisco office of The Nature Conservancy. A Kit Fox Habitat Evaluation form was prepared for the project by PAX (PAX, 2020) and submitted to CDFW on August 20, 2020 for review. Based on the proposed project, site plans, and estimated area of disturbance, CDFW has made a preliminary determination that the project earned a score of 63 on the evaluation and would impact 5.86 acres of kit fox habitat. This is a conservative estimate and is based on the preliminary site plans. A subsequent and final letter, which may include revised scoring and mitigation requirements, will be issued by CDFW after the CEQA document for the project is finalized. The impacted acres of kit fox habitat are subject to change during the construction permit process when the final site plans are prepared and submitted to the County. A reduction in the impacted acres would not result in additional impacts to kit fox habitat, and any increase to the estimated impacted acres of kit fox habitat could potentially require additional environmental analysis. Changes to the number of impacted areas will require coordination with CDFW.

The project is required that all impacts be mitigated at a ratio of two (2) acres conserved for each acre impacted (2:1). Based on the proposed site plans and estimated area of disturbance, the total compensatory mitigation required for the project would be 11.72 acres, or two (2) times 5.86 acres impacted. The mitigation options outlined in mitigation measure BR-8 are based on the initial determination by CDFW. Total required compensatory mitigation may change based on the final

construction and/or grading plans submitted to the County for review and approval. The conservation easement acreage, in-lieu fee, and purchase credit calculations shall be based on the final number of impacted acres shown on the approved plans.

Potential direct impacts to kit fox, if present, could occur during initial site preparation, construction, and operational activities that may directly result in take of an individual or entomb an animal in an active den. Indirect impacts include an increase in anthropogenic activities (e.g., site lighting, trespass outside of project footprint) that may deter denning, a reduction in the prey base for foraging kit fox, and alteration or removal of suitable habitat. Potentially significant impacts associated with project construction and operations activities would be reduced to less than significant with implementation of mitigation measures BR-1 and BR-8 through BR-10. Indirect impacts would be reduced to less than significant with incorporation of mitigation measure BR-12, which would reduce potential impacts related to trespass outside of the project footprint and site disturbance to 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 CNDDB records search identified Valley Sink Scrub, Northern Interior Cypress Forest, and Northern Claypan Vernal Pool as special status natural communities occurring in the project region. None of the above-mentioned sensitive natural communities were identified during the field surveys or review of historic aerials dating back to 1994 (PAX 2020). Impacts would be less than significant. The project site consists of annual grassland, scattered oaks, and agriculture (dryland grain crops and/or pasture).

(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?

Two riverine swales were mapped on the property. The swale on the southern portion of the property consists of two channels that drain from northeast to southeast with a confluence approximately 1,000 feet southwest of the proposed cultivation area. The proposed access road would cross the northeastern channel of the southern swale approximately 200 feet north of the proposed cultivation area. The proposed access road would cross the northwestern channel of the southern swale at two locations: approximately 500 feet northwest and 700 feet northwest of the northwestern corner of the proposed cultivation area. The proposed water pipeline would transect the southern channel of the northern swale approximately 250 feet south of the southwestern corner of the proposed cultivation area. The water pipeline has been designed to be suspended above grade and avoid the swale. The proposed access road would impact approximately 2,878 square feet of the southern riverine feature. The swale on the northern portion of the property consists of one channel that drains from east to west. The proposed access road would cross the northern swale and impact approximately 312 square feet of riverine feature. Project completion would directly impact a total of approximately 3,190 square feet of riverine features.

The riverine swales do not have hydric soils or hydrophytic vegetation and would not be subject to permitting under the Clean Water Act. However, areas of discernible Ordinary High Water Mark, bed and bank, and evidence of discharge into downstream-receiving waters were observed for both swales. According the CDFW's authority under 1602 of the Fish and Game Code, an entity may not …"substantially divert or obstruct the natural flow…or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material…where it may

pass into any river, stream, or lake, unless it notifies the CDFW…". CDFW requested information on the proposed swale crossings for the project. The applicant has initiated consultation with CDFW to either obtain a Lake and Streambed Alteration Agreement (LSA) or written verification that one is not needed for the rip rap that would be placed in the swale at proposed road crossings. The applicant has initiated consultation with CDFW to address potential changes to on-site hydrology and/or downstream receiving waters and develop measures to avoid any potentially substantial and adverse impacts to an existing fish or wildlife resource. Potentially significant impacts associated with project construction activities would be reduced to less than significant with implementation of mitigation measures BR-1, BR-11, and BR-12, which would protect riverine swales, and reduce potential impacts related to trespass outside of the project footprint and site disturbance to 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?

Suitable foraging and nesting habitat is present for migratory birds on the project site. Although none of these species were identified during the reconnaissance-level surveys, the potential for some of these species to occur cannot be completely ruled out due to the movement of these species. Potential direct impacts to nesting birds (e.g., destruction of a nest) could occur if tree or ground nesting birds are present within the disturbance area of the project site during construction activities. Potential indirect impacts to nesting activities of birds could occur near construction related activities that create noise and other disturbances that deter nesting or cause a nest to fail. Impacts to nesting birds would be temporary. With implementation of mitigation measure BR-7, which requires nesting bird surveys and avoidance if identified, impacts to migratory nesting birds would be less than significant. In addition, Burrowing Owl may appear on site. Implementation of mitigation measure BR-4 would reduce potential impacts to less than significant by requiring preconstruction surveys and avoidance buffers for burrowing owls.

All proposed cannabis facilities will be required to contain measures to allow for small animal movement under solid fencing and the proposed project will have setbacks from property lines that create corridors for movement around the fenced barriers. Implementation of mitigation measure BR-10, which requires a gap at the bottom of solid fencing, would reduce impacts to movement of native resident or migratory wildlife species or with established native resident or migratory wildlife corridors to less than significant.

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

Two valley oaks are located in the central portion of the proposed cultivation site, one of which appears to have died between 2015 and 2017 as determined by aerial imagery (PAX 2020). Land preparation for the proposed cultivation site would result in the removal of the deceased tree in addition to the remaining live valley oak tree. In addition, six oak trees have the potential to be directly or indirectly impacted by excavation for water pipeline installation and/or access road grading. The access road route was designed to avoid the trees. Oak woodland is protected under Section 22.58 of the County of San Luis Obispo Land Use Ordinance. The project site does not contain oak woodland as defined by Section 22.58.030, which states:

> "'Oak Woodland' means a grouping of trees over one acre growing in a contiguous pattern and on a site of sufficiently uniform quality that is distinguishable as a unit,…".

Removal of individual oaks on the project site and construction of the proposed access road and water pipeline will have potential direct and indirect impacts on the oak trees on-site. Implementation of a tree protection and replacement plan, as required in mitigation measure BR-13, will reduce impacts to a less than significant level.

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

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

Conclusion

Potential impacts to biological resources would be reduced to a less than significant level with incorporation of mitigation measures BR-1 through BR-14 as described below and in Exhibit B. These measures require a Worker Environmental Awareness Program, avoidance and protection measures for special status plant species, avoidance and protection measures for special status reptiles and amphibians, avoidance and protection measures for burrowing Owl, avoidance and protection measures for American badger, avoidance and protection measures for Crotch and Western bumble bees, avoidance and protection measures for nesting birds, standard habitat mitigation and avoidance and protection measures for San Joaquin kit fox, avoidance and protection measures for riverine swales, site maintenance and general operations measures, a tree protection and replacement plan, and site restoration following end of operations.

Mitigation

BR-1 **Worker Environmental Awareness Program (WEAP).** Prior to major construction activities (e.g., site mobilization, clearing, grubbing, preparation for installing new facilities, etc.), an environmental awareness training shall be presented to all project personnel by a qualified biologist prior to the start of any project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the project's discretionary permits, an overview of the federal Endangered Species Act, the California Endangered Species Act, and implications of noncompliance with these regulations, as well as an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the trainees will be kept and provided to the County. If new project personnel join the project after the initial training period, they will receive the environmental awareness training from a designated crew member on site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

BR-2 **Special Status Plant Species Avoidance and Minimization Measures.** Prior to initial ground disturbance and staging activities in areas of suitable habitat for special-status plants, focused surveys shall be completed by a qualified biologist. The surveys shall be floristic in nature and shall be seasonally timed to coincide with the blooming period of the target species. Surveys shall be conducted in accordance with the most current protocols established by the CDFW and USFWS, and consistent with the County's policies. All special status plant species identified on-site shall be mapped onto a site-specific aerial photograph and topographic map. Survey

results shall be submitted to the County Department of Planning and Building prior to initiation of construction.

If special status plant species, including, San Luis Obispo owl's clover, Shining navarettia, Hoover's bent grass, Douglas' fiddleneck, or Small-flowered morning glory are identified within the proposed development footprint, impacts to these species will be avoided to the extent feasible.

If avoidance of state or federally listed plant species is not feasible, consultation with the applicable resource agency (CDFW, USFWS, or both) shall be initiated, depending on the designated FESA/CESA listing status of the plant. Work shall not begin at the location of the listed plant species until authorization to continue is provided by the applicable resource agency, or until applicable measures from a permit issued by the resource agency (CDFW, USFWS, or both) for the project are successfully implemented. All impacts to state or federally listed plant species shall be mitigated at a minimum ratio of 2:1 (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration.

If non-listed special status plants species cannot be avoided, impacts shall be mitigated for all impacts that could cause the regional population of any of these species to drop below self-sustaining levels, threaten to eliminate any plant community of which the species is a key part, or substantially reduce the number of occurrences or individuals or restrict the range of that species. The threshold for impacts above which mitigation must be implemented shall be impacts that remove over 10 percent of the local (onsite and immediate vicinity) population of any CRPR 1B species that forms a unique vegetation type, is present in unusually large numbers, with implications for status of the species throughout its range, or is otherwise designated as locally rare. Impacts shall be mitigated at a minimum ratio of 1:1 (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration. A restoration plan shall be prepared and submitted to the County for approval. (Note: if a state listed plant species will be impacted, the restoration plan shall also be submitted to the CDFW for approval). The restoration plan shall include, at a minimum, the following components:

1. Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type)
2. Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved]
3. Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values)
4. Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan).
5. Maintenance activities during the monitoring period, including weed removal as appropriate (activities, responsible parties, schedule)

6. Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports)
7. Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type
8. An adaptive management program and remedial measures to address any shortcomings in meeting success criteria
9. Notification of completion of compensatory mitigation
10. Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).
11. The restoration plan shall be prepared and submitted to the County Department of Planning and Building for approval prior to initial site disturbance.

BR-3 Special Status Reptiles and Amphibians Avoidance and Protection.

Pre-construction Survey for Special-status Reptiles and Amphibians. Prior to issuance of grading and/or construction permits and immediately prior to initiation of site disturbance and/or construction, a qualified biologist shall conduct a pre-construction survey immediately before any initial ground disturbances (i.e. the morning of the commencement of disturbance) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special status reptiles and/or amphibians are found in the area of disturbance, the biologist shall move the animal(s) to an appropriate location outside the area of disturbance. The candidate site(s) for relocation shall be identified before construction and shall be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the species' range.

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

BR-4 Western Burrowing Owl (*Athene cunicularia*) Avoidance and Minimization

1. **Pre-construction Survey for Burrowing Owl.** If work is planned to occur within 150 meters (approximately 492 feet) of Western burrowing owl habitat, a qualified biologist shall conduct a pre-construction survey for the species within 14 days prior to initial project activities. This applies year-round [i.e., within the breeding (February 1 to August 31) or non-breeding (September 1 to January 31) seasons]. A second survey shall be completed immediately prior to initial project activities (i.e., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on Western burrowing owl Mitigation, which specifies that 7- to 20-meter transects shall be walked, such that the entire project area is visible. These surveys may be completed concurrently with SJKF, American badger, or other special-status species surveys. If occupied Western burrowing owl burrows are identified the

following exclusion zones shall be observed during project activities, unless otherwise authorized by CDFW:

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

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

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

BR-5 American Badger (*Taxidea taxus*) Protection Measures

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

    a. If a potential den is discovered, it shall be inspected to determine whether they are occupied. The survey shall cover the entire property and shall examine both old and new dens. The den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction.

    b. If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season, nursing young may be present), measured outward from the burrow entrance. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February and July. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion

zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

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

BR-6 Crotch Bumble Bee (*Bombus crotchii*) and Western Bumble Bee (*Bombus occidentalis*) Avoidance and Minimization

1. **Pre-construction Survey for Crotch Bumble Bee and Western Bumble Bee.** The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for Crotch bumble bee and Western bumble bee within suitable habitat (i.e., small mammal burrows, thatched/bunch grasses, upland scrubs, brush piles, unmowed/overgrown areas, dead trees, hollow logs, etc.) on the project site. Survey(s) shall be conducted over an extended period of time to document and establish whether the bees are present within the areas of disturbance.
2. **Avoidance.** If the survey(s) establish the presence of Crotch bumble bee or Western bumble bee within the areas of disturbance, the applicant shall retain a qualified biologist to prepare a Biological Resources Management Plan (Management Plan) subject to review and approval by the County Planning and Building Department in consultation with CDFW. The Management Plan shall include at least the following:
    a. Avoidance measures to include a minimum 50-foot no-disturbance buffer to avoid take and potentially significant impacts.
    b. If ground-disturbing activities will 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 identified by the California Endangered Species Act (CESA).
    c. In the event that CBB and/or WBB are denied listing under CESA by state law, this mitigation measure shall no longer be required for the respective species.

BR-7 Nesting Birds Protection Measures

1. **Pre-construction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. This includes nests of all common bird species (under the MBTA), as well as special status birds and raptor nests. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.
    a. A 250-foot exclusion zone shall be placed around non-listed, passerine species, and a 500-foot exclusion zone will be implemented for raptor species. Each exclusion zone

shall encircle the nest and have a radius of 250 feet (non-listed passerine species) or 500 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.

b. If special status avian species (aside from the burrowing owl) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.

c. The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

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

BR-8 **San Joaquin Kit Fox (*Vulpes macrotis multica*; SJKF) Habitat Mitigation Alternatives.** Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County that states that one or a combination of the following three San Joaquin kit fox (SJKF) mitigation measures has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 11.72 acres of suitable habitat in the kit fox corridor area (e.g., within the San Luis Obispo County kit fox habitat area), either on site or off site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the CDFW and the County.

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

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

Mitigation alternative (b.) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-unit of $2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual

cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to "The Nature Conservancy", would total $29,300 based on $2,500 per acre (5.86 acres impacted * 2 *$2,500 per acre).

c. Purchase 11.72 (5.86 acres * 2) credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c.) can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total $29,300 (5.86 acres * 2 * $2,500). This fee is calculated based on the current cost-per-credit of $2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

The mitigation options identified above are based on a preliminary evaluation by CDFW on the project's anticipated acres of impact to SJKF habitat. The project has a required mitigation ratio of two (2) acres conserved for each acre impacted (2:1). Total required compensatory mitigation may change based on the final number of impacted acres shown on the construction and/or grading plans submitted to the County for review and approval.

BR-9 San Joaquin Kit Fox Protection Measures.

1. **SJKF Protection Measures on Plans.** All SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

   a. Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate the following as a note on the project plans: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.

2. **Pre-construction Survey for SJKF.** Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

   a. A qualified biologist shall complete a pre-construction survey for SJKF no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure SJKF is not present within all proposed work areas and at least a 250-foot buffer around work areas per USFWS Standard Recommendations (2011). The biologist will survey for signs of SJKF and known or potential SJKF dens. The result of the survey shall be submitted to the County within 5 days of the survey and prior to start of initial

project activities. The submittal shall include the date the survey was conducted, survey method, and survey results, including a map of the location of any SJKF signs, and/or known or potential SJKF dens, if present. If no SJKF signs, potential or known SJKF dens are identified, then the SJKF Standard Protection Avoidance and Protection Measure shall be applied.

i. If the qualified biologist identifies potential SJKF den(s), the den(s) will be monitored for 3 consecutive nights with an infra-red camera, prior to any project activities, to determine if the den is being used by SJKF. If no SJKF activity is observed during the 3 consecutive nights of camera placement then project work can begin with the Standard SJKF Avoidance and Protection Measures and the SJKF Protection Measures if SJKF are observed.

ii. If a known den is identified within 250-feet of any proposed project work areas, no work may start in that area.

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

BR-10 **Standard SJKF Avoidance and Protection Measures.** Throughout the life of the project,

1. If a SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other agencies as needed.
2. A maximum of 25 mph speed limit shall be required at the project site during project activities. Speed limit signs shall be installed on the project site prior to start of all work.
3. All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.
4. To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes or trenches greater than two feet deep shall be completely covered at the end of each work day by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If a SJKF is entrapped, CDFW, USFWS, and the County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.
5. All pipes, culverts, or similar structures with a diameter of 4 inches or greater, stored overnight at the project site shall be thoroughly inspected for sheltering SJKF before burying, capping, or moving. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day. No pipes, culverts, similar structures, or materials stored on site shall be moved if there is a SJKF present within or under the material. A 50-foot exclusion buffer will be established around the location of the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.

6. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in animal-proof closed containers only and regularly removed from the site.
7. No deliberate feeding of wildlife shall be allowed.
8. Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.
9. Trash will be disposed of into containers rather than stockpiling on site prior to removal.
10. Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence shall be surveyed (consistent with pre-construction survey requirements) by a qualified biologist before they are moved.
11. The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which SJKF depend.
12. Permanent fences shall allow for SJFK passage through or underneath by providing frequent openings (8-inch x 12-inch) or an approximately 4-inch or greater passage gap between the ground and the bottom of the fence. Any fencing constructed after issuance of a final permit shall follow the above guidelines.
13. During project activities and/or the operation phase, any contractor or employee that inadvertently kills or injures a SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead SJKF, the applicant shall immediately notify the USFWS, CDFW, and the County by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident.
14. If potential SJKF dens are identified on site during the pre-construction survey, a qualified biologist shall be on site immediately prior to the initiation of project activities to inspect the site and dens for SJKF activity. If a potential den appears to be active or there is sign of SJKF activity on site and within the above-recommended buffers, no work can begin.

BR-11 **Riverine Swales.** Prior to project initiation, all applicable agency permits with jurisdiction over the project area (i.e., CDFW and RWQCB) should be obtained, as necessary. All additional mitigation measures required by these agencies shall be implemented as necessary throughout the project. At a minimum, the following measures shall be implemented:

1. Construction activity occurring within 100 feet of swales shall occur only during the dry season (between June 1 and September 31).
2. For short-term, temporary stabilization, an erosion and sedimentation control plan shall be developed outlining Best Management Practices (BMPs), which shall be implemented to prevent erosion and sedimentation into drainages and wetlands during construction. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) fiber rolls, jute or coir

netting, and/or other industry standards. BMPs shall be installed and maintained for the duration of the project.

3. Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).

BR-12 **Site Maintenance and General Operations.** The following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

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

BR-13 **Tree Protection and Replacement Plan.** To minimize impacts to native trees and offset removals, a tree protection and replacement plan shall be prepared prior to initiation of construction and implemented throughout construction. At a minimum, the plan shall include the following elements:

1. The plan shall be submitted to the County Department of Planning and Building prior to the start of construction.
2. Trees to be preserved:
    a. The location and extent of driplines for all native trees with a diameter at breast height (dbh) of 6 inches or greater, within 25 feet of grading limits shall be identified. Construction envelopes shall be designated outside the driplines of all oak trees where feasible. All ground disturbances shall be prohibited outside construction envelopes.
    b. All native trees with a dbh of 6 inches or greater, within 25 feet of proposed ground disturbances shall be temporarily fenced with chain-link or other material throughout all grading and construction activities. The fencing shall be installed six feet outside the dripline of each oak tree and shall be staked every six feet. No construction equipment shall be staged, parked, stored or operated within six feet of any oak tree dripline.

c. During construction, washing of concrete, paint or equipment shall occur only in areas where polluted water and materials can be contained for later removal from the site. Washing shall not be allowed near sensitive biological resources. An area designated for washing functions shall be identified on plans and clearly marked on the Project site during construction.

d. No permanent irrigation shall occur within the dripline of any existing oak tree.

e. No fill soil, rocks, or construction materials shall be stored or placed within six feet of the dripline of oak trees.

f. Any trenching required within the dripline or sensitive root zone.

g. Any construction activity required within three feet of an oak trees dripline to be preserved shall be completed with hand tools to the extent feasible.

3. Tree to be removed:

a. The plan shall identify requirements for replacement plantings, including installation, temporary irrigation, maintenance, and follow-up monitoring for a minimum of seven years.

b. Replacement plantings shall be in kind, and shall be installed at a 4:1 ratio for each oak tree over 6 inches in diameter that is removed, and at a 2:1 ratio for each oak tree over 6 inches in diameter at breast height that is impacted.

c. Success criteria and an adaptive management strategy shall be included in the plan.

4. An annual monitoring plan summarizing implementation progress shall be submitted by January 31 of the following year until success criteria are met.

BR-14 Site Restoration Following End of Operations.

Upon revocation of a use permit or abandonment of a licensed cultivation or nursery site, the permittee and/or property owner shall provide a restoration plan that re-establishes the previous natural conditions of the site. The plan shall include removal of all materials, equipment, and improvements on the site that were devoted to cannabis use, including but not limited to concrete foundation and slabs; bags, pots, or other containers; tools; fertilizers; pesticides; fuels; hoop house frames and coverings; irrigation pipes; water bladders or tanks; pond liners; electrical lighting fixtures; wiring and related equipment; fencing; cannabis or cannabis waste products; imported soils or soils amendments not incorporated into native soil; generators; pumps; or structures not adaptable to non-cannabis permitted use of the site. If any of the above described or related material or equipment is to remain, the permittee and/or property owner shall prepare a plan and description of the non-cannabis continued use of such material or equipment on the site. The property owner shall be responsible for execution of the restoration plan that will re-establish the previous natural conditions of the site, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the County.

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

The project disturbance area is within 100 feet of a U.S. Fish and Wildlife Service (USFWS) National Hydrography Dataset (NHD) stream which could be indicative of prehistoric human occupation. The NHD stream crosses through the middle portion of the project parcel and would be within 300 feet of the proposed project disturbance area (County of San Luis Obispo Online Land Use Viewer 2020). Pursuant to County Land Use Ordinance (LUO) Section 22.94.040, a preliminary site survey for potential archaeological resources is required because the proposed cultivation would be located on slopes less than 10 percent and within 300 feet of a "blue line stream" indicated on a the USGS 7.5-minute topographic quadrangle map.

Hoover Archaeological Consultants (2018) conducted a Phase I Archaeological Survey, which included a records and literature search, as well as a field inspection of the site. Although Native American outreach was not conducted as part of the Phase I study, County Department of Planning and Building Staff referred the project application materials to the Northern Chumash Tribal Council (NCTC) and the NCTC representative replied that the NCTC had no comments on the project. The literature and records search was conducted at the Central Coast Information Center (CCIC), University of California, Santa Barbara. The CCIC search response letter revealed that there are three resources within a 0.25-mile radius of the project site, but no site record numbers were provided. The CCIC search response letter also indicated that two previous studies covered at least a portion of the project site, but no report numbers were provided. The field inspection did not identify the presence of any cultural resources within the project site.

Pursuant to County Land Use Ordinance Section 22.10.040, if during any future grading and excavation, buried or isolated cultural materials are unearthed, work in the area shall halt until they can be examined by a qualified archaeologist and appropriate recommendations made. State law sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8304 (d) requires the project to immediately halt cultivation activities and implement section 7050.5 of the Health and Safety Code if human remains are discovered.

Initial Study – Environmental Checklist

Discussion

(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?

As discussed in the Setting, the literature and records search listed previously recorded historical or archaeological resources within a 0.25-mile radius of the project site, but no site records or previous surveys were provided. The field inspection did not identify the presence of any cultural resources. However, in the unlikely event resources are uncovered during project construction activities, implementation of LUO Section 22.10.040 (Archaeological Resources Discovery) would be required. This section requires that, in the event archaeological resources are encountered during project construction, construction activities cease, and the County Planning Department shall be notified of the discovery. The project will be required to comply with existing requirements in Land Use Ordinance Section 22.10.040 and impacts to archaeological resources would be less than significant.

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

No human remains have been associated with the project site. However, in the unlikely event resources are uncovered during project construction activities, implementation of LUO Section 22.10.040 (Archaeological Resources Discovery) would be required. This section requires that, in the event archaeological resources are encountered during project construction, construction activities cease, and the County Planning Department shall be notified of the discovery. If the discovery includes human remains, the County Coroner shall also to be notified. In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8304(d) requires the project to Immediately halt cultivation activities and implement section 7050.5 of the Health and Safety Code if human remains are discovered. The project will be required to comply with the existing regulations prescribed in the State of California Health and Safety Code Section 7050.5 and impacts to human remains would be less than significant.

Conclusion

The record search and field inspection did not identify any prehistoric or historic-period materials within or near the project site. The project will be required to comply with existing Land Use Ordinance requirements and Health and Safety regulations, and significant impacts are not anticipated. No mitigation measures are necessary.

Sources

See Exhibit A.

VI. ENERGY

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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

Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within the County of San Luis Obispo. Approximately 33% of electricity provided by PG&E is sourced from renewable resources and an additional 45% is sourced from GHG-free resources (PG&E, 2017).

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 kWh basis for clean solar power. The fee depends on the type of service, rate plan and enrollment level. Customers may choose to have 50% or 100% of their monthly electricity usage to be generated via solar projects. The Regional Renewable Choice program enables customers to subscribe to renewable energy from a specific community-based project within PG&E's service territory. The Regional Renewable Choice program allows a customer to purchase between 25% and 100% of their annual usage from renewable sources.

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

The Conservation and Open Space Element (COSE) of the San Luis Obispo General Plan establishes goals and policies that aim to reduce vehicle miles traveled, conserve water, increase energy efficiency and the use of renewable energy, and reduce GHG emissions. The COSE 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 GHG emissions to 15% below 2006 baseline levels by 2020. Two of the six community-wide goals identified to accomplish this were to "address future energy needs through increased conservation and efficiency in all sectors" and "increase 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.

The California Building Code (CBC) contains standards that regulate the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building or other improvement to real property. The CBC includes mandatory green building standards for residential and nonresidential structures, the most recent version of which are referred to as the *2019 Building Energy Efficiency Standards*. These standards focus on four key areas: smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from the interior to the exterior and vice versa), residential and nonresidential ventilation requirements, and non-residential lighting requirements.

The County LUO includes a Renewable Energy Area combining designation to encourage and support the development of local renewable energy resources, conserving energy resources and decreasing reliance on environmentally costly energy sources. This designation is intended to identify areas of the county where renewable energy production is favorable and establish procedures to streamline the environmental review and processing of land use permits for solar electric facilities. The LUO establishes criteria for project eligibility, required application content for solar electric facilities proposed within this designation, permit requirements, and development standards (LUO 22.14.100). The project site is not located in a Renewable Energy Area combining designation.

Energy Use in Cannabis Operations

The total energy demand of a cannabis operation depends heavily on the type of cultivation, manufacturing, location of the project, as well as 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, and climate control systems) (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?*

This analysis evaluates the use of energy resources (e.g., fuel and electricity) associated with construction activities, as well as operation and maintenance of the project. For construction, the analysis considers whether construction activities would use large amounts of fuels or energy, and whether they would be used in a wasteful manner. For energy used during operations, the analysis identifies energy use that would occur with implementation of the project to determine whether large amounts would be used and whether they would be used in a wasteful manner.

Project development would result in 7.8 acres of site disturbance for an access road, water pipeline, water tank, and 3 acres of outdoor cannabis cultivation.

Construction-related Impacts. Construction would require the use of fossil fuels (primarily gas, diesel, and motor oil) for construction equipment and vehicle travel. The precise amount of construction-related energy consumption is uncertain. However, construction would not require a large amount of fuel or energy usage because of the limited extent and nature of the proposed improvements and the minimal number of construction vehicles and equipment, worker trips, and truck trips that would be required for a project of this small scale. State and federal 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. Therefore, project construction would not include activities that would result in the use of large amounts of fuel and energy in a wasteful manner. Energy consumption during construction would not conflict with a state or local plan for renewable energy; construction period impacts would be less than significant.

Operational Impacts. Operation of the proposed project would require electricity for security lighting and for the irrigation pump, and fossil fuels (gasoline) for employee vehicle travel. Security lighting would be solar-powered and therefore, would not require electricity or fuel. Irrigation would require a water pump that the applicant estimates would use 2,278 kWh of electricity per year.

During the operational phase, energy (i.e., gasoline and/or diesel fuel) would also be consumed through daily worker trips to the facility, and truck trips associated with delivery of supplies and distribution. As discussed in Section III.b, the project is anticipated to generate up to five trips per day, for the full-time employees. However, five trips would not be expected to result in the use of large amounts of fuel in a wasteful manner; the impact would be less than significant.

While the long-term operation of the project would result in an increase in energy consumption compared to existing conditions, due to the small scale of the project, operation of the project would not use large amounts of energy and would not use it in a wasteful manner. Energy consumption during operations would not conflict with a state or local plan for renewable energy; operational impacts would be less than significant.

Conclusion

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

Sources

See Exhibit A.

Initial Study – Environmental Checklist

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?	☐	☐	☐	☒

Initial Study – Environmental Checklist

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

Setting

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

Topography: Nearly level to gently rolling

Within County's Geologic Study Area?: No

Landslide Risk Potential: Low

Liquefaction Potential: Low

Nearby potentially active faults?: Rinconada Fault Distance? About 1 mile to the west

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

Shrink/Swell potential of soil: Low to moderate

Other notable geologic features? None

Geology and Soils: The project site is not located within the Geologic Study Area designation and is not within a high liquefaction area. The Setting in Section II, Agricultural and Forestry Resources, describes the soil types and characteristics on the project site. The site's potential for liquefaction hazards are low. The project site is not located in an Alquist Priolo Fault Zone, and no active fault lines cross the project site. The geologic unit underlying the project site is the Paso Robles Formation, which is a fossil-bearing geologic formation with high sensitivity for paleontological resources at the surface.

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

Discussion

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

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

(a-ii) Strong seismic ground shaking?

The project site is not located in an Alquist Priolo Fault Zone, and no active fault lines cross the project site (USGS, 2018). The nearest potentially active fault (the Rinconada Fault) is located about 1 mile to the west. Therefore, the project site would not be susceptible to rupture of a known earthquake fault or strong seismic ground shaking, nor would the project exacerbate any existing hazards. Impacts would be less than significant.

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

The project site is not located within the Geologic Study Area designation and is not within a high liquefaction area. The Setting in Section II, Agriculture and Forestry Resources, describes the soil types and characteristics on the project site. The site's potential for liquefaction hazards is low. The project does not propose new structures; therefore, the project would not directly or indirectly cause potential substantial adverse effects involving seismic-related ground failure, including liquefaction or exacerbate any existing hazards; impacts would be less than significant.

(a-iv) Landslides?

The site's potential for landslides is low and the site's topography is nearly level. The project would not exacerbate any existing hazards related to landslides; impacts would be less than significant.

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

At full buildout, the project would result in the disturbance of approximately 7.8 acres for preparation of the outdoor cultivation area, improvements to the existing access road, installation of new access road, and installation of a water tank and water pipeline. Earthwork for project development would require a total of 267 cubic yards of cut and 225 cubic yards of fill to be balanced on site with excess cut utilized within the cultivation area and access road during initial site disturbance. During grading activities, there is a potential for erosion and down-gradient sedimentation to occur. However, the required sedimentation and erosion control plan and SWPPP would minimize these potential impacts.

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

The developed and undeveloped portions of the project site are nearly level to gently rolling. The average slope of the parcel is under five (5) percent. The Setting in Section II, Agriculture and Forestry Resources, describes the soil types and characteristics on the project site. No new structures are proposed that would be at risk or would exacerbate existing hazardous conditions. Impacts would be less than significant.

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

The soils associated with the project site are described in Section II, Agriculture and Forestry Resources. None of the soils are considered expansive as defined by Table 18-1-B of the Uniform Building Code. No impact would occur.

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

The proposed project would include the installation of a portable restroom; however the project does not include the use of septic tanks or alternative waste water disposal systems. Also, the project would not require use of a septic/leach system. Therefore, the project would have no impact related to the use of septic tanks or alternative wastewater disposal systems.

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

There are no unique geologic features on-site. The geologic unit that underlies the project site is the Paso Robles Formation. This is a fossil-bearing geologic formation with high sensitivity for paleontological resources (Aspen Environmental Group, March 2011). Since the cultivation area is located in an area previously disturbed by ongoing agricultural use and the proposed project construction and operations do not involve ground disturbing activities that have the potential to go beyond a depth of five feet, it is unlikely that the project would directly or indirectly result in the destruction of this geologic formation.

Conclusion

Compliance with ordinance requirements will ensure that potential impacts associated with geology and soils are less than significant. Therefore, no mitigation measures are necessary.

Sources

See Exhibit A.

VIII. GREENHOUSE GAS EMISSIONS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
(b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Setting

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

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

In October 2008, the CARB published its *Climate Change Proposed Scoping Plan*, which is the state's plan to achieve GHG reductions in California required by Assembly Bill (AB) 32, which codifies the Statewide goal of reducing emissions to 1990 levels by 2020 (essentially a 15% reduction below 2005 emission levels) and the adoption of regulations to require reporting and verification of statewide GHG emissions. The Scoping Plan included CARB-recommended GHG reductions for each sector of the state's GHG emissions 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 extend the state's GHG reduction goals and require CARB to regulate sources of GHGs to meet a state goal of reducing GHG emissions to 1990 levels by 2020, 40% below 1990 levels by 2030, and 80% below 1990 levels by 2050. The initial Scoping Plan was first approved by CARB on December 11, 2008 and is updated every 5 years. The first update of the Scoping Plan was approved by the CARB on May 22, 2014, which looked past 2020 to set mid-term goals (2030–2035) toward reaching the 2050 goals. The most recent update released by 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.

Pursuant to Section 8203 (g) of the Title 3, Division 8, Chapter 1 of the California Code of Regulations, beginning January 1, 2022, CDFA will require cultivation applicants to disclose the greenhouse gas emission intensity (per kWh) of their utility provider and show evidence that the electricity supplied is from a zero net energy source.

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.

Instead, the following threshold options are recommended for consideration by the lead agency:

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

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

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

  - *Meeting Local GHG Emission Targets with Best Management Practices*

    On April 23, 2020, the Sacramento Metropolitan Air Quality Management District (SMAQMD) adopted Greenhouse Gas Thresholds for Sacramento County. This substantial evidenced based document sets SB 32-based local GHG emission targets for 2030 by evaluating the GHG inventory for local emission sectors relative to statewide sector inventories and the state's GHG reduction target of 40% below 1990 levels. Relative to business-as-usual, the document considered the commercial and residential sector emission reductions needed from new development to help achieve the SB 32 goal. To help secure these reductions, best management practices were established for new development.

  - *GHG Bright-line and Efficiency Thresholds*

    SB 32 based local bright-line and operational efficiency thresholds can be established by evaluating local emission sectors in a jurisdiction's GHG inventory relative to statewide sector inventories and the state's GHG reduction target of 40% below 1990 levels. This approach is found in earlier drafts of SMAQMD's SB 32 threshold work and the AEP Climate Change Committee may provide guidance on a similar approach.

As discussed above, SB 32 requires the state to reduce GHG levels by 40 percent below 1990 levels by the year 2030. According to the California Greenhouse Gas Emissions for 2000 to 2017, Trends of Emissions and Other Indicators published by the California Air Resources Board, emissions of GHG statewide in 2017 were 424 million $MMTCO_2e$, 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[1]. 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 $MMTCO_2e$ 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?

The California Energy Emissions Model (CalEEMod) was used to determine the approximate GHG emissions per square foot associated with construction and operation of an outdoor cultivation operation based on an energy use factors for construction and operation. These emission factors were then multiplied by the total area proposed for outdoor cultivation to estimate the project's construction-related and annual operational carbon dioxide equivalent emissions in metric tons (MTCO2e;

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

Table ***5***).

Table 5 - Projected Project GHG Emissions Without Mitigation

Project Component	Quantity	Emissions Rate (Annual $MTCO_2e/sf$)		Estimated Projected Annual CO_2 Emissions (MT/year)
		Construction[1]	Operation	
Existing single-family residences	2 dwellings	n/a	4.2[1]	8.4
Three Existing Accessory Buildings	7,100 sq.ft.	n/a	0.0069	49.50
Existing Crop Production	93 acres	n/a	0.000020[2]	0.00186
Existing/Baseline GHG Emissions				**57.9**
Outdoor cultivation	3 acres	n/a	0.000020[2]	2.61
Net Change (Increase)				**2.61**

Notes:

1. Based on 18,000 kWhr/household/year.
2. GHG generation associated with crop production based on 6.2 million MTCO2e per year GHG from crop production in California (Source: California Greenhouse Gas Emissions for 2000 to 2018) and 7.3 million acres of harvested crop acreage in California in 2019 (Source: California Department of Food and Agriculture Agricultural Statistics Review 2018-2019

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

As shown in

Table ***5***, project-related GHG emissions will be well below the threshold of 690 MTCO2e. 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.

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

As discussed in the setting above, the 2017 Climate Change Scoping Plan provides strategies for meeting the mid-term 2030 greenhouse gas reduction target set by Senate Bill (SB) 32. The 2017 Climate Change Scoping Plan also identifies how the State can substantially advance toward the 2050 greenhouse gas reduction target of Executive Order S-3-05, which consists of reducing greenhouse gas emissions to 80 percent below 1990 levels. The recommendations cover the key sectors, including energy and industry; transportation; natural and working lands; waste management; and water. The recommended measures in the 2017 Scoping Plan are broad policy and regulatory initiatives that will be implemented at the State level and do not relate to the construction and operation of individual projects. Although project construction and operation may be affected by some of the State level regulations and policies that will be implemented, such as the Phase 2 heavy-duty truck greenhouse gas standards proposed to be implemented within the transportation sector, the project would not impede the State developing or implementing the greenhouse gas reduction measures identified in the Scoping Plan. Therefore, the project would not conflict with AB 32 or the 2017 Climate Change Scoping Plan.

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

Conclusion

The project would not result in potentially significant GHG emissions during long-term operations and would not conflict with plans adopted to reduce GHG emissions. Impacts would be less than significant. No mitigation measures are necessary.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

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?	☐	☐	☒	☐

Initial Study – Environmental Checklist

Setting

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

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

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

Per LUO Section 22.40.050(C), all applications for cannabis cultivation must include a list of all pesticides, fertilizers, and any other hazardous materials expected to be used, along with a storage and hazard response plan.

According to CalFire's San Luis Obispo County Fire Hazard Severity Zone map, the project site is within a "high" severity risk area for fire. The closest fire station to the project site is Paso Robles Fire Station 2, which is approximately 3.1 miles from the site. According to the San Luis Obispo General Plan Safety Element Emergency Response Map, the average emergency response time to the project site would be between five and ten minutes (San Luis Obispo County Online Land Use View, 2020).

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

Initial Study – Environmental Checklist

Discussion

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

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

(a-b) Construction-related impacts: General project site topography directs runoff to the east into the unnamed riverine swales that bisect the northern and southern portions of the property. The proposed areas of disturbance will be sited on level areas on the central portion of the project site. Construction activities would involve the use of small amounts of hazardous materials, such as oil, fuel, and solvents. Therefore, a spill or leak of these materials under accident conditions during construction activities could create a potentially significant hazard to the surrounding environment. Mitigation measures HAZ-1 and HAZ-2 are required to reduce potential impacts associated with upset or accident conditions during project construction and mitigation measures BR-11 and BR-12 would further reduce any potential for leaks and spills during project construction.

In addition, during construction activities, any on-site hazardous materials that may be used, stored, or transported would be required to follow standard protocols (as determined by the U.S. EPA, DTSC, California Department of Health and Safety, and San Luis Obispo County) for maintaining health and safety. Proper use of materials in accordance with local, State, and federal requirements, and as required in construction documents, would minimize the potential for accidental releases or emissions from hazardous materials, such that they would not create a significant hazard to the public or environment. Impacts would be less than significant with the implementation of mitigation measures HAZ-1, HAZ-2 and BR-11 and BR-12.

Operational impacts: Based on the project description, project operations would not use hazardous materials and would not generate hazardous wastes. Project operations would involve the intermittent use of small amounts of non-hazardous fertilizers and pesticides. The project will be conditioned to conduct all cannabis activities in compliance with the approved Operations Plan, as well as all required County permits, State licenses, County ordinance, and State law and regulation. Impacts would be less than significant.

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

There are no schools within one-quarter mile of the project site. No impact 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?

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

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

The project is not located in an Airport Review area. No impact would occur.

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

The project is not expected to conflict with any regional emergency response or evacuation plan. The project would not change existing circulation patterns, would not generate substantial new traffic, and would not affect emergency response routes. Refer to Section XVII, *Transportation*, for further discussion of emergency access and project traffic. As such, 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?*

According to CalFire's San Luis Obispo County Fire Hazard Severity Zone map, the project is located in a "high" fire hazard severity risk area which could present a significant fire safety risk. The closest fire station to the project site is Paso Robles Fire Station 2, which is approximately 3.1 miles from the site. The closest CalFire station is Station 30 approximately 3.6 to the northwest at 2510 Ramada Drive. The project would be required to comply with the California Fire Code and County Land Use Ordinance (Title 16 Fire Prevention), including but not limited to, providing emergency vehicle access and maintaining a dedicated fire-fighting water supply on-site at the project site. The project is required to comply with and will be conditioned to meet all standards. Further, the project would not exacerbate existing hazards related to wildland fires, as it would not construct habitable structures that would expose additional people to risk of harm. Impacts would be less than significant.

Conclusion

The project is required to comply with Federal, State, and County Ordinances and CalFire/San Luis Obispo Fire Department Standards, which would reduce potential impacts from hazardous materials. However, an accidental spill of hazardous materials during construction could adversely impact the surrounding environment. Implementation of mitigation measures HAZ-1, HAZ-2, BR-11, and BR-12 would mitigate the potential for leaks and spills during project construction.

Mitigation

HAZ-1 **Equipment Maintenance and Refueling.** During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

HAZ-2 **Spill Response Protocol.** During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

X. HYDROLOGY AND WATER QUALITY

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

Initial Study – Environmental Checklist

Setting

WATER QUALITY - The Regional Water Quality Control Board's Water Quality Control Plan for the Central Coast Basin (RWQCB, 2019) describes how the quality of surface water and groundwater in the Central Coast Region should be managed to provide the highest water quality reasonably possible. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose discharges can affect water quality. Project applicants must meet these requirements by either obtaining a State Waste Discharge permit for discharges to land or a National Pollutant Discharge Elimination System (NPDES) permit for discharge to surface water.

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

Within the 100-year Flood Hazard designation? No

Closest creek? Unnamed drainage

Distance? On-site, approximately 110 feet from the cultivation footprint

Soil drainage characteristics: Well drained

The topography of the site is nearly level to gently sloping with an average slope of less than 10 percent. General project site topography directs runoff to the east into the unnamed riverine swales that bisect the northern and southern portions of the property. The proposed areas of disturbance will generally be sited on level areas on the central and northern portions of the project site. As described in the NRCS Soil Survey, the soil surface has moderate erodibility.

The site is in a drainage review area. The Land Use Ordinance (Sec. 22.52.110) includes a provision to prepare and submit (at the time of application for construction permits) a drainage plan to minimize potential drainage impacts. This plan will need to address measures such as: constructing on-site retention or detention basins or installing surface water flow dissipaters. The drainage plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

On October 17, 2017, the State Water Resources Control Board adopted the Cannabis Cultivation Policy (Cannabis Policy) and the Statewide Cannabis General Order WQ 2017-0023-DWQ (Cannabis General Order) for General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities. The Cannabis Policy and Cannabis General Order include requirements to reduce impacts of waste discharges and surface water diversions associated with cannabis cultivation. The Order requires submittal of a Site Management Plan describing BMPs to protect water quality and may also require a Site Erosion and Sediment Control Plan, Disturbed Area Stabilization Plan, and/or Nitrogen Management Plan, depending on size and site characteristics of the operation. All outdoor commercial cultivation operations that disturb an area equal to or greater than 2,000 square feet of soil are required to enroll. Compliance with the Cannabis General Order is a standard condition of approval for all cannabis permits.

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

Soil erodibility: Moderate

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120) to minimize impacts. When required, the plan is prepared by a civil engineer to address both

temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is responsible for monitoring this program.

WATER DEMAND/SUPPLY – The project would use an existing on-site well and install a new 9,500-gallon, galvanized steel water tank as its water source. The project site is within the Salinas Valley, the Paso Robles Subbasin and the Salinas/Estrella Water Planning Area and is therefore subject to the Sustainable Groundwater Management Act (SGMA). The Paso Robles Subbasin Groundwater Sustainability Plan was adopted by the County of San Luis Obispo, Shandon San Juan Water District, City of Paso Robles, and San Miguel Community Services District in late 2019 (Montgomery and Associates, 2019). However, these Groundwater Sustainability Agencies (GSAs) responsible for overseeing SGMA compliance have not yet adopted any regulations that will define the need for any groundwater mitigation requirements. It is anticipated that the GSAs will adopt a regulation governing the metering and reporting program. In the interim, the CEQA analysis will consider the project's potential impact on the applicable groundwater basin.

The project site is in the Paso Robles Groundwater Basin, which has been assigned a Level of Severity (LOS) III in the 2014-2016 County of San Luis Obispo Resource Management System Summary Report. The Board of Supervisors adopted Resolution 2015-288 in 2015 to establish the Countywide Water Conservation Program (CWWCP) in response to the declining water levels in the Nipomo Mesa Water Conservation Area (NMWCA) part of Santa Maria Groundwater Basin), Los Osos Groundwater Basin (LOGWB), and the Paso Robles Groundwater Basin (PRGWB). A key strategy of the CWWCP is to ensure all new construction and new or expanded agriculture will offset its predicted water use by reducing existing water use on other properties within the same water basin. In addition, LUO Section 22.040.050.D.5. requires all cannabis cultivation sites located within a groundwater basin with a Level of Severity III to provide an estimate of water use associated with cultivation activities, and a description of how the new water use will be offset. All water demand within a groundwater basin with LOS III is required to offset at a minimum 1:1 ratio unless a greater offset is required through the land use permit approval process. The project is not within the Paso Basin Area of Severe Decline, which requires a 2:1 offset.

Offset clearance is obtained by the purchase of water use offset credits through a County-approved conservation program for the respective groundwater basin. If the average water use reported in the previous four quarterly water use reports is greater than the water use offset credits associated with the permitted use(s), the permittee will be required to either: 1) identify specific measures (and a timeframe for implementation) to reduce the metered water demand to be equal to, or less than, the water use offset credits associated with the project; or 2) purchase additional water use offset credits from the approved water conservation program for the particular groundwater basin to offset the increased use documented by the water use reports. Therefore, the water use offset is 1:1 and will be achieved by implementing one of the County-approved methods.

Discussion

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

Construction of the project would result in approximately 7.8 acres of ground disturbance on nearly level ground and soils that have moderate erodibility. The proposed access roads would cross existing riverine swales at three locations and a water pipeline would be installed with a suspended crossing over the southern riverine swale. Soils loosened during grubbing, clearing, and installation of access

road could degrade water quality, if loosened soils are mobilized and transported off-site via water flow. Potential impacts to water quality could occur as a result of project construction and operations. The project will be conditioned to provide a final erosion and sedimentation control plan for review and approval prior to construction permit issuance as required by LUO Sections 22.52.100, 110, and 120. According to the Public Works Department (Memorandum from David Grim, Department of Public Works, February 17, 2021), the project is located within a drainage review area and a drainage plan will be required prior to construction permit issuance (LUO Sec. 22.52.120). In addition, the project will disturb more than 1.0 acres and will therefore be required to enroll in coverage under California's Construction General permit and prepare a SWPPP (LUO Sec. 22.52.130). The SWPPP will identify BMPs that will be implemented to prevent soil erosion and discharge of other construction-related pollutants, such as sandbag barriers, proper management of construction materials, dust controls, and construction worker training. Also, all cannabis cultivation projects are required to provide proof of enrollment in or exemption from the applicable State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board program for water quality protection (Cal. Code of Regs. tit.3 §8102(o)). Project compliance with the Land Use Ordinance would reduce project impacts on water quality. Therefore, the project's impacts on water quality would be less than significant.

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

Wallace Group prepared a Water Use Evaluation (November 2020) for the proposed project using the Central Coast Regional Water Quality Control Board's (CCRWQCB) water use rates. As described in the report, the project would use approximately 2.17 acre-feet per year (AFY), as depicted in Table 6 below.

Table 6 – Annual Water Demand Estimate

Use	Rate	Gross Demand (gallons/year)	Gross Demand (AFY)
Outdoor Cultivation: 130,680 SF	130,680 SF canopy area x 0.03 gal/SF/day x 150 days	705,672	2.17
Total New Water Demand			2.17

A new 9,500-gallon, galvanized steel water tank would be installed for irrigation use and fire suppression. On the project site, an existing well has served the property and has been used for past agricultural uses. The well produces 26 gallons per minute (GPM), with a recovery time of fifteen minutes (Pro-H2O Drilling and Pump Company 2018). The well pump test and water quality analysis from 2018 conclude that the well produces sufficient water to meet the project's water demand.

As discussed in the Setting, the project site is within the Paso Robles Groundwater Basin (LOS III) but not within the Area of Severe Decline, which requires a 2:1 offset of new water demand. Since the proposed new water demand has the potential to impact groundwater supplies, the project will be required to offset the new water demand at 1:1. The water demand study indicates that the applicant proposes to offset the new water demand of 2.17 AFY through the removal of existing irrigated turf on-site.

In compliance with LUO Section 22.40.050.E.3, the project will be conditioned to apply BMPs for water conservation to maintain water use at or below the water analysis projections as described in the applicant's Water Management Plan. Such BMPs include, but are not limited to, the following:

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

The conditions of approval will also require the project to participate in the County's ongoing cannabis monitoring program to ensure compliance with all conditions of approval and other relevant regulations.

Although the proposed water demand has the potential to impact groundwater supplies, impacts would be less than significant with implementation of mitigation measures W-1 and W-2, which would require approval of a Water Conservation Plan, evidence that the water efficiency improvements are being maintained via the quarterly monitoring program, and evidence that the water use offsets are being met via the quarterly monitoring program (water use shall be metered and these data shall be provided to the County every three months). Should the metered water demand exceed the permitted quantity (2.17 AFY), the permittee will be required to undertake corrective measures to bring water demand back to within the permitted amount.

The proposed 650 square-feet of impervious surface would not substantially interfere with groundwater recharge. Impacts to groundwater recharge would be less than significant.

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

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

The project would involve clearing and grubbing three acres of land, currently used for agriculture, for outdoor cannabis cultivation and installation of a new 16-foot-wide gravel road. The site is nearly level and the soils are not highly erodible. However, construction activities would result in loose soil that could be mobilized. The project would be conditioned to provide an erosion and sedimentation control plan for review and approval prior to construction permit issuance as required by LUO Sections 22.52.100, 110, and 120. In addition, the project would disturb more than 1.0 acre and will therefore be required to enroll in coverage under California's Construction General permit and prepare a SWPPP (LUO Sec. 22.52.1230). The SWPPP would identify BMPs that would be implemented to prevent soil erosion and discharge of other construction-related pollutants, such as sandbag barriers, proper management of construction materials, and construction worker training. The Regional Water Quality Control Board is responsible for monitoring this program. The project would comply with the Land Use Ordinance. Therefore, the project would result in less than significant impacts related to soil and erosion and changes to drainage patterns.

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

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

The project would involve clearing and grubbing three acres of nearly level land currently used for agriculture for outdoor cannabis cultivation and installation of a new 16-foot wide gravel access road. The project would result in 650 sf of new impervious surfaces. A minimal amount of impervious surface is proposed in areas that have historically been disturbed and the majority of the property would be vegetated/cultivated area that would absorb runoff. However, the property is located in a drainage review area; therefore, it would be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use. Therefore, the project would not substantially increase runoff rates or quantities and impacts would be less than significant.

Regarding the potential for polluted runoff, the project includes more than 2,000 square feet of outdoor cultivation area; therefore, the applicant would be required to enroll in and comply with the Cannabis General Order to reduce impacts of waste discharges and surface water diversions associated with cannabis cultivation. Compliance with these requirements would ensure that impacts related to surface runoff remain less than significant.

The property would primarily remain in an open, natural condition that would accommodate storm flows and would not exacerbate runoff that would affect any nearby stormwater drainage systems or cause polluted runoff; impacts would be less than significant.

(c-iv) Impede or redirect flood flows?

As discussed in Section IV. Biological Resources, two unnamed drainages run east-west across the property. The northern portion of the proposed access road would cross the northern drainage in a location that has already been impacted by the existing driveway to a residence on adjacent parcel 033-011-017. The proposed new portion of access road would cross the northern channel of the southern drainage at two intersections near the northwest corner of the proposed cannabis cultivation area. The proposed water supply pipeline would also cross the southern channel of the southern drainage approximately 195 feet south of the proposed cultivation area. The pipeline crossing has been designed to be suspended above the channel and would not affect flood flows. Based on field conditions observed in the Biological Resources Assessment (BRA), the drainages have a lack of prevailing or annual surface water with aperiodic input by storm events that percolates into the underlying soil or discharges to downstream areas (PAX, 2020). Therefore, storm drainage in these drainage swales would be very infrequent.

The project is not within a 100-year Flood Hazard Area. The project is within a County-designated drainage review area. Pursuant to the recommended project conditions of approval provided in a Public Works referral memo dated February 17, 2021 from David Grim, the applicant would be required to submit complete drainage plans and a drainage report for review and approval in accordance with Section 22.52.110 (Drainage) of the County Land Use Ordinance (LUO). Pursuant to LUO Section 22.52.150.B.2., the standards for drainage plans require that projects include design provisions to retain natural drainage patterns. Therefore, compliance with the LUO would ensure that the project would not impede or redirect flood flows. Impacts would be less than significant.

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

The proposed project is not located within the 100-year floodplain. The project would, therefore, not expose people to risks from flooding, nor would the project impede or redirect flood flows. The project site is not located in a dam inundation area and is not subject to flooding risks from dam failure. The project site is located inland from the coast and is not subject to tsunami hazards, nor is it located near any impounded bodies of water that could present hazards from seiches. No impacts would occur.

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

As described in the Setting above, the project will be conditioned to comply with relevant provisions of the Central Coast Regional Water Quality Control Board Basin Plan, which require that the applicant obtain any necessary discharge permits from the RWQCB. Therefore, the project would not conflict with or obstruct implementation of the Basin Plan.

As described in the Setting above, the GSAs have not adopted any regulations or mitigations to be implemented under the Paso Robles Subbasin Groundwater Sustainability Plan. It is anticipated that the GSAs will adopt regulations governing metering and reporting. The project will be required to meter and monitor water use as part of the County's quarterly monitoring program for cannabis operators. Therefore, the project would not conflict with or obstruct implementation of the Paso Robles Groundwater Sustainability Plan. In addition, the project is within the Paso Robles Groundwater Basin, which has been assigned a Level of Severity III, but not within an Area of Severe Decline. Therefore, a 1:1 offset is required for the new 2.17 AFY demand. As described in discussion (b) above, the applicant proposes to offset the new water demand through the removal of existing irrigated turf on the property. Pursuant to ordinance requirements, the project will be conditioned to offset its water use at a ratio of 1:1. Therefore, potential impacts related to obstructing implementation of a sustainable groundwater management plan would be less than significant with implementation of mitigation measures W-1 and W-2.

Conclusion

Adherence to existing regulations would reduce potential impacts to surface water quality during construction and operation of the project to less than significant. Potential impacts to groundwater would be less than significant with implementation of mitigation measures W-1 and W-2, as described below and in Exhibit B. These measures require a detailed inventory of water demand associated with all cannabis-related activities, a water demand offset program that complies with LUO Section 22.40.050.D.5, water demand offset documented by the Water Conservation Plan, and quarterly monitoring and inspection.

Mitigation

W-1 **Prior to issuance of building permits**, all applicants for cannabis related activities within the Paso Robles Groundwater Basin ("Basin") shall provide to the Department of Planning and Building for review and approval a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by LUO Sections 22.40.050.D.5, 22.40.060.D.5, and 22.94.025.F. and Building Ordinance Section 19.07.042 (4). The Water Conservation Plan shall include the following:

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

2. A program for achieving a water demand offset of 2.17 AFY as required by LUO Sections 22.40.050.D.5, 22.40.060.D.5, and 22.94.025.F and Building Ordinance Section 19.07.042 (4). Such a program may include, but is not limited to, the following:

   a. The permanent installation of water facilities and/or infrastructure to improve the efficient use of water on existing irrigated agricultural lands within the Basin. Such improvements shall be accompanied by an audit of existing agricultural water demand prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of Planning and Building. Water efficiency improvements may include, but are not limited to, the following:

      i. Drip irrigation;

      ii. Smart controllers. Irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapo-transpiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.

      iii. Installation of float valves on water tanks to prevent tanks from overflowing;

      iv. Converting from using overhead sprinklers to wind machines for frost protection [Note: The installation of wind machines shall be included in the project description for cannabis activities and subject to environmental review.];

      v. Installation of rainwater catchment systems to reduce demand on groundwater. [Note: The installation of rainwater catchment facilities shall be included in the project description for cannabis activities and subject to environmental review.]

   b. Participation in an approved water conservation program within the Paso Robles Groundwater Basin that is verifiable, results in a permanent reduction of water demand equal to, or exceeding, the required water demand offset, and has been subject to environmental review.

   c. Any combination of the above or other qualifying strategies or programs that would achieve the required water demand offset.

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

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

Initial Study – Environmental Checklist

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

1) LUO Section 22.94.040 – North County Planning Area – El Pomar-Estrella Sub-area

2) LUO Section 22.94.040.E. – Paso Robles Planning Impact Area

Under the County's Cannabis Activities Ordinance (Ordinance 3358), Cannabis Cultivation is allowed within the Agricultural land use category. The purpose of the Agricultural land use category is to recognize and retain commercial agriculture as a desirable land use and major segment of the county's economic base. The Agriculture land use allows for the production of agricultural related crops, on parcel sizes ranging from 20 to 320 acres.

Under LUO Section 22.94.040.E., the Minor Use Permit shall be referred to the City of Paso Robles for review and comment, and the proposed development shall be consistent with City Plans.

Discussion

(a) Physically divide an established community?

The project site is primarily undeveloped with one existing residence and multiple accessory structures. It is not located near an established community and the operation's proposed footprint would not create any barriers. As such, implementation of the project would not physically divide an established community. Impacts would be less than significant.

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

The project is surrounded by agricultural uses. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County LUO, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, California Fish and Wildlife for the Fish and Game Code, City of Paso Robles, etc.).

The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project would be required to adhere to all regulations and development standards as listed in the County LUO Chapter 22.94. This includes the receipt of all necessary permits, submittal of plans, adherence to application requirements, and limitations on use and cultivation.

With implementation of mitigation measures relating to air quality, biological resources, hazards and hydrology, impacts to land use and planning would be less than significant.

Conclusion

No inconsistencies were identified. With implementation of mitigation measures relating to air quality, biological resources, hazards and hydrology, impacts to land use and planning would be less than significant.

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 San Luis Obispo County Mineral Designation Maps indicate the site is not located in a Mining Disclosure Zone or Energy/Extractive Area (County of San Luis Obispo, 2010). There are no active or inactive mines on or adjacent to the project site.

Discussion

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

(b) Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

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

Conclusion

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

Sources

See Exhibit A.

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 project is not within close proximity of loud noise sources other than road noise from Creston Road, as the project site and surrounding area consist of agricultural uses and scattered rural residential homes on agricultural land. The nearest off-site sensitive receptor to the project site is a single-family residence approximately 1,545 feet to the west of the proposed outdoor cultivation area.

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

The project is subject to the County's standards for exterior noise provided in LUO Section 22.10.120. Section 22.10.120 B. sets forth standards that apply to sensitive land uses that include (but are not limited to) residences, as shown in Table 7.

Table 7 – Maximum Allowed Exterior Noise Level Standards

Sound Levels	Daytime 7 a.m. to 10 p.m.	Nighttime[1] 10 pm. To 7 a.m.
Hourly Equivalent Sound Level (L_{eq}, dB)	50	45
Maximum Level, dB	70	65

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

Discussion

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

Construction Impacts: Construction activities may involve the use of heavy equipment for grading and for the delivery and movement of materials on the project site. The use of construction machinery would also be a source of noise, although construction-related noise impacts would be temporary and localized. County regulations (County Code Section 22.10.120.A) limit the hours of construction to daytime hours between 7:00 AM and 9:00 PM weekdays, and from 8:00 AM to 5:00 PM on weekends.

Operational Impacts: The project is not expected to generate loud noises or conflict with the surrounding uses. The project does not propose the use of wall- or roof-mounted HVAC and odor mitigation equipment that is typically associated with indoor cannabis cultivation. The project is located within an agricultural area and based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area. Noise generated by vehicular traffic on Hanson Road would be comparable to background noise levels generated by surrounding agricultural operations and existing vehicular traffic. Operation of the project would not expose people to significant increased noise levels in the long term.

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

Earthwork for project development would require clearing and grubbing (no grading), and a total of 267 cubic yards of cut and 225 cubic yards of fill for trenching the proposed waterline and constructing the base for the new access road. Construction activities can sometimes involve the use of heavy equipment for the delivery and movement of materials on the project site. The use of construction machinery would be a source of groundborne vibration or noise. Construction-related groundborne noise and vibration impacts would be temporary and localized and would not expose persons to or generate excessive levels of groundborne vibration or noise. County regulations (County Code Section 22.10.120.A) limit the hours of construction to daytime hours between 7:00 AM and 9:00 PM weekdays, and from 8:00 AM to 5:00 PM on weekends. The project would be required to adhere to County regulations and therefore groundborne noise and vibrational construction impacts 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 is not located within an Airport Review designation. Therefore, aviation-related noise impacts are not applicable. No impact would occur.

Conclusion

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

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

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

Discussion

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

The proposed project would not result in the construction of any housing. The project is expected to employ up to five (5) full-time employees and up to 12 seasonal employees. The increase in employment opportunities is not anticipated to result in an indirect increase in population, as it is anticipated that the employees would be existing residents of San Luis Obispo County. Therefore, the project is not anticipated to induce substantial population growth. No new infrastructure is proposed. Therefore, the project would not induce substantial population growth. 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 people or housing and no housing or habitable structures are proposed. Because no displacement would occur that necessitates construction of replacement housing elsewhere, there would be no impact.

Initial Study – Environmental Checklist

Conclusion

The project would not result in a need for a significant amount of new housing and would not displace existing housing. The project would be conditioned to provide payment of the housing impact fee for commercial projects. No significant population/housing impacts are anticipated, and no mitigation measures are necessary.

Sources

See Exhibit A.

XV. PUBLIC SERVICES

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

Setting

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

Police: County Sheriff Location: Templeton (Approximately 4.3 miles to the southwest)

Fire: Cal Fire (formerly CDF) Hazard Severity: High Response Time: 5-10 minutes

Location: Approximately 3.4 miles to the southwest

School District: Paso Robles Joint Unified School District

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 closest fire station to the project site is Paso Robles Fire Station 2, which is approximately 3.1 miles northwest of the site. The California Department of Forestry and Fire Protection (CalFire)

provides mutual and automatic aid supporting the County of San Luis Obispo. The nearest CalFire station (Station 30) is located 3.6 miles to the southwest at 2510 Ramada Drive. According to the County of San Luis Obispo General Plan Safety Element Emergency Response Map, average emergency response time to the project site is between 5 and 10 minutes (San Luis Obispo County 1999). According to CalFire's San Luis Obispo County Fire Hazard Severity Zone map, the project site is within a "high" severity risk area for fire.

Access to the site would be from Hanson Road via an easement along the privately-maintained section of Hanson Road that continues south of its intersection with Meadowlark Road. The cannabis operation would utilize an existing unpaved driveway that would be improved pursuant to CalFire access standards and widened to 16 feet. The improvements would also include a hammerhead turnaround at the northern entry to the fenced cultivation area. The project would not result in the provision of or need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts. Impacts related to fire protection facilities would be less than significant.

Police protection?

The project site is in the existing service range for the County Sheriff's Office. Construction on-site would not normally require services from the Sheriff's Office, except in cases of trespassing, theft, and/or vandalism. The project includes a detailed security plan that must be reviewed by the County Sheriff. Incorporation of security techniques would serve to reduce the need for police/sheriff enforcement. Based on the limited amount of development proposed, the project would not result in the provision of, or need for, new or physically altered police protection or law enforcement services; the construction of which could cause significant environmental impacts. Therefore, this impact would be less than significant.

Schools? Parks? Other public facilities?

As discussed in Section XIV, Population and Housing, the project does not include the construction of any housing or habitable structures and would not increase population. As such, the project would not generate new demand for schooling, parks, or other governmental facilities. Since the project would not generate development or changes in land use intensities that would change or increase existing demand, there would be no impact on schools, parks, or other governmental facilities.

Conclusion

No significant public service impacts would occur, and no mitigation measures are 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's Parks and Recreation Element does not show a potential trail on or near the proposed project site. The project is not proposed in a location that will affect any trail, park, recreational resource, coastal access, and/or Natural Area.

Discussion

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

As discussed in Section XIV, Population and Housing, the project is not a residential project or large-scale employer and would not result in a population increase. Therefore, the project would not 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. There would be no impact.

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

The project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. There would be no impact.

Conclusion

No significant recreation impacts are anticipated, and no mitigation measures are 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 currently has two existing residences and generates a very low volume of traffic. The project site would be accessed via an improved access road along the privately-maintained section of Hanson Road that continues south of its intersection with Meadowlark Road. The project site is not located within the County's road improvement fee area.

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

Initial Study – Environmental Checklist

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

Discussion

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

The project would include three acres of outdoor cannabis cultivation. A traffic study was provided by the applicant and reviewed by the Department of Public Works. As discussed in Section III, Air Quality, it is assumed that five full-time employees associated with the project would generate up to 5 average daily trips (ADT). The project will be required to comply with the Recommended Project Conditions of Approval provided by the Department of Public Works. The project would not involve construction or operation activities that would adversely affect the circulation system, including public transit, bikeways, pedestrian, or roadway facilities, or conflict with a program, plan, ordinance, or policy addressing these facilities. Impacts would be less than significant.

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

In December 2018, the Governor's Office of Planning and research (OPR) released a technical advisory titled *Technical Advisory on Evaluating Transportation Impacts in CEQA* (OPR Guidelines), which contains recommendations regarding the assessment of vehicle miles travelled (VMT). VMT Refers to the amount and distance of automobile travel attributable to a project. As noted in the OPR guidelines, agencies are directed to choose metrics that are appropriate for their jurisdiction to evaluate the potential impacts of a project in terms of VMT. The deadline for adopting policies to implement SB 743 and the provisions of CEQA Guidelines section 15064.3(b) was July 1, 2020. The County has not yet adopted VMT policies; therefore, the potential VMT impacts from implementation of the project were evaluated based on guidance and screening criteria presented in the OPR guidelines. The OPR guidelines indicate that projects that generate or attract fewer than 110 trips per day generally may be presumed to cause a less-than-significant transportation impact. Therefore, for the purpose of this analysis, the project would potentially conflict or be inconsistent with State CEQA Guidelines section 15064.3(b), and potentially result in a significant impact, if it would generate more than 110 permanent trips per day.

As discussed in Section III, Air Quality, the project is estimated to generate five (5) average daily trips. The project would be approximately one mile east of the City of Paso Robles. However, the small number of added daily trips would not significantly increase VMT. Based on the screening criteria of 110 trips per day, the project would not result in a substantial increase in VMT that would conflict or be inconsistent with State CEQA Guidelines Section 15074.3(b) and impacts would be less than significant.

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

The project does not propose any features or incompatible uses that would delay, disrupt, or result in unsafe conditions. The project would not substantially increase hazards due to a geometric design feature or incompatible use (OEG 2018). Impacts would be less than significant.

(d) Result in inadequate emergency access?

As discussed in the Project Description, access to the site would be from Hanson Road via an easement along the privately-maintained section of Hanson Road that continues south of its intersection with Meadowlark Road. The cannabis operation would install a 16-foot-wide access road pursuant to CalFire access standards. The improvements would also include a hammerhead turnaround at the northern entry to the fenced cultivation area to ensure that access to the project is maintained for emergency response vehicles. Impacts related to emergency access would be less than significant.

Conclusion

The project's transportation impacts would be less than significant, and no mitigation measures are 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

The California Valley region is located near the convergence of three California Native groups – the Chumash, Salinans, and Yokuts. The project site is located in an area historically occupied by the Obispeno Chumash and Salinan. The Salinan cultural area consists of a series of parallel mountain ranges between the modern towns of Greenfield and Santa Margarita, extending form the Pacific Ocean to the Western foothills of the San Joaquin Valley (Hoover 2018).

Consistent with AB 52 consultation requirements, outreach to Native American tribal groups including Salinan, Xolon Salinan, Yak Tityu Tityu - Northern Chumash, and the Northern Chumash Tribal Council was conducted by the County. The Northern Chumash Tribal Council (NCTC) replied on June 26, 2018 stating that they had no further comment on the project. The remaining tribes did not respond to the request for consultation issued by the County.

Initial Study – Environmental Checklist

Pursuant to section 22.94.040 of the County Land Use Ordinance, a preliminary site survey for potential archaeological resources was conducted (Hoover and Hoover, 2018) because the proposed cultivation would be located on slopes less than 10 percent and within 100 feet of a "blue line stream" indicated on a USGS 7.5-minute topographic quadrangle map.

Discussion

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

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

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

The Phase I Archaeological Survey indicated that no cultural resources are located within the proposed project disturbance area (Hoover and Hoover, 2018). Pursuant to the requirements of AB 52, the County conducted Native American consultation for the project to identify potential concerns or issues associated with Native American cultural resources within the project vicinity. The only response received to date indicated the Northern Chumash Tribal Council had no comment on the project. No other requests for consultation were received within the 30-day consultation request period. Therefore, the County has satisfied the requirements of AB 52 for the project.

During construction, there is potential for encountering previously undiscovered cultural resources of Native American origin that could be considered tribal cultural resources. If archaeological resources are unearthed during construction, then all construction activities shall cease and the Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.

Conclusion

Pursuant to County LUO Section 22.10.040, if during any future grading and excavation, tribal cultural resources are unearthed, the Department of Building and Planning shall be notified, work in the area shall halt until these materials can be examined by a qualified archaeologist and consulting tribes, and appropriate recommendations shall be made. No significant impacts to tribal and cultural resources are expected to occur. Therefore, no mitigation measures are 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 setting for water supply is discussed in Section X, Hydrology and Water Quality.

Discussion

(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?

Wastewater. The project does not include the construction or expansion of wastewater treatment facilities and no impact would occur.

Water. The project involves the installation of approximately 1,200-linear feet of new water service line that would connect the existing water well to the proposed water supply tank. As discussed in Section IV. Biological Resources (c), the proposed water pipeline would transect the southern channel of the northern swale and impact approximately 312 square feet of riverine feature. The pipeline has been designed to be suspended above grade and avoid the swale. The applicant has initiated consultation with CDFW to address potential pipeline effects to the riverine feature and the applicant will either obtain a Lake and Streambed Alteration Agreement or written verification that one is not needed. The environmental impacts of the proposed water line have been evaluated throughout this Initial Study as part of the project description, and no significant effects beyond those as evaluated would occur. Impacts would be less than significant.

Stormwater. The project does not include the construction or expansion of stormwater facilities and no impact would occur.

Electric Power. The project does not include the construction or expansion of electric facilities and no impact would occur.

Natural Gas. The project does not include the construction or expansion of natural gas facilities and no impact would occur.

Telecommunications. The project does not include the construction or expansion of telecommunications facilities and no impact would occur.

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

On the project site, an existing well has served the property and has been used for past agricultural uses. The well produces 26 gallons per minute (GPM), with a recovery time of fifteen minutes (Pro-H2O Drilling and Pump Company, 2018). The well pump test and water quality analysis from 2018 conclude that the well produces sufficient water to meet the project's water demand.

As discussed in Section X, Hydrology and Water Quality, the new water demand would be approximately 2.17 AFY (Wallace Group, 2018) and the applicant would be required to provide an offset of 1:1 for the new demand. The applicant proposes to offset the new water demand through the removal of existing irrigated turf on-site. Pursuant to County Land Use Ordinance Section 22.40.050.5.D.5.a., the applicant will be required to obtain the offset clearance prior to the establishment of the use or receipt of Business License Clearance pursuant to Ordinance Section 22.62.020. Additionally, the requirements of Section 22.40.050.D.5.a. are pursuant to the latest Biennial Resource Management System Report, which would account for water level fluctuations during normal, dry, and multiple dry years. Furthermore, impacts to water supplies would be further reduced with implementation of mitigation measures W-1 and W-2, which would require approval of a Water Conservation Plan, evidence that the water efficiency improvements are being maintained via the quarterly monitoring program, and evidence that the water use offsets are being met via the quarterly monitoring program.

(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?

Construction and operation-related wastewater would be accommodated by licensed on-site portable restroom and hand-washing facilities and disposed of in accordance with existing regulations. Since the project would not require subsurface disposal systems, and would not connect to existing sewer lines, the project would not be served by a wastewater treatment provider. No impact would occur.

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

The nearest landfill to the site is the Chicago Grade Landfill, located approximately seven miles to the south in the community of Templeton. This landfill has a remaining permitted capacity of 6,022,396 cubic yards and can accept 500 tons per day (CalRecycle, 2019). Solid waste generated during construction and operation of the project would not be a substantial amount and would represent a small fraction of the daily permitted tonnage of this facility.

All green waste would be composted on site in a 7'x10' pile inside the northeast corner of the security fence and tilled back into the soil after harvest. Other solid waste would be temporarily stored in a three (3) cubic-yard dumpster adjacent and immediately west of the designated parking area and would then be hauled offsite for disposal by a contracted trash pick-up service. The composting area would not allow runoff of water or any waste concentrate, and Best Management Practices (BMP) would be implemented to reduce or eliminate runoff, dust, and odor. The applicant will work with the local solid waste disposal company to handle general non-cannabis refuse as needed. Therefore, the project would not generate solid waste in excess of local standards, or the capacity of the local infrastructure and impacts would be less than significant.

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

No applicable federal solid waste regulations would apply to the project. At the State level, the Integrated Waste Management Act mandates a reduction of waste being disposed and establishes an integrated framework for program implementation, solid waste planning, and solid waste facility and landfill compliance. San Luis Obispo County has access to adequate permitted landfill capacity and reduction, reuse, and recycling programs to serve the proposed project. Construction and operational waste generated as a result of the project would require management and disposal in accordance with local and state regulations. The project would not conflict with or impede implementation of such programs. Impacts would be less than significant.

Conclusion

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

According to CalFire's San Luis Obispo County Fire Hazard Severity Zone map, the project site is within state responsibility area and within a "high" severity risk area for fire. The closest fire station to the project site is Paso Robles Fire Station 2, which is approximately 3.1 miles from the site. According to the County of San Luis Obispo General Plan Safety Element Emergency Response Map, the average response time to the project site would be between five and ten minutes.

Discussion

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

Per Cal Fire recommendations, access to the site would be from Hanson Road via an easement along the privately-maintained section of Hanson Road that continues south of its intersection with Meadowlark Road. The cannabis operation would utilize an existing unpaved driveway that would be improved per CalFire access standards and widened to 16 feet. The improvements would also include a hammerhead turnaround at the northern entry to the fenced cultivation area. As discussed in Section IX, Hazards and Hazardous Materials, the project is not expected to conflict with any regional emergency response or evacuation plan, as the cultivation site would be set back Creston Road and

Hanson Road, and new private access road is proposed for emergency response vehicles to adequately access the cultivation site.

The project would not change existing circulation patterns, would not generate substantial new traffic, and would not affect emergency response routes. Refer to Section XVII, Transportation, for further discussion of emergency access and project traffic. 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?

Wildfire risk is dependent upon existing environmental conditions, including but not limited to the amount of vegetation present, topography, and climate. The project site is located within a rural area surrounded by open fields and gently sloping hillsides. Climate in the area is characterized as Mediterranean, with cool wet winters and hot dry summers.

The project would implement an outdoor cultivation operation within an area designated as having a high wildfire risk. The project would be required to be built in compliance with applicable fire standards, including provision of adequate emergency access and fire water supply, which would reduce the potential hazard of wildfires. These features would reduce the exposure of project occupants to risks associated with wildfire. Therefore, the project would have a less than significant impact regarding exposing 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?

Access improvements would include installation of an access gate at the entry to the proposed cultivation area, and a new 16-foot wide road to connect the proposed cultivation area to the existing driveway. The site access road would include a hammerhead turnaround for fire department/emergency services access. The development footprint is less than ten percent slope throughout, therefore only all-weather roads are proposed. The project would also include the installation of a 9,500-gallon steel water tank for fire suppression. Installation of these project components would not exacerbate fire risk or result in significant temporary or ongoing impacts to the environment. Impacts would be less than significant.

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

As designed, the project would be entirely located on flat, unvegetated areas and would be required to meet County standards for drainage and stormwater. None of the operations would be located on slopes. Therefore, the project would not expose people or structures to significant risks such as flooding or landslides, as a result of runoff or post-fire instability. Moreover, the project would not exacerbate any existing hazards. Impacts would be less than significant.

Conclusion

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

Initial Study – Environmental Checklist

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?	☐	☐	☒	☐

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 Section IV, Biological Resources, potential impacts to biological resources have been identified but would be mitigated to a level below significant. Compliance with all the mitigation measures identified in Exhibit B would ensure that project implementation will not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. As discussed in Section V, Cultural Resources, there are no identified historical or archaeological resources present on the site. Per County LUO Section

22.10.040, if during any construction activities, buried or isolated cultural materials are unearthed, work in the area shall halt until they can be examined by a qualified archaeologist and appropriate recommendations made. As such, implementation of the project would not eliminate important examples of the major periods of California history or pre-history. Therefore, with incorporation of the mitigation measures included in Exhibit B the anticipated project-related impacts are less than significant.

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

The State CEQA Guidelines define cumulative impacts as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts." Section 15355 of the 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 Projects

Table 8 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 8, the County has received applications for a total of 114 cultivation sites (including indoor and outdoor) with a total canopy of 301 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 114, and each site may have a maximum of 3 acres of outdoor canopy and 22,000 sq.ft. (0.5 acres) of indoor canopy. Therefore, if 114 cultivation sites are ultimately approved, the maximum total cannabis canopy allowable in the unincorporated county will be 399 acres (114 sites x 3.5 acres of canopy per site = 399 acres).

Table 8 - 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**

1. As of October, 2020
2. Total number of all cannabis activities for which an application has been submitted to the County to date. A project site may include multiple proposed cannabis activities.

Of the 114 total applications for cannabis cultivation, a total of 18 are located within 5 miles of the project site (Figure 7).

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; and
    - All sites will be served by a well and septic leach field.

Initial Study – Environmental Checklist

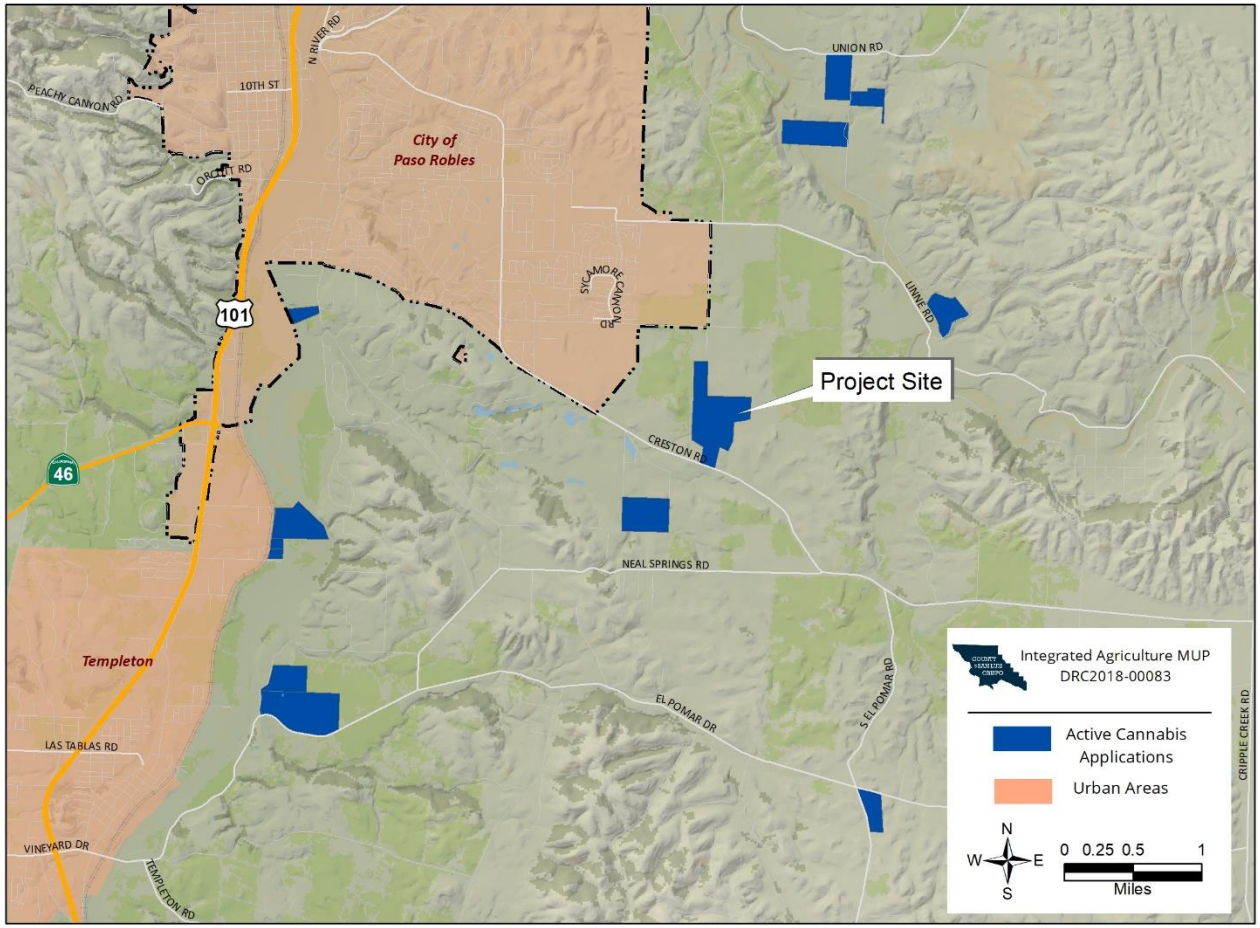

Figure 7 Project Site with Reasonably Foreseeable Cannabis Projects in the Vicinity.

Aesthetics and Visual Resources

The project site is located in the southwestern Paso Robles area of the County which includes dry-farmed cropland, grasslands, rangelands, irrigate vineyards and scrubland. The dominant visual characteristic of the Paso Robles area is agricultural.

There are rural residences, transmission lines, paved roads, and structures associated with agriculture dispersed throughout the region. Vegetation is oak woodland.

Cannabis activities may result in potentially significant impacts to visual resources from the construction of buildings, the introduction of new sources of light and glare, fencing and hoop structures. Accordingly, County regulations require that all cannabis operations be subjected to discretionary approval and project-specific environmental review, including an assessment of potential impacts to visual resources. Mitigation measures may be recommended to require new construction to incorporate landscaping, light shielding, and agrarian architectural elements to help protect views and to ensure compatibility with the rural, agricultural character of the area.

The analysis provided in Section I, *Aesthetic and Visual Resources*, provides an overview of the visual setting and concludes that potential project-specific impacts would be less than significant. By requiring reasonably-foreseeable projects in the area to incorporate measures to mitigate impacts to visual resources, project-specific 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 provided in Section II, *Agriculture and Forestry Resources*, indicates that the project would result in the semi-permanent conversion of 7.8 acres of Farmland of Local Importance, based on the FMMP. However, the project does not include the construction of any permanent structures and would not permanently convert this land to a non-agricultural use. Cannabis plants would be planted directly in the soil which could readily be re-purposed to conventional crop production at such time as the cannabis activities cease. No permanent significant impacts to agricultural, forest or timberland would occur. The project would not result in a conflict with existing zoning for agricultural use or Williamson Act contract. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the project's potential impacts to agriculture and forestry resources is considered less than cumulatively considerable.

Air Quality

The analysis provided in Section III, *Air Quality*, concludes that the project's potential construction-related emissions would exceed APCD thresholds of significance for both project-related and cumulative impacts. Mitigation Measure AQ-1 has been identified to require the applicant to coordinate with the County Department of Public Works in the preparation of an operational dust and air quality control plan to be reviewed and approved by the County Planning and Building Department and implemented for the life of the project in order to reduce project operational fugitive dust emissions to below applicable SLOAPCD thresholds and reduce potential impacts to nearby sensitive receptors to less than significant. Therefore, potential impacts associated with Air Quality would be less than significant with mitigation. 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 has the potential to result in adverse impacts to special-status animals, sensitive natural communities including native oak woodland, and would interfere with the movement of native and/or migratory species. Mitigation Measures BIO-1 through BIO-14 have been identified to avoid, reduce, and compensate for these potential impacts. Upon implementation of the mitigation measures identified below, potential impacts to biological resources would be less than significant. Because project impacts will have a less-than-significant impact with mitigation, when considered with the potential impacts of other reasonably foreseeable development in the area, project impacts are considered less than cumulatively considerable.

Energy Use

The proposed project combined with cumulative development would result in a significant cumulative impact if large amounts of energy would be used in a wasteful manner or inefficient manner.

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**	**2,569**	**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 10 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.

Therefore, the project's incremental contribution to the increased demand for electricity, when considered with the growth of demand in other parts of the PG&E service area for electricity, would not be considered wasteful and inefficient or cumulatively considerable.

Greenhouse Gas (GHG) Emissions

As discussed in Section VIII, Greenhouse Gas Emissions, the project is estimated to generate approximately 2.61 metric tons of CO_2 emissions. Accordingly, the project will not exceed the working GHG threshold of 690 metric tons of CO_2 emissions per year and is assumed to have a less than cumulatively considerable impact relating to GHG emissions. 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 will require discretionary approval and will be subject to project specific environmental review which will include an assessment of potential impacts associated with GHG emissions. Projects with the potential to exceed the thresholds would be required to implement mitigation measures to reduce project-related GHG emissions to below the interim threshold. Such measures may include, but are not limited to, preparation of a Greenhouse Gas Reduction Plan and/or requiring enrollment in a clean energy program.

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

Hazards and Hazardous Materials

As discussed in Section IX, *Hazards and Hazardous Materials*, the project includes use of potentially hazardous materials which could result in potential hazards through routine transport, use, and disposal as well as under upset or accident conditions. Mitigation measures HAZ-1 and HAZ-2 have been identified to reduce potential impacts by restricting the location of equipment maintenance, refueling and other potentially hazardous activities, and identifying the appropriate response protocol for immediate cleanup of any spills.

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

Hydrology/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.

The project is located within the Paso Robles Groundwater Basin, which has been assigned a Level of Severity III, but is not within the Area of Severe Decline. A total of 32 applications for cannabis cultivation projects located within the PRGWB have been submitted to date (April, 2021).

Table 12 -- Estimated Water Demand from Reasonably Foreseeable Cannabis Cultivation in PRGWB

Bulletin 118 Groundwater Basin[1]	Number of Reasonably Foreseeable Cultivation Projects	Total Estimated Water Demand From Cannabis Cultivation (AF/Year)[2]	Total Basin Storage Capacity (AF)
Paso Robles Groundwater Basin	32	125.91	Approximately 400,000

[1] Source: California Department of Water Resources Bulletin 118.
[2] Based on the assumptions for development and water demand outlined above.

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

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

Noise

As discussed in Section XIII, *Noise*, operation of the project would not exceed County noise standards and would not expose people to significant increased levels from construction or operation. Project-related impacts associated with ground-borne noise or ground-borne vibration would be site-specific and would not combine with other projects.

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, compliance with established setbacks as required by the LUO would allow noises to dissipate before reaching the property line with surrounding land uses.

The project-related contribution to traffic noise levels would be negligible in operation as discussed in Section XIII, *Noise*. When combined with cumulative traffic, which is likely to be higher than existing

traffic levels, the project's contribution to traffic, and associated noise levels, would be smaller on a proportional basis, and would therefore not represent an audible contribution to cumulative traffic noise levels. Therefore, the project's contribution to regional traffic noise impacts would not be 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

Regarding cumulative effects, public facility (County) fee programs have been adopted to address the project's potential contribution to cumulative impacts and would reduce potential cumulative impacts to less than significant.

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 13 provides an estimate of total ADT and vehicle miles traveled associated with buildout of the 114 approved and active cannabis cultivation projects.

Table 13 – 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 analysis in this Initial Study, during operations the project would not contribute to cumulative impacts on the following resources because there would be no impact or the impact would be both less than significant and localized on the project site:

- Cultural Resources;
- Land Use Planning;
- Mineral Resources;
- Recreation;
- Tribal Cultural Resources;
- Public Services;
- 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?

In the evaluation of environmental impacts in this Initial Study, the potential for adverse direct or indirect impacts to human beings were considered in the response to certain questions in Sections III, Air Quality, VII, Geology & Soils, VII, Greenhouse Gas Emissions, IX, Hazards & Hazardous Materials, X, Hydrology and Water Quality, XI, Land Use and Planning, XIII. Noise, XIX, Utilities and Service Systems, and XX, Wildfire. As discussed in their respective sections, potential impacts to human beings would be less than significant with implementation of mitigation measures AQ-1, HAZ-1 and HAZ-2. Therefore, impacts would be less than significant.

Conclusion

The project has been determined not to meet the Mandatory Findings of Significance with implementation of mitigation measures for Air Quality, Biological Resources, Hazards and Hazardous Materials, and Hydrology and Water Quality (Exhibit B).

Mitigation

See Exhibit B for full list of mitigation measures.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

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	**Not Applicable**
☒	County Agricultural Commissioner's Office	**In File****
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☐	Air Pollution Control District	**Not Applicable**
☒	County Sheriff's Department	**In File****
☒	Regional Water Quality Control Board	**None**
☐	CA Coastal Commission	**Not Applicable**
☒	CA Department of Fish and Wildlife	**None**
☒	CA Department of Forestry (Cal Fire)	**In File****
☒	CA Department of Transportation	**In File****
☐	Community Services District	**Not Applicable**
☒	Other Northern Chumash Tribal Council/Salinan Tribe	**In File****
☒	Other Building Division	**In File****
☒	Other City of Paso Robles	**In File****

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

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

☒ 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
☒ Select Planning Area North County/El Pomar-Estrella Sub-Area
☐ 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

Initial Study – Environmental Checklist

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

Hoover Archaeological Consultants, Phase I Archaeological Survey Krumal-Dilsaver Property 3520 Creston Road Paso Robles, California 93446, October 2, 2018.

Orosz Engineering Group, Inc (OEG) Agzone – Trip Generation and Sight Distance Analysis – 3520 Creston Road, Paso Robles Area, County of San Luis Obispo, September 23, 2018.

On-Site Agricultural Offset Clearance Form, Krumal.

PAX Environmental, Inc. Biological Resource Assessment for a 7.31-acre Project Site (APN 033-011-025 in Pas Robles, San Luis Obispo County, California, January 2019 (December 2020 revision).

PAX Environmental, Inc. Addendum Memorandum to the Biological Resources Assessment (BRA) for a 7.31-acre Cannabis Cultivation Facility in Paso Robles (APN 033-011-026), San Luis Obispo County, CA, December 15, 2020.

Pro-H20 Drilling and Pump Company. Well Test Report, December 24, 2018.

Wallace Group, Water Use Evaluation for Proposed Cannabis Cultivation (3520 Creston Road, Paso Robles, CA) Memorandum, August 11, 2020.

Other County References

- Aspen Environmental Group. March 2011. *Topaz Solar Farm Final EIR*.
- California Air Resources Board (ARB) 2000. A General Location Guide for Ultramafic Rocks in California – Areas More Likely To Contain Naturally Occurring Asbestos. https://ww3.arb.ca.gov/toxics/asbestos/ofr_2000-019.pdf accessed March 2020.
- California Air Resources Board (ARB). 2005. Community Health Perspective Handbook. Available at https://ww3.arb.ca.gov/ch/handbook.pdf.
- California Department of Conservation (CDOC). 2015.CGS Information Warehouse: Regulatory Maps http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps (accessed February 2020)
- California Department of Finance. 2019. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2019 with 2010 Census Benchmark. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/ (accessed February 2020).
- California Department of Transportation (Caltrans). 2017. Traffic Census Program. https://dot.ca.gov/programs/traffic-operations/census/traffic-volumes. Accessed February 24, 2020.
- California Department of Transportation. 2019. Caltrans Scenic Highway Mapping System List of Eligible and Officially Designated State Scenic Highways. August 2019. [https://dot.ca.gov/-/media/dot-media/programs/design/documents/desig-and-eligible-aug2019_a11y.xlsx (accessed March 4, 2020).
- CalRecycle. 2019. SWIS Facility Detail. https://www2.calrecycle.ca.gov/swfacilities/Directory/40-AA-0008/ (accessed February 2020)

- County of San Luis Obispo Resource Management System. 2016-2018 Resource Summary Report
- County of San Luis Obispo. Cultural and Paleontological Resources Section, Topaz Solar Final EIR. March 2011.
- County of Santa Barbara. Final Environmental Impact Report (EIR) for the Cannabis Land Use Ordinance and Licensing Program, December 2017
- County of Santa Barbara. 2018. Cannabis Energy Conservation Plan Electricity Use Calculation Form. http://cannabis.countyofsb.org/asset.c/86
- Montgomery and Associates. 2019. Paso Robles Subbasin Groundwater Sustainability Plan.
- Osborne, J.L., A.P. Martin, C.R. Shortall, A.D. Todd, D.Goulson, M.E. Knight, R.J. Hale, and R.A. Sanderson. 2008. Quantifying and comparing bumble bee nest densities in gardens and countryside habitats. Journal of Applied Ecology 45:784-792.
- Pacific Gas and Electric. 2017. *PG&E Renewable Energy Deliveries Grow; GHG-Free Portfolio Is Nearly 70 Percent*. Accessible at: https://www.pge.com/en/about/newsroom/newsdetails/index.page?title=20170316_pge_renewable_energy_deliveries_grow_ghg-free_portfolio_is_nearly_70_percent. Accessed April 2020.
- San Luis Obispo Council of Governments, 2017, 2050 Regional Growth Forecast (RGF) for San Luis Obispo County
- San Luis Obispo Council of Governments, 2019 Regional Transportation Plan, Regional Traffic Model, Modeling and Technical Documentation, page 1-7. https://www.dropbox.com/s/vsrw4o9kqeu8snv/__TOTAL-APPENDICES.pdf?dl=0Society of Vertebrate Paleontology. Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources. Available at: http://vertpaleo.org/Membership/Member-Ethics/SVP_Impact Mitigation_Guidelines.aspx. 2010
- San Luis Obispo County. 1999. General Plan Safety Element. https://www.slocounty.ca.gov/getattachment/893b6c58-7550-4113-911c-3ef46d22b7c8/Safety-Element.aspx. Accessed April 2020
- San Luis Obispo County Air Pollution Control District. 2012. CEQA Air Quality Handbook – A Guide for Assessing the Air Quality Impacts for Projects Subject to CEQA Review. Accessible at: https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/CEQA_Handbook_2012_v2%20%28Updated%20Map2019%29_LinkedwithMemo.pdf. Accessed April 2020.
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- State of California Office of Planning and Research. Technical Advisory on Evaluating Transportation Impacts in CEQA. December 2018. Available at: http:/opr.ca.gov/docs/20190122-743_Technical Advisory.pdf. December 2018.Wallace Group. Memorandum: Water Use Evaluation for Proposed Cannabis Cultivation (APN:072-311-008). September 25, 2019.

- U.S. Geological Survey and California Geological Survey, Quaternary fault and fold database for the United States, accessed April 2020, at: https://www.usgs.gov/natural-hazards/earthquake-hazards/faults.
- Xerces Society, A Petition to the State of California Fish and Game Commission, October 2018. https://xerces.org/sites/default/files/2019-10/CESA-petition-Bombus-Oct2018.pdf

Exhibit B - Mitigation Summary

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

Air Quality

AQ-1 **Fugitive Dust Construction Control Measures.** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

1. Reduce the amount of the disturbed area where possible;
2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;
3. All dirt stock-pile areas shall be sprayed daily as needed;
4. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
5. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
6. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

Biological Resources

BR-1 **Worker Environmental Awareness Program (WEAP).** Prior to major construction activities (e.g., site mobilization, clearing, grubbing, preparation for installing new facilities, etc.), an environmental awareness training shall be presented to all project personnel by a qualified biologist prior to the start of any project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the project's discretionary permits, an overview of the federal Endangered Species Act, the California Endangered Species Act, and implications of noncompliance with these regulations, as well as an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the trainees will be kept and provided to the County. If new project personnel join the project after the initial training period, they will receive the environmental

awareness training from a designated crew member on site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

BR-2 **Special Status Plant Species Avoidance and Minimization Measures.** Prior to initial ground disturbance and staging activities in areas of suitable habitat for special-status plants, focused surveys shall be completed by a qualified biologist. The surveys shall be floristic in nature and shall be seasonally timed to coincide with the blooming period of the target species. Surveys shall be conducted in accordance with the most current protocols established by the CDFW and USFWS, and consistent with the County's policies. All special status plant species identified on-site shall be mapped onto a site-specific aerial photograph and topographic map. Survey results shall be submitted to the County Department of Planning and Building prior to initiation of construction.

If special status plant species, including, San Luis Obispo owl's clover, Shining navarettia, Hoover's bent grass, Douglas' fiddleneck, or Small-flowered morning glory are identified within the proposed development footprint, impacts to these species will be avoided to the extent feasible.

If avoidance of state or federally listed plant species is not feasible, consultation with the applicable resource agency (CDFW, USFWS, or both) shall be initiated, depending on the designated FESA/CESA listing status of the plant. Work shall not begin at the location of the listed plant species until authorization to continue is provided by the applicable resource agency, or until applicable measures from a permit issued by the resource agency (CDFW, USFWS, or both) for the project are successfully implemented. All impacts to state or federally listed plant species shall be mitigated at a minimum ratio of 2:1 (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration.

If non-listed special status plants species cannot be avoided, impacts shall be mitigated for all impacts that could cause the regional population of any of these species to drop below self-sustaining levels, threaten to eliminate any plant community of which the species is a key part, or substantially reduce the number of occurrences or individuals or restrict the range of that species. The threshold for impacts above which mitigation must be implemented shall be impacts that remove over 10 percent of the local (onsite and immediate vicinity) population of any CRPR 1B species that forms a unique vegetation type, is present in unusually large numbers, with implications for status of the species throughout its range, or is otherwise designated as locally rare. Impacts shall be mitigated at a minimum ratio of 1:1 (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration. A restoration plan shall be prepared and submitted to the County for approval. (Note: if a state listed plant species will be impacted, the restoration plan shall also be submitted to the CDFW for approval). The restoration plan shall include, at a minimum, the following components:

1. Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type)
2. Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved]

3. Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values)
4. Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan).
5. Maintenance activities during the monitoring period, including weed removal as appropriate (activities, responsible parties, schedule)
6. Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports)
7. Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type
8. An adaptive management program and remedial measures to address any shortcomings in meeting success criteria
9. Notification of completion of compensatory mitigation
10. Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).
11. The restoration plan shall be prepared and submitted to the County Department of Planning and Building for approval prior to initial site disturbance.

BR-3 Special Status Reptiles and Amphibians Avoidance and Protection.

Pre-construction Survey for Special-status Reptiles and Amphibians. Prior to issuance of grading and/or construction permits and immediately prior to initiation of site disturbance and/or construction, a qualified biologist shall conduct a pre-construction survey immediately before any initial ground disturbances (i.e. the morning of the commencement of disturbance) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special status reptiles and/or amphibians are found in the area of disturbance, the biologist shall move the animal(s) to an appropriate location outside the area of disturbance. The candidate site(s) for relocation shall be identified before construction and shall be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the species' range.

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

BR-4 Western Burrowing Owl (*Athene cunicularia*) Avoidance and Minimization

1. **Pre-construction Survey for Burrowing Owl.** If work is planned to occur within 150 meters (approximately 492 feet) of Western burrowing owl habitat, a qualified biologist shall conduct a pre-construction survey for the species within 14 days prior to initial project activities. This applies year-round [i.e., within the breeding (February 1 to August

31) or non-breeding (September 1 to January 31) seasons]. A second survey shall be completed immediately prior to initial project activities (i.e., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on Western burrowing owl Mitigation, which specifies that 7- to 20-meter transects shall be walked, such that the entire project area is visible. These surveys may be completed concurrently with SJKF, American badger, or other special-status species surveys. If occupied Western burrowing owl burrows are identified the following exclusion zones shall be observed during project activities, unless otherwise authorized by CDFW:

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

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

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

BR-5 American Badger (*Taxidea taxus*) Protection Measures

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

   a. If a potential den is discovered, it shall be inspected to determine whether they are occupied. The survey shall cover the entire property and shall examine both old and new dens. The den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction.

   b. If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall

encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season, nursing young may be present), measured outward from the burrow entrance. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February and July. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

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

BR-6 Crotch Bumble Bee (*Bombus crotchii*) and Western Bumble Bee (*Bombus occidentalis*) Avoidance and Minimization

1. **Pre-construction Survey for Crotch Bumble Bee and Western Bumble Bee.** The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for Crotch bumble bee and Western bumble bee within suitable habitat (i.e., small mammal burrows, thatched/bunch grasses, upland scrubs, brush piles, unmowed/overgrown areas, dead trees, hollow logs, etc.) on the project site. Survey(s) shall be conducted over an extended period of time to document and establish the presence of the bees within the areas of disturbance.

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

    a. Avoidance measures to include a minimum 50-foot no-disturbance buffer to avoid take and potentially significant impacts.

    b. If ground-disturbing activities will 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 identified by the California Endangered Species Act (CESA).

    c. In the event that CBB and/or WBB are denied listing under CESA by state law, this mitigation measure shall no longer be required for the respective species.

BR-7 Nesting Birds Protection Measures

1. **Pre-construction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground

disturbance and/or vegetation removal/trimming. This includes nests of all common bird species (under the MBTA), as well as special status birds and raptor nests. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

a. A 250-foot exclusion zone shall be placed around non-listed, passerine species, and a 500-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 250 feet (non-listed passerine species) or 500 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.

b. If special status avian species (aside from the burrowing owl) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.

c. The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

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

BR-8 **San Joaquin Kit Fox (*Vulpes macrotis multica*; SJKF) Habitat Mitigation Alternatives.** Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County that states that one or a combination of the following three San Joaquin kit fox (SJKF) mitigation measures has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 11.72 acres of suitable habitat in the kit fox corridor area (e.g., within the San Luis Obispo County kit fox habitat area), either on site or off site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the CDFW and the County.

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

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

Mitigation alternative (b.) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-unit of $2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to "The Nature Conservancy", would total $29,300 based on $2,500 per acre (5.86 acres impacted * 2 *$2,500 per acre).

c. Purchase 11.72 (5.86 acres * 2) credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

   Mitigation alternative (c.) can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total $29,300 (5.86 acres * 2 * $2,500). This fee is calculated based on the current cost-per-credit of $2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

The mitigation options identified above are based on a preliminary evaluation by CDFW on the project's anticipated acres of impact to SJKF habitat. The project has a required mitigation ratio of two (2) acres conserved for each acre impacted (2:1). Total required compensatory mitigation may change based on the final number of impacted acres shown on the construction and/or grading plans submitted to the County for review and approval.

BR-9 San Joaquin Kit Fox Protection Measures.

1. **SJKF Protection Measures on Plans.** All SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

   a. Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate the following as a note on the project plans: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.

2. **Pre-construction Survey for SJKF.** Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist

acceptable to the County. The retained biologist shall perform the following monitoring activities:

a. A qualified biologist shall complete a pre-construction survey for SJKF no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure SJKF is not present within all proposed work areas and at least a 250-foot buffer around work areas per USFWS Standard Recommendations (2011). The biologist will survey for signs of SJKF and known or potential SJKF dens. The result of the survey shall be submitted to the County within 5 days of the survey and prior to start of initial project activities. The submittal shall include the date the survey was conducted, survey method, and survey results, including a map of the location of any SJKF signs, and/or known or potential SJKF dens, if present. If no SJKF signs, potential or known SJKF dens are identified, then the SJKF Standard Protection Avoidance and Protection Measure shall be applied.

   i. If the qualified biologist identifies potential SJKF den(s), the den(s) will be monitored for 3 consecutive nights with an infra-red camera, prior to any project activities, to determine if the den is being used by SJKF. If no SJKF activity is observed during the 3 consecutive nights of camera placement then project work can begin with the Standard SJKF Avoidance and Protection Measures and the SJKF Protection Measures if SJKF are observed.

   ii. If a known den is identified within 250-feet of any proposed project work areas, no work may start in that area.

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

BR-10 **Standard SJKF Avoidance and Protection Measures.** Throughout the life of the project,

1. If a SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other agencies as needed.
2. A maximum of 25 mph speed limit shall be required at the project site during project activities. Speed limit signs shall be installed on the project site prior to start of all work.
3. All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.
4. To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes or trenches greater than two feet deep shall be completely covered at the end of each work day by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If a SJKF is entrapped, CDFW, USFWS, and the County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.

5. All pipes, culverts, or similar structures with a diameter of 4 inches or greater, stored overnight at the project site shall be thoroughly inspected for sheltering SJKF before burying, capping, or moving. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day. No pipes, culverts, similar structures, or materials stored on site shall be moved if there is a SJKF present within or under the material. A 50-foot exclusion buffer will be established around the location of the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.
6. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in animal-proof closed containers only and regularly removed from the site.
7. No deliberate feeding of wildlife shall be allowed.
8. Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.
9. Trash will be disposed of into containers rather than stockpiling on site prior to removal.
10. Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence shall be surveyed (consistent with pre-construction survey requirements) by a qualified biologist before they are moved.
11. The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which SJKF depend.
12. Permanent fences shall allow for SJFK passage through or underneath by providing frequent openings (8-inch x 12-inch) or an approximately 4-inch or greater passage gap between the ground and the bottom of the fence. Any fencing constructed after issuance of a final permit shall follow the above guidelines.
13. During project activities and/or the operation phase, any contractor or employee that inadvertently kills or injures a SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead SJKF, the applicant shall immediately notify the USFWS, CDFW, and the County by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident.
14. If potential SJKF dens are identified on site during the pre-construction survey, a qualified biologist shall be on site immediately prior to the initiation of project activities to inspect the site and dens for SJKF activity. If a potential den appears to be active or there is sign of SJKF activity on site and within the above-recommended buffers, no work can begin.

BR-11 **Riverine Swales.** Prior to project initiation, all applicable agency permits with jurisdiction over the project area (i.e., CDFW and RWQCB) shall be obtained, as necessary. All additional mitigation measures required by these agencies would be implemented as necessary throughout the project. At a minimum, the following measures shall be implemented:

1. Construction activity occurring within 100 feet of swales shall occur only during the dry season (between June 1 and September 31).
2. For short-term, temporary stabilization, an erosion and sedimentation control plan shall be developed outlining Best Management Practices (BMPs), which shall be implemented to prevent erosion and sedimentation into drainages and wetlands during construction. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) fiber rolls, jute or coir netting, and/or other industry standards. BMPs shall be installed and maintained for the duration of the project.
3. Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).

BR-12 **Site Maintenance and General Operations.** The following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

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

BR-13 **Tree Protection and Replacement Plan.** To minimize impacts to native trees and offset removals, a tree protection and replacement plan shall be prepared prior to initiation of construction and implemented throughout construction. At a minimum, the plan shall include the following elements:

1. The plan shall be submitted to the County Department of Planning and Building prior to the start of construction.
2. Trees to be preserved:
   a. The location and extent of driplines for all native trees with a diameter at breast height (dbh) of 6 inches or greater, within 25 feet of grading limits shall be identified.

Construction envelopes shall be designated outside the driplines of all oak trees. All ground disturbances shall be prohibited outside construction envelopes.

b. All native trees with a dbh of 6 inches or greater, within 25 feet of proposed ground disturbances shall be temporarily fenced with chain-link or other material throughout all grading and construction activities. The fencing shall be installed six feet outside the dripline of each oak tree and shall be staked every six feet. No construction equipment shall be staged, parked, stored or operated within six feet of any oak tree dripline.

c. During construction, washing of concrete, paint or equipment shall occur only in areas where polluted water and materials can be contained for later removal from the site. Washing shall not be allowed near sensitive biological resources. An area designated for washing functions shall be identified on plans and clearly marked on the Project site during construction.

d. No permanent irrigation shall occur within the dripline of any existing oak tree.

e. No fill soil, rocks, or construction materials shall be stored or placed within six feet of the dripline of oak trees.

f. Any trenching required within the dripline or sensitive root zone.

g. Any construction activity required within three feet of an oak trees dripline to be preserved shall be completed with hand tools to the extent feasible.

3. Tree to be removed:

a. The plan shall identify requirements for replacement plantings, including installation, temporary irrigation, maintenance, and follow-up monitoring for a minimum of seven years.

b. Replacement plantings shall be in kind, and shall be installed at a 4:1 ratio for each oak tree over 6 inches in diameter that is removed, and at a 2:1 ratio for each oak tree over 6 inches in diameter at breast height that is impacted.

c. Success criteria and an adaptive management strategy shall be included in the plan.

4. An annual monitoring plan summarizing implementation progress shall be submitted by January 31 of the following year until success criteria are met

BR-14 Site Restoration Following End of Operations.

Upon revocation of a use permit or abandonment of a licensed cultivation or nursery site, the permittee and/or property owner shall provide a restoration plan that re-establishes the previous natural conditions of the site. The plan shall include removal of all materials, equipment, and improvements on the site that were devoted to cannabis use, including but not limited to concrete foundation and slabs; bags, pots, or other containers; tools; fertilizers; pesticides; fuels; hoop house frames and coverings; irrigation pipes; water bladders or tanks; pond liners; electrical lighting fixtures; wiring and related equipment; fencing; cannabis or cannabis waste products; imported soils or soils amendments not incorporated into native soil; generators; pumps; or structures not adaptable to non-cannabis permitted use of the site. If any of the above described or related material or equipment is to remain, the permittee and/or property owner shall prepare a plan and description of the non-cannabis continued

use of such material or equipment on the site. The property owner shall be responsible for execution of the restoration plan that will re-establish the previous natural conditions of the site, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the County.

Hazards and Hazardous Materials

HAZ-1 **Equipment Maintenance and Refueling.** During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

HAZ-2 **Spill Response Protocol.** During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.

Hydrology and Water Quality

W-1 **Prior to issuance of building permits**, all applicants for cannabis related activities within the Paso Robles Groundwater Basin ("Basin") shall provide to the Department of Planning and Building for review and approval a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by LUO Sections 22.40.050.D.5, 22.40.060 D.5, and 22.94.025.F and Building Ordinance Section 19.07.042 (4). The Water Conservation Plan shall include the following:

1. The quantification of water demand expressed in total acre-feet per year, consistent with the Water Management Plan required by LUO Sections 22.40.050.C.1. and 22.40.060.C.1.
2. A program for achieving a water demand offset of 2.17 AFY as required by LUO Section 22.40.050.D.5, 22.40.060 D.5, and 22.94.025.F and Building Ordinance Section 19.07.042 (4). Such a program may include, but is not limited to, the following:
    a. The permanent installation of water facilities and/or infrastructure to improve the efficient use of water on existing irrigated agricultural lands within the Basin. Such improvements shall be accompanied by an audit of existing agricultural water demand prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of Planning and Building. Water efficiency improvements may include, but are not limited to, the following:
        i. Drip irrigation;
        ii. Smart controllers. Irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapo-transpiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.
        iii. Installation of float valves on water tanks to prevent tanks from overflowing;

iv. Converting from using overhead sprinklers to wind machines for frost protection [Note: The installation of wind machines shall be included in the project description for cannabis activities and subject to environmental review.];

v. Installation of rainwater catchment systems to reduce demand on groundwater. [Note: The installation of rainwater catchment facilities shall be included in the project description for cannabis activities and subject to environmental review.]

b. Participation in an approved water conservation program within the Paso Robles Groundwater Basin that is verifiable, results in a permanent reduction of water demand equal to, or exceeding, the required water demand offset, and has been subject to environmental review.

c. Any combination of the above or other qualifying strategies or programs that would achieve the required water demand offset.

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

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

DATE: May 19, 2021

DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM
FOR INTEGRATED AGRICULTURE, INC.
MINOR USE PERMIT DRC2018-00083

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

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

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

AIR QUALITY (AQ)

AQ-1 Fugitive Dust Construction Control Measures

Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

1. Reduce the amount of the disturbed area where possible;
2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;
3. All dirt stock-pile areas shall be sprayed daily as needed;
4. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
5. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
6. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

Monitoring: Required during construction. Compliance will be verified by the County Department of Planning and Building.

BIOLOGICAL RESOURCES (BR)

BR-1 Worker Environmental Awareness Program (WEAP)

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

Monitoring: Required prior to initial of construction activities. Compliance will be verified by the County Department of Planning and Building.

BR-2 Special Status Plant Species Avoidance and Minimization Measures

Prior to initial ground disturbance and staging activities in areas of suitable habitat for special-status plants, focused surveys shall be completed by a qualified biologist. The surveys shall be floristic in nature and shall be seasonally timed to coincide with the blooming period of the target species. Surveys shall be conducted in accordance with the most current protocols established by the CDFW and USFWS, and consistent with the County's policies. All special status plant species identified on-site shall be mapped onto a site-specific aerial photograph and topographic map. Survey results shall be submitted to the County Department of Planning and Building prior to initiation of construction.

If special status plant species, including, San Luis Obispo owl's clover, Shining navarettia, Hoover's bent grass, Douglas' fiddleneck, or Small-flowered morning glory are identified within the proposed development footprint, impacts to these species will be avoided to the extent feasible.

If avoidance of state or federally listed plant species is not feasible, consultation with the applicable resource agency (CDFW, USFWS, or both) shall be initiated, depending on the designated FESA/CESA listing status of the plant. Work shall not begin at the location of the listed plant species until authorization to continue is provided by the applicable resource agency, or until applicable measures from a permit issued by the resource agency (CDFW, USFWS, or both) for the project are successfully implemented. All impacts to state or federally listed plant species shall be mitigated at a minimum ratio of 2:1 (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration.

If non-listed special status plants species cannot be avoided, impacts shall be mitigated for all impacts that could cause the regional population of any of these species to drop below self-sustaining levels, threaten to eliminate any plant community of which the species is a key part, or substantially reduce the number of occurrences or individuals or restrict the range of that species. The threshold for impacts above which mitigation must be implemented shall be impacts that remove over 10 percent of the local (onsite and immediate vicinity) population of any CRPR 1B species that forms a unique vegetation type, is present in unusually large numbers, with implications for status of the species throughout its range, or is otherwise designated as locally rare. Impacts shall be mitigated at a minimum ratio of 1:1 (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration. A restoration plan shall be prepared and submitted to the County for approval. (Note: if a state listed plant species will be impacted, the restoration plan shall also be submitted to the CDFW for approval). The restoration plan shall include, at a minimum, the following components:

1. Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type);
2. Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved];
3. Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values);
4. Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan);
5. Maintenance activities during the monitoring period, including weed removal as appropriate (activities, responsible parties, schedule);
6. Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports);

7. Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type;
8. An adaptive management program and remedial measures to address any shortcomings in meeting success criteria;
9. Notification of completion of compensatory mitigation;
10. Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism); and
11. The restoration plan shall be prepared and submitted to the County Department of Planning and Building for approval prior to initial site disturbance.

Monitoring: Required prior to initial ground disturbance and staging activities. Compliance will be verified by the County Department of Planning and Building.

BR-3 Special Status Reptiles and Amphibians Avoidance and Minimization Measures

Pre-construction Survey for Special-status Reptiles and Amphibians. Prior to issuance of grading and/or construction permits and immediately prior to initiation of site disturbance and/or construction, a qualified biologist shall conduct a pre-construction survey immediately before any initial ground disturbances (i.e. the morning of the commencement of disturbance) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special status reptiles and/or amphibians are found in the area of disturbance, the biologist shall move the animal(s) to an appropriate location outside the area of disturbance. The candidate site(s) for relocation shall be identified before construction and shall be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the species' range.

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

Monitoring: Required prior to issuance of grading and/or construction permit and prior to initiation of site disturbance and/r construction. Compliance will be verified by the County Department of Planning and Building.

BR-4 Western Burrowing Owl (*Athene cunicularia*) Avoidance and Minimization

Pre-construction Survey for Burrowing Owl. If work is planned to occur within 150 meters (approximately 492 feet) of Western burrowing owl habitat, a

qualified biologist shall conduct a pre-construction survey for the species within 14 days prior to initial project activities. This applies year-round [i.e., within the breeding (February 1 to August 31) or non-breeding (September 1 to January 31) seasons]. A second survey shall be completed immediately prior to initial project activities (i.e., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on Western burrowing owl Mitigation, which specifies that 7- to 20-meter transects shall be walked, such that the entire project area is visible. These surveys may be completed concurrently with SJKF, American badger, or other special-status species surveys. If occupied Western burrowing owl burrows are identified the following exclusion zones shall be observed during project activities, unless otherwise authorized by CDFW:

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

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

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

Monitoring: Required no less than 14 days and no more than 30 days prior to the start of initial project activities and during construction. Compliance will be verified by the County Department of Planning and Building.

BR-5 American Badger (*Taxidea taxus*) Protection Measures

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

a. If a potential den is discovered, it shall be inspected to determine whether they are occupied. The survey shall cover the entire property and shall

examine both old and new dens. The den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction.

b. If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season, nursing young may be present), measured outward from the burrow entrance. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February and July. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

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

Monitoring: Required prior to construction. Compliance will be verified by the County Department of Planning and Building.

BR-6 Crotch Bumble Bee (*Bombus crotchii*) and Western Bumble Bee (*Bombus occidentalis*) Avoidance and Minimization

1. **Pre-construction Survey for Crotch Bumble Bee and Western Bumble Bee.** The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for Crotch bumble bee and Western bumble bee within suitable habitat (i.e., small mammal burrows, thatched/bunch grasses, upland scrubs, brush piles, unmowed/overgrown areas, dead trees, hollow logs, etc.) on the project site. Survey(s) shall be conducted over an extended period of time to document and establish the presence of the bees within the areas of disturbance.

2. **Avoidance.** If the survey(s) establish the presence of Crotch bumble bee or Western bumble bee within the areas of disturbance, the applicant shall

retain a qualified biologist to prepare a Biological Resources Management Plan (Management Plan) subject to review and approval by the County Planning and Building Department in consultation with CDFW. The Management Plan shall include at least the following:

a. Avoidance measures to include a minimum 50-foot no-disturbance buffer to avoid take and potentially significant impacts.

b. If ground-disturbing activities will 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 identified by the California Endangered Species Act (CESA).

c. In the event that CBB and/or WBB are denied listing under CESA by state law, this mitigation measure shall no longer be required for the respective species.

Monitoring: Required prior to construction. Compliance will be verified by the County Department of Planning and Building.

BR-7 Nesting Birds Protection Measures

Pre- construction Survey for Sensitive and Nesting Birds. If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. This includes nests of all common bird species (under the MBTA), as well as special status birds and raptor nests. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

a. A 250-foot exclusion zone shall be placed around non-listed, passerine species, and a 500-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 250 feet (non-listed passerine species) or 500 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.

b. If special status avian species (aside from the burrowing owl) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.

c. The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

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

Monitoring: Required no more than 7 days prior to construction if initial project activity, including ground disturbance and/or vegetation removal/trimming, is proposed to occur between February 1 and September 15. Compliance will be verified by the County Department of Planning and Building.

BR-8 San Joaquin Kit Fox (*Vulpes macrotis multica*; SJKF) Habitat Mitigation Alternatives

Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County that states that one or a combination of the following three San Joaquin kit fox (SJKF) mitigation measures has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 11.72 acres of suitable habitat in the kit fox corridor area (e.g., within the San Luis Obispo County kit fox habitat area), either on site or off site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the CDFW and the County.

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

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

   Mitigation alternative (b.) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated

based on the current cost-per-unit of $2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to "The Nature Conservancy", would total $29,300 based on $2,500 per acre (5.86 acres impacted * 2 * $2,500 per acre).

c. Purchase 11.72 (5.86 acres * 2) credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c.) can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total $29,300 (5.86 acres * 2 * $2,500). This fee is calculated based on the current cost-per-credit of $2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

The mitigation options identified above are based on a preliminary evaluation by CDFW on the project's anticipated acres of impact to SJKF habitat. The project has a required mitigation ratio of two (2) acres conserved for each acre impacted (2:1). Total required compensatory mitigation may change based on the final number of impacted acres shown on the construction and/or grading plans submitted to the County for review and approval.

Monitoring: Required prior to issuance of grading and/or construction permits. Compliance will be verified by the County Department of Planning and Building.

BR-9 San Joaquin Kit Fox Protection Measures

SJKF Protection Measures on Plans. All SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

a. Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate the following as a note on the project plans: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.

Pre-construction Survey for SJKF. Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

a. A qualified biologist shall complete a pre-construction survey for SJKF no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure SJKF is not present within all proposed work areas and at least a 250-foot buffer around work areas per USFWS Standard Recommendations (2011). The biologist will survey for signs of SJKF and known or potential SJKF dens. The result of the survey shall be submitted to the County within 5 days of the survey and prior to start of initial project activities. The submittal shall include the date the survey was conducted, survey method, and survey results, including a map of the location of any SJKF signs, and/or known or potential SJKF dens, if present. If no SJKF signs, potential or known SJKF dens are identified, then the SJKF Standard Protection Avoidance and Protection Measure shall be applied.

   i. If the qualified biologist identifies potential SJKF den(s), the den(s) will be monitored for 3 consecutive nights with an infra-red camera, prior to any project activities, to determine if the den is being used by SJKF. If no SJKF activity is observed during the 3 consecutive nights of camera placement then project work can begin with the Standard SJKF Avoidance and Protection Measures and the SJKF Protection Measures if SJKF are observed.

   ii. If a known den is identified within 250-feet of any proposed project work areas, no work may start in that area.

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

Monitoring: Required no less than 14 days and no more than 30 days prior to the start of initial project activities and during construction. Compliance will be verified by the County Department of Planning and Building.

BR-10 Standard SJKF Avoidance and Protection Measures

Throughout the life of the project,

1. If a SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other agencies as needed.
2. A maximum of 25 mph speed limit shall be required at the project site during project activities. Speed limit signs shall be installed on the project site prior to start of all work.

3. All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.
4. To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes or trenches greater than two feet deep shall be completely covered at the end of each work day by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If a SJKF is entrapped, CDFW, USFWS, and the County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.
5. All pipes, culverts, or similar structures with a diameter of 4 inches or greater, stored overnight at the project site shall be thoroughly inspected for sheltering SJKF before burying, capping, or moving. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day. No pipes, culverts, similar structures, or materials stored on site shall be moved if there is a SJKF present within or under the material. A 50-foot exclusion buffer will be established around the location of the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.
6. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in animal-proof closed containers only and regularly removed from the site.
7. No deliberate feeding of wildlife shall be allowed.
8. Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.
9. Trash will be disposed of into containers rather than stockpiling on site prior to removal.
10. Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence shall be surveyed (consistent with pre-construction survey requirements) by a qualified biologist before they are moved.
11. The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which SJKF depend.
12. Permanent fences shall allow for SJFK passage through or underneath by providing frequent openings (8-inch x 12-inch) or an approximately 4-inch or greater passage gap between the ground and the bottom of the fence. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

13. During project activities and/or the operation phase, any contractor or employee that inadvertently kills or injures a SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead SJKF, the applicant shall immediately notify the USFWS, CDFW, and the County by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident.
14. If potential SJKF dens are identified on site during the pre-construction survey, a qualified biologist shall be on site immediately prior to the initiation of project activities to inspect the site and dens for SJKF activity. If a potential den appears to be active or there is sign of SJKF activity on site and within the above-recommended buffers, no work can begin.

Monitoring: Required no less than 14 days and no more than 30 days prior to the start of initial project activities and during construction. Compliance will be verified by the County Department of Planning and Building.

BR-11 Riverine Swales

Prior to project initiation, all applicable agency permits with jurisdiction over the project area (i.e., CDFW and RWQCB) shall be obtained, as necessary. All additional mitigation measures required by these agencies would be implemented as necessary throughout the project. At a minimum, the following measures shall be implemented:

1. Construction activity occurring within 100 feet of swales shall occur only during the dry season (between June 1 and September 31).

2. For short-term, temporary stabilization, an erosion and sedimentation control plan shall be developed outlining Best Management Practices (BMPs), which shall be implemented to prevent erosion and sedimentation into drainages and wetlands during construction. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) fiber rolls, jute or coir netting, and/or other industry standards. BMPs shall be installed and maintained for the duration of the project.
3. Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).

Monitoring: Required prior to the start of initial project activities and construction. Compliance will be verified by the County Department of Planning and Building.

BR-12 Site Maintenance and General Operations

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

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

Monitoring: Required during active construction and ongoing operations. Compliance will be verified by the County Department of Planning and Building.

BR-13 Tree Protection and Replacement Plan

To minimize impacts to native trees and offset removals, a tree protection and replacement plan shall be prepared prior to initiation of construction and implemented throughout construction. At a minimum, the plan shall include the following elements:

1. The plan shall be submitted to the County Department of Planning and Building prior to the start of construction.
2. Trees to be preserved:
    a. The location and extent of driplines for all native trees with a diameter at breast height (dbh) of 6 inches or greater, within 25 feet of grading limits shall be identified. Construction envelopes shall be designated outside the driplines of all oak trees. All ground disturbances shall be prohibited outside construction envelopes.

b. All native trees with a dbh of 6 inches or greater, within 25 feet of proposed ground disturbances shall be temporarily fenced with chain-link or other material throughout all grading and construction activities. The fencing shall be installed six feet outside the dripline of each oak tree and shall be staked every six feet. No construction equipment shall be staged, parked, stored or operated within six feet of any oak tree dripline.

c. During construction, washing of concrete, paint or equipment shall occur only in areas where polluted water and materials can be contained for later removal from the site. Washing shall not be allowed near sensitive biological resources. An area designated for washing functions shall be identified on plans and clearly marked on the Project site during construction.

d. No permanent irrigation shall occur within the dripline of any existing oak tree.

e. No fill soil, rocks, or construction materials shall be stored or placed within six feet of the dripline of oak trees.

f. Any trenching required within the dripline or sensitive root zone.

g. Any construction activity required within three feet of an oak trees dripline to be preserved shall be completed with hand tools to the extent feasible.

3. Tree to be removed:

   a. The plan shall identify requirements for replacement plantings, including installation, temporary irrigation, maintenance, and follow-up monitoring for a minimum of seven years.

   b. Replacement plantings shall be in kind, and shall be installed at a 4:1 ratio for each oak tree over 6 inches in diameter that is removed, and at a 2:1 ratio for each oak tree over 6 inches in diameter at breast height that is impacted.

   c. Success criteria and an adaptive management strategy shall be included in the plan.

4. An annual monitoring plan summarizing implementation progress shall be submitted by January 31 of the following year until success criteria are met.

Monitoring: Final project plans and the Tree Protection and Replacement Plan shall be reviewed and approved by the County Department of Planning and Building prior to issuance of grading/and/or construction permits. Compliance will be verified by the County Department of Planning and Building.

BR-14 Site Restoration Following End of Operations

Upon revocation of a use permit or abandonment of a licensed cultivation or nursery site, the permittee and/or property owner shall provide a restoration plan

that re-establishes the previous natural conditions of the site. The plan shall include removal of all materials, equipment, and improvements on the site that were devoted to cannabis use, including but not limited to concrete foundation and slabs; bags, pots, or other containers; tools; fertilizers; pesticides; fuels; hoop house frames and coverings; irrigation pipes; water bladders or tanks; pond liners; electrical lighting fixtures; wiring and related equipment; fencing; cannabis or cannabis waste products; imported soils or soils amendments not incorporated into native soil; generators; pumps; or structures not adaptable to non-cannabis permitted use of the site. If any of the above described or related material or equipment is to remain, the permittee and/or property owner shall prepare a plan and description of the non-cannabis continued use of such material or equipment on the site. The property owner shall be responsible for execution of the restoration plan that will re-establish the previous natural conditions of the site, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the County.

Monitoring: Required upon termination of project operations. Compliance will be verified by the County Department of Planning and Building.

HAZARDS AND HAZARDOUS MATERIALS (HAZ)

HAZ-1 Equipment Maintenance and Refueling

During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

Monitoring: Required during construction. Compliance will be verified by the County Department of Planning and Building.

HAZ-2 Spill Response Protocol

During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.

Monitoring: Required during construction. Compliance will be verified by the County Department of Planning and Building.

HYDROLOGY AND WATER QUALITY (W)

W-1 **Prior to issuance of building permits**, all applicants for cannabis related activities within the Paso Robles Groundwater Basin ("Basin") shall provide to the Department of Planning and Building for review and approval a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by LUO Sections 22.40.050.D.5, 22.40.060 D.5, and 22.94.025.F and Building Ordinance Section 19.07.042 (4). The Water Conservation Plan shall include the following:

1. The quantification of water demand expressed in total acre-feet per year, consistent with the Water Management Plan required by LUO Sections 22.40.050.C.1. and 22.40.060.C.1.
2. A program for achieving a water demand offset of 2.17 AFY as required by LUO Section 22.40.050.D.5, 22.40.060 D.5, and 22.94.025.F and Building Ordinance Section 19.07.042 (4). Such a program may include, but is not limited to, the following:
    a. The permanent installation of water facilities and/or infrastructure to improve the efficient use of water on existing irrigated agricultural lands within the Basin. Such improvements shall be accompanied by an audit of existing agricultural water demand prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of Planning and Building. Water efficiency improvements may include, but are not limited to, the following:
        i. Drip irrigation;
        ii. Smart controllers. Irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapo-transpiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.
        iii. Installation of float valves on water tanks to prevent tanks from overflowing;
        iv. Converting from using overhead sprinklers to wind machines for frost protection [Note: The installation of wind machines shall be included in the project description for cannabis activities and subject to environmental review.];
        v. Installation of rainwater catchment systems to reduce demand on groundwater. [Note: The installation of rainwater catchment facilities shall be included in the project description for cannabis activities and subject to environmental review.]

b. Participation in an approved water conservation program within the Paso Robles Groundwater Basin that is verifiable, results in a permanent reduction of water demand equal to, or exceeding, the required water demand offset, and has been subject to environmental review.

c. Any combination of the above or other qualifying strategies or programs that would achieve the required water demand offset.

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

Monitoring: Required prior to the issuance of construction and/or grading permit. Compliance will be verified by the County Department of Planning and Building.

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

Monitoring: Required at the time of quarterly monitoring inspection. Compliance will be verified by the County Department of Planning and Building.

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

Signature of Applicant	Giovanni DeGarimore	5/19/21
	Name (Print)	Date