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 19-297 **DATE:** May 25, 2021

PROJECT/ENTITLEMENT: Tannehill-Anderson, Minor Use Permit, DRC2018-00235

APPLICANT NAME: Thomas Anderson
Email: andersonduce@gmail.com
ADDRESS: 762 Story Street, Nipomo, CA 93444
CONTACT PERSON: Oasis Associates, Inc. – Emily Ewer **Telephone:** 805-541-4509 ext. 13

PROPOSED USES/INTENT: A request by **Thomas Anderson** for a Minor Use Permit (DRC2018-00235) to establish 3 acres gross of outdoor cannabis cultivation area within hoop houses; 0.75 acres gross of outdoor ancillary cannabis nursery area within hoop houses; ancillary transport; and approximately 0.96 acres of related site improvements (e.g., composting area, trash/recycling area, parking, general storage, etc.). A setback modification is requested to allow a 65-foot setback along the southern property line instead of the required 300-foot setback. The project will result in the disturbance of about 4.7 acres on an approximately 76.5-acre parcel. The project site is located on the west side of Indian Valley Road about 1.3 miles north of the community of San Miguel and approximately 0.2 miles south of the Monterey County line. The site is in the Agriculture land use category and within the Salinas River Sub-area of the North County Planning Area.

LOCATION: Assessor's Parcel Number 027-420-001 (no address assigned for the parcel)
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. Tannehill-Anderson, Minor Use Permit, ED19-297, DRC2018-00235

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:

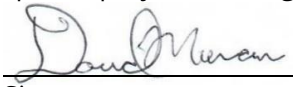
☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ 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.

David Moran			4/30/2021
Prepared by (Print)	Signature		Date
Eric Hughes		For Steve McMasters Principal Environmental Specialist	5/24/2021
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 **Thomas Anderson** for a Minor Use Permit (DRC2018-00235) to establish 3 acres gross of outdoor cannabis cultivation area within hoop houses; 0.75 acres gross of outdoor ancillary cannabis nursery area within hoop houses; Ancillary Transport; and approximately 0.96 acres of related site improvements (e.g., composting area, trash/recycling area, parking, general storage, etc.). A setback modification is requested to allow a 65-foot setback along the southern property line instead of the required 300-foot setback. The project will result in the disturbance of about 4.7 acres on an approximately 76.5-acre parcel. The project site is located on the west side of Indian Valley Road about 1.3 miles north of the community of San Miguel and approximately 0.2 miles south of the Monterey County line. The site is in the Agriculture land use category and within the Salinas River Sub-area of the North County Planning Area. See Table 1 and Figures 1-5 for more details.

Surrounding land uses include agricultural crop production and grazing to the east, south, and north. Directly west, northwest, and southwest is the Big Sandy Wildlife Area managed by the California Department of Fish and Wildlife (CDFW) and the Salinas River. Located further west is Camp Roberts. The project is within the Camp Roberts Land Use Review Area (see Figure 1). Parcels surrounding the project site to the north, east, and west have the same property owner (see Figure 3). The project site is accessed from Indian Valley Road by way of an unimproved driveway that extends west from Indian Valley Road about 630 feet. A portion of this access (~218 feet) crosses an adjacent parcel (APN 027-420-002) under common ownership. The project's driveway would be improved to include a 16 foot width, an all-weather surface, and a fire access turnout. See Figure 4.

Outdoor Cultivation & Ancillary Nursery

Outdoor cannabis cultivation and ancillary nursery will take place within hoop structures surrounded by a 10-foot wide harvest road and a security fence (i.e., 6 foot tall chain link fence with opaque slats). The outdoor cannabis cultivation would have a gross area of 3 acres; the ancillary nursery a maximum gross area of 0.75 acres. Within the hoop houses, cannabis will be grown in pots (containers) and/or in-ground. Outdoor cultivation and ancillary nursery activities would occur between February 1 and November 30 of each year. Typical hours of operation would be from 7 am to 4 pm seven days per week. A maximum of 4 full-time employees would be used during the typical season. The applicant is proposing a perpetual

harvesting approach. Under this approach, harvests could occur monthly between April and October; with up to 3 harvests per month during this seven month period. Each harvest would last 1 to 2.5 weeks. The number of harvests per month would depend on various factors including maturation rates, weather, and labor availability. During a harvest, hours would be extended from 7 am to 7 pm and the project would use a maximum of 6 additional employees onsite.

Ancillary Transport

The project includes ancillary transport which would allow the applicant to transport cannabis grown on site to testing facilities and to other licensees consistent with State law. Ancillary transport only applies to the proposed on site cannabis cultivation; immature plants and clones associated with ancillary nursery cannot leave the property and thus cannot be transported off site.

Table 1
Proposed Cannabis Components
Tannehill-Anderson DRC2018-00235

Cannabis Activity	Structure / Use	Proposed Project Component	SF Gross	Acres Gross
Outdoor Cultivation	Within Hoop Houses	Outdoor Cultivation (Maximum canopy 3 acres)	130,680	3.0
Outdoor Ancillary Nursery	Within Hoop Houses	Outdoor Ancillary Nursery	32,670	0.75
Ancillary Transport	Allows for the transport of cannabis grown onsite to testing facilities and to other licensees consistent with State law.		N/A	N/A
Miscellaneous Accessory Uses within Security Fence	Interior access around / through cultivation / nursery area / Includes area for irrigation trench (19,750 sf)		22,250	0.51
	Storage Shed (for chemicals, fertilizers, & similar materials) (10' x 11' = 110 sf)			
	Water Tank for irrigation (1 @ 5,000 gallons) (~50 sf)			
	Composting Area (400 sf)			
	Open Area / Circulation (~1,940 sf)			
Miscellaneous Accessory Uses within Harvesting Area	One Shipping Container for Tool and Equipment Storage (320 sf)		10,000	0.23
	Trash/Recycling (36 sf)			
	Loading / Staging Area for harvesting trucks / equipment; Parking Area (dirt surface now – adding 4" all-weather road base to this area) (~9,629 sf)			
	Portable Restroom (~15 sf)			
Miscellaneous Improvements Outside Security Fence & Harvesting Area	Interior Access Improvements including Cal Fire Turnout (compacted dirt now – adding all-weather surface) (~8,110 sf)		9,376	0.22
	Electrical Power Extension – trench 8" wide x 700' long, depth 3 ft (~466 sf)			
	Water / Irrigation Joint Trench – 8" wide x 1,200' long; 3' deep (~800 sf)			
	Use of an existing well & Injection Equipment			
Total			**204,976**	**4.71**

Other Cannabis Related Improvements

As noted in Table 1, cannabis operations will include the following additional improvements:

- One shipping container (320 sf) for tool and equipment storage that would be mobile (not have a fixed location);
- A shed (110 sf) for storing chemicals, fertilizers, and similar materials;
- A portable restroom;
- A composting area (400 sf), trash/recycling containers, and a new 5,000 gallon water tank for irrigation;
- Two trenches, one trench would be for extending electrical power (~466 sf); the other for a water / irrigation line (~800 sf);
- Interior access improvements, consisting of improving the existing dirt surfaced access from Indian Valley Road to the cultivation area with a 16 foot wide, all-weather surface; and
- Creating a harvest / loading area. The area currently is level and contains a dirt surfaced; the dirt surface will be replaced with an all-weather surface.

Operations

The project's harvesting area would provide an area for employee parking (roughly 12 unimproved spaces), one seatrain container for storage, a portable restroom, and an area to load cultivated cannabis. During harvests, raw cannabis would be harvested within the security fence area and then moved to the harvesting area. In the harvesting area cannabis would be destemmed (in a destemming trailer), and then loaded into trailers for transport to a licensed offsite processing facility. Up to two trucks with trailers and a destemming trailer would be staged outside of the security fence during harvests daily. No processing or storage of cannabis will occur onsite. The applicant is requesting ancillary transportation as part of the project description While, the transport of cannabis to processing facilities is expected to be primarily conducted by a third-party licensed transporter, ancillary transportation will provide the applicant with operational flexibly.

Security

The applicant proposes a security fence (6 foot tall chain link fence with opaque slats) around the cultivation and nursery area. Entrance to the cultivation / nursery area would be secured with a locked main gate as depicted on the site plan (see Figure 4). Other security measures will include the installation of security cameras and security / safety lighting (motion-sensor lighting). Lights will be shielded and installed to focus downward to prevent light spill and glare.

Odor Management

The project has been designed to meet or exceed the required 300 foot setback for outdoor cultivation and ancillary nursery activities along the north, west, and east property lines. However, the cultivation area will be located 65 feet from the property line shared with the parcel to the south; this parcel is under common ownership. According to the application materials, the nearest offsite residence is located about 3,500 feet from the project site. Prevailing winds in the area vary from 6-8 miles per hour and primarily come from the north (October-April) and west (April-October).

Water Management

A water use evaluation provided with the project concludes that cannabis cultivation activities will require about 4.88 acre-feet of water per year (AFY). The project is within the Paso Robles Groundwater Basin, a LOSIII water basin, and is required to offset water demand at a 1:1 ratio. The applicants would potentially remove 1.12 acres of irrigated alfalfa on APN 027-420-003 to offset the water demand associated with cannabis activities. APN 027-420-003 is under the same ownership as the project site (APN 027-420-001). Water use for cannabis cultivation will be metered and documented. These meter readings will be provided

to the County on a quarterly basis. Water for fire suppression purposes will consist of a CAL FIRE-approved hydrant.

Waste Management

Solid waste, including recyclables, will be serviced by San Miguel Garbage, the local waste hauler. The woody stems of the processed cannabis plants will either be composted on site or chipped/shredded and used for mulch. A three-bin compost area is located within the project's security fence. Portable restroom facilities will be provided for onsite employees.

Storage and Hazardous Materials Response

The applicant will use the California Environmental Protection Agency Department of Pesticide Regulation (DPR) guidelines for cannabis cultivation. Any accidental spillage will be immediately cleaned with chemical spill rags, recorded in a daily incident log, and the supervisor notified. Protocols will be posted at the site. Any injuries will also be reported and logs, and emergency services contacted, as warranted.

All pesticides and fertilizers will be properly labeled, stored, and applied to prevent contamination though erosion, leakage, or inadvertent damage from rodents, pest, or wildlife. Secure and designated storage is provided on-site in the proposed storage shed.

Baseline Conditions. The project site is undeveloped and historically been irrigated for the cultivation of alfalfa. An existing, onsite groundwater well serves the project site; producing an average sustained yield of 564 gallons per minute. According to the application materials, the project site has pumped about 3.75 acre-feet per year (AFY) to irrigate ongoing crop production. The Salinas River traverses the southwestern portion of the site. Existing vegetation in the area proposed for cannabis activities consists of agricultural crop area and scattered oak trees. The project site shares access to Indian Valley Road with the property to the south which is under the same ownership. Baseline conditions are also described for each of the topical areas addressed in this initial study.

Ordinance Modification. LUO Section 22.40.050 D. 3. requires all outdoor cannabis cultivation activities to maintain a minimum 300-foot setback from all property lines. The 300-foot setback may be modified through land use permit approval provided the review authority makes the required findings set forth in Section 22.40.050 E 7. These findings specify that a modification may be granted if "specific conditions of the site and/or vicinity make the required setback unnecessary to achieve compatibility with the surrounding land uses. Modifications of the setback will not allow nuisance odor emissions from being detected offsite."

The north, west and east setbacks for the proposed cultivation and ancillary nursery shown on the site plan (Figure 3) are consistent with the 300 foot setback required by LUO Section 22.40.050 D. However, the setback from the southern property line is shown as 65 feet. The reduced setback along the southern property line is located adjacent to a parcel in common ownership. A setback modification is required to reduce the setback from 300 feet to 65 feet.

ASSESSOR PARCEL NUMBER(S): 027-420-001

Latitude: 35°47'2.75"N **Longitude:** 120°42'32"W **SUPERVISORIAL DISTRICT #** 1

Other Public Agencies Whose Approval is Required

Permit Type/Action	Agency
State Cultivation Licenses	California Department of Food and Agriculture – Cal

Initial Study – Environmental Checklist

	Cannabis
Written Agreement Regarding No Need for Lake and Streambed Alterations (LSA)	California Department of Fish and Wildlife
Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities, Order No. WQ-2017-0023-DWQ (General Order)	Regional Water Quality Control Board (RWQCB)
Safety Plan Approval and Final Inspection	California Department of Forestry (CAL FIRE)

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

B. Existing Setting

Plan Area: North County **Sub:** Salinas River **Comm:** Rural

Land Use Category: Agriculture

Combining Designation: Flood Hazard

Parcel Size: 76.5 acres

Topography: Gently sloping to gently rolling

Vegetation: Agriculture and Scattered Oak Trees

Existing Uses: Agricultural uses

Surrounding Land Use Categories and Uses:

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

South: Agriculture; agricultural uses ***West:*** Public Facilities;Big Sandy, Camp Roberts

Figure 1 -- Project Location

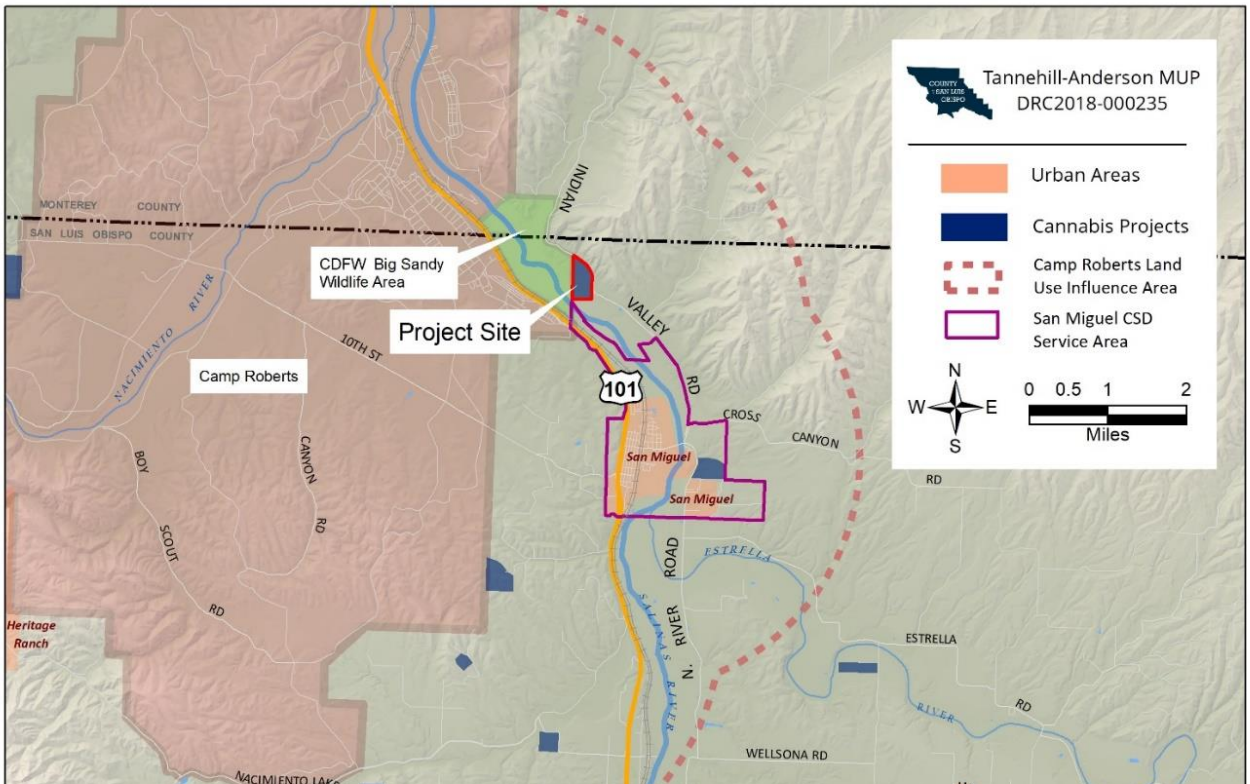


Figure 2 -- Project Vicinity

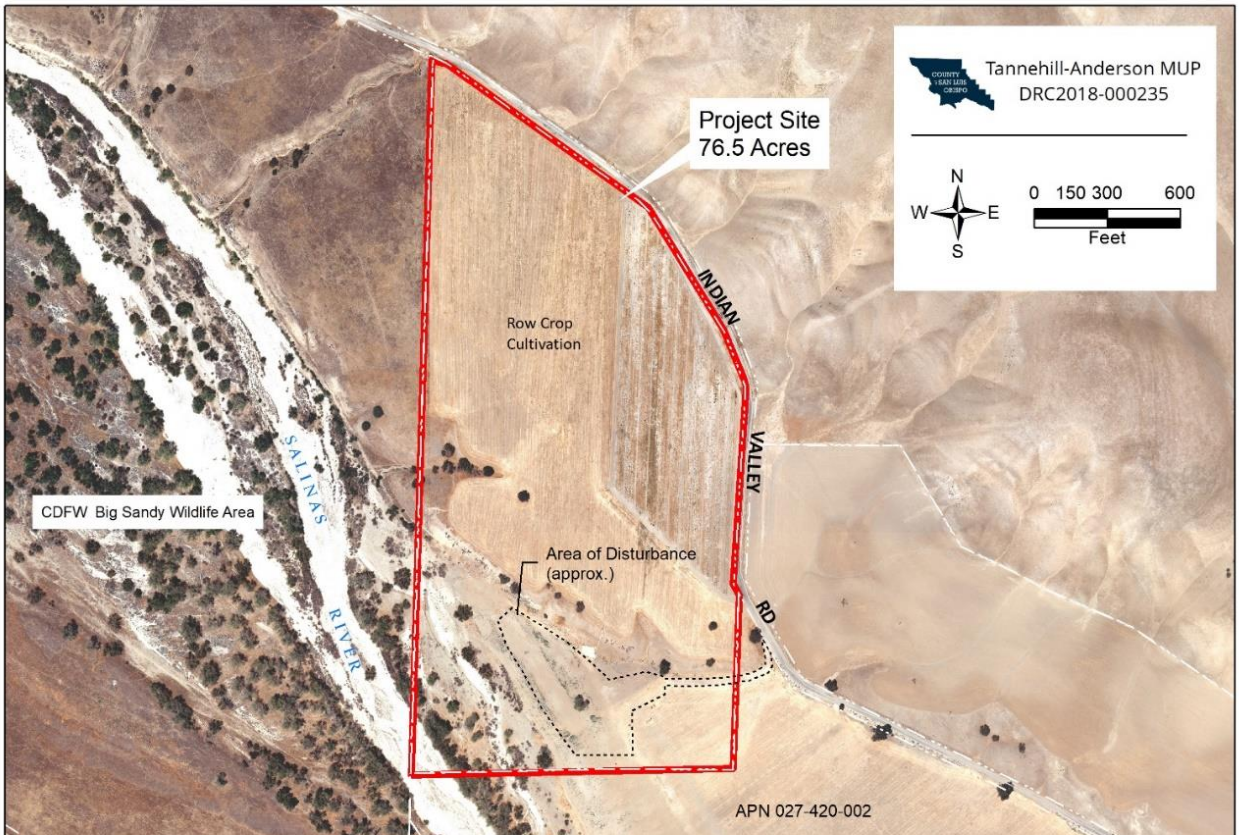


Figure 3 – Adjacent Parcels Under Common Ownership / Vicinity Map / Potential Water Offset Location

Initial Study – Environmental Checklist

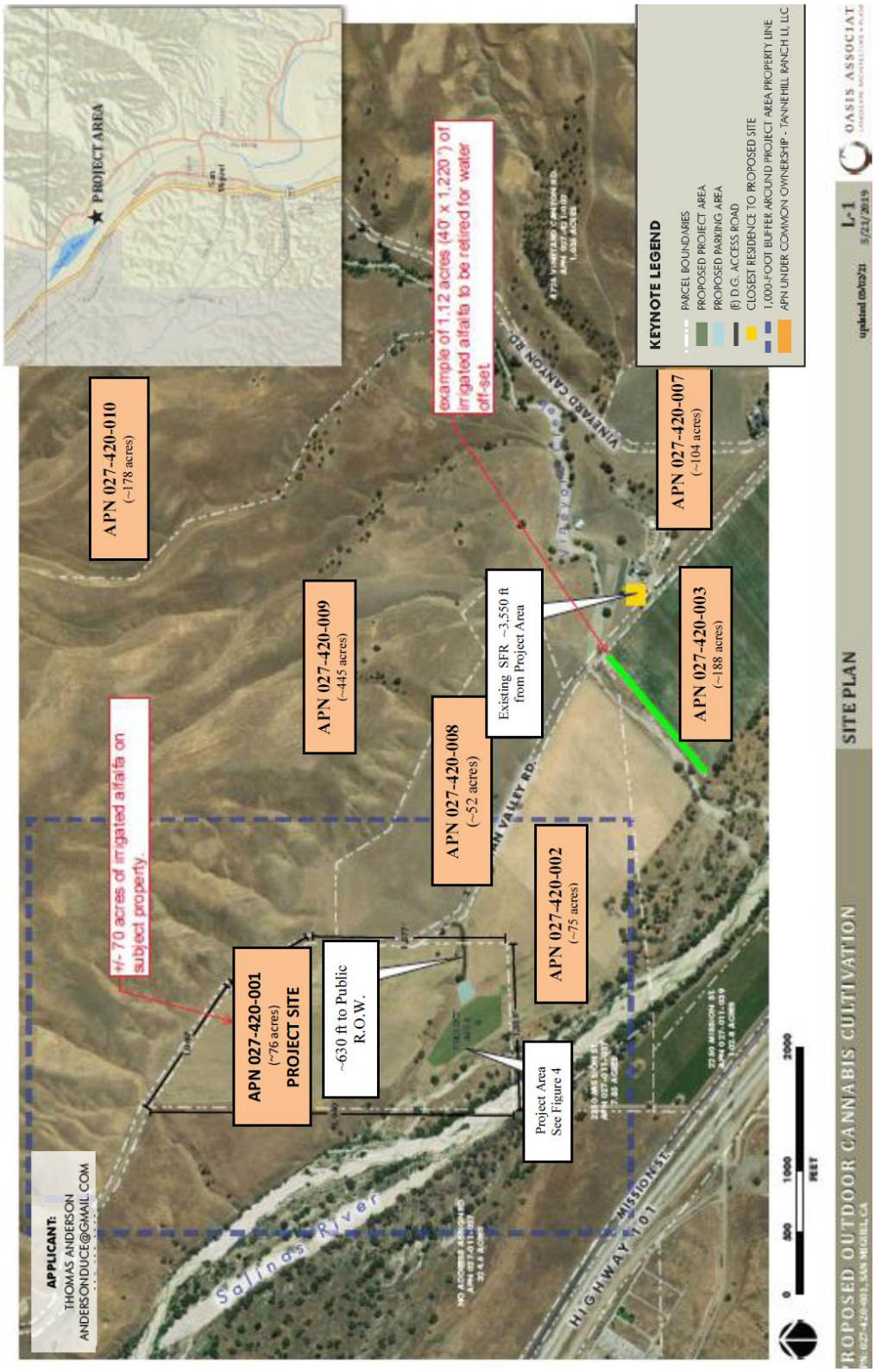


Figure 4 – Site Plan Enlarged

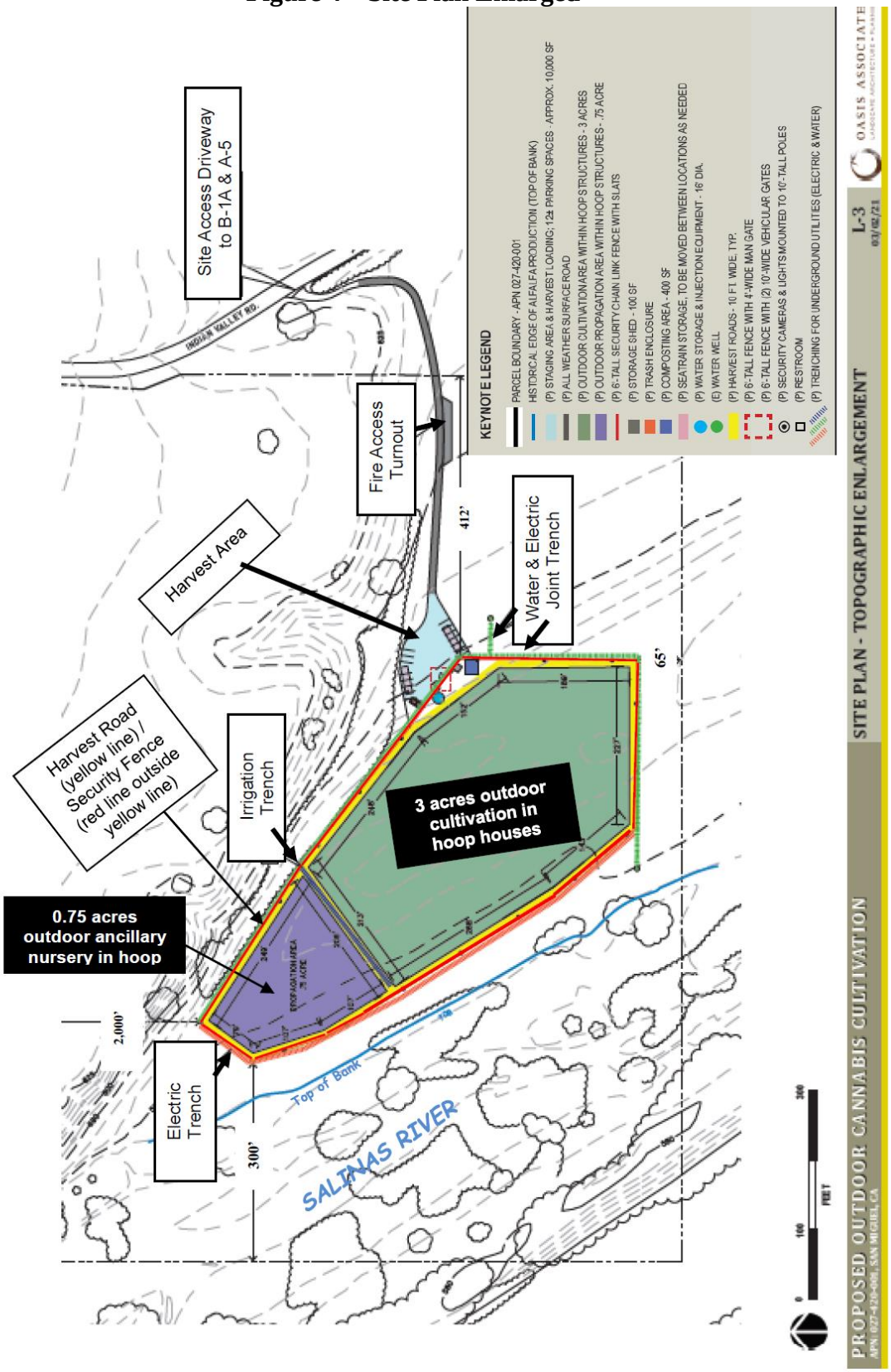
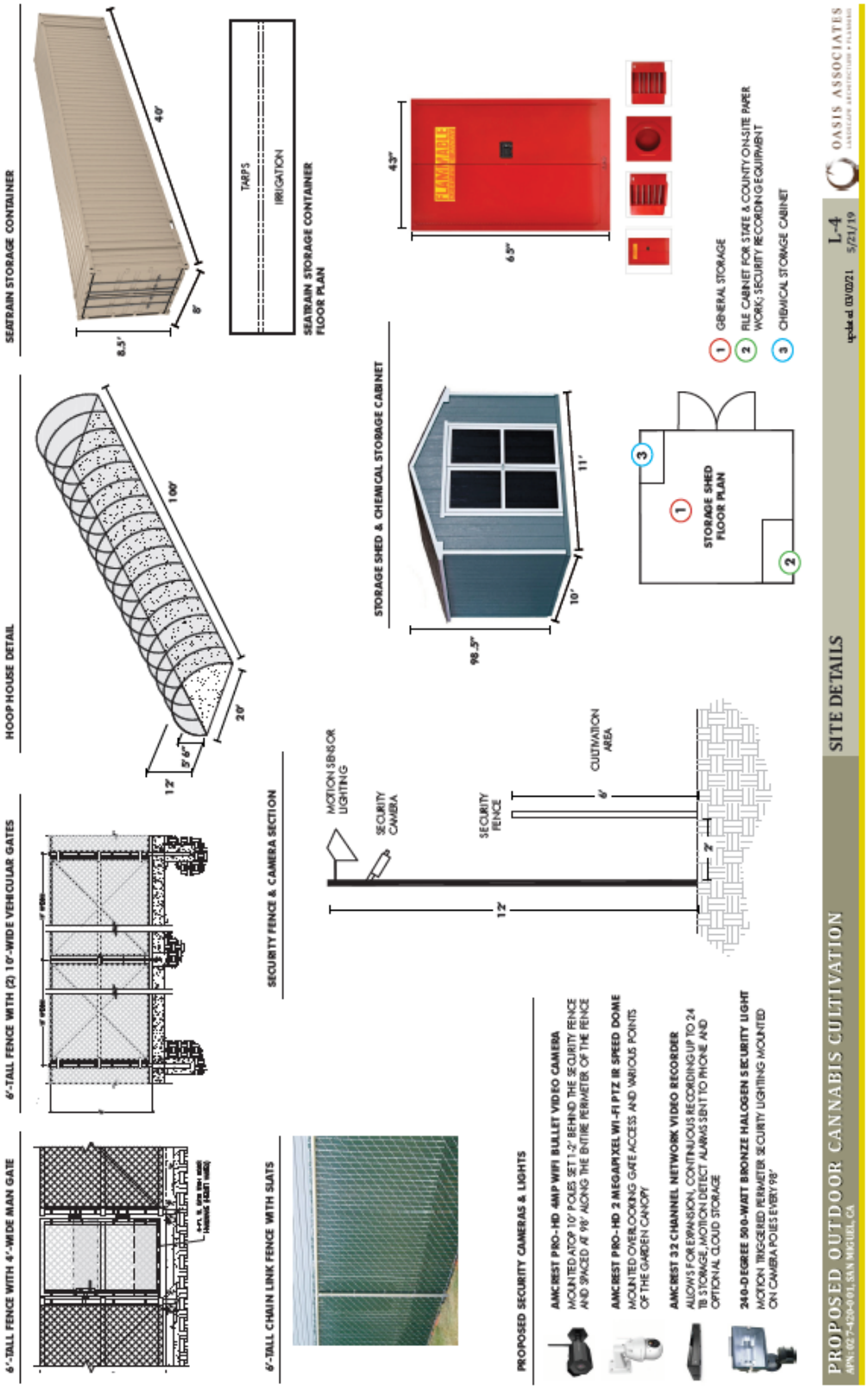


Figure 5 – Other Features



C. Environmental Analysis

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

I. AESTHETICS

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

Setting

The project site is located on a 76.5-acre parcel on the west side of Indian Valley Road about 1.3 miles north of the community of San Miguel. The project site is relatively flat and occupies a bench overlooking the floodplain of the Salinas River to the west and the foothills to the east. The surrounding area generally consists of moderate to steeply rolling hills supporting grassland, shrubland, and scattered oak woodland vegetation. Land uses on surrounding properties consist primarily of agriculture including row crops and grazing, and rural residences. The project site is undeveloped and has been cultivated continuously for many years.

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

- **Goal VR 1:** The natural and agricultural landscape will continue to be the dominant view in rural parts of the county.

- **Goal VR 2:** The natural and historic character and identify of rural areas will be preserved.
- **Goal VR 3:** The visual identities of communities will be preserved by maintaining rural separation between them.
- **Goal VR 7:** Views of the night sky and its constellation of stars will be maintained.

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

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

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

The Land Use Ordinance provides standards for exterior lighting (LUO Section 22.10.060); however, these standards do not apply to uses established within the Agriculture land use category.

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

The only Officially Designated State Scenic Highway in San Luis Obispo County is Highway 1. The project site is not visible from Highway 1.

Discussion

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

For the purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. The project site is located in a rural area of the county on the west side of Indian Valley Road, a two-lane rural collector that would serve as the primary vantage for public views of the project site.

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

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

The project site is not located along, nor visible from a designated state scenic highway or eligible state scenic highway (Caltrans 2020). Therefore, the project would not result in substantial damage to scenic resources within a state scenic highway, and *no impacts would occur.*

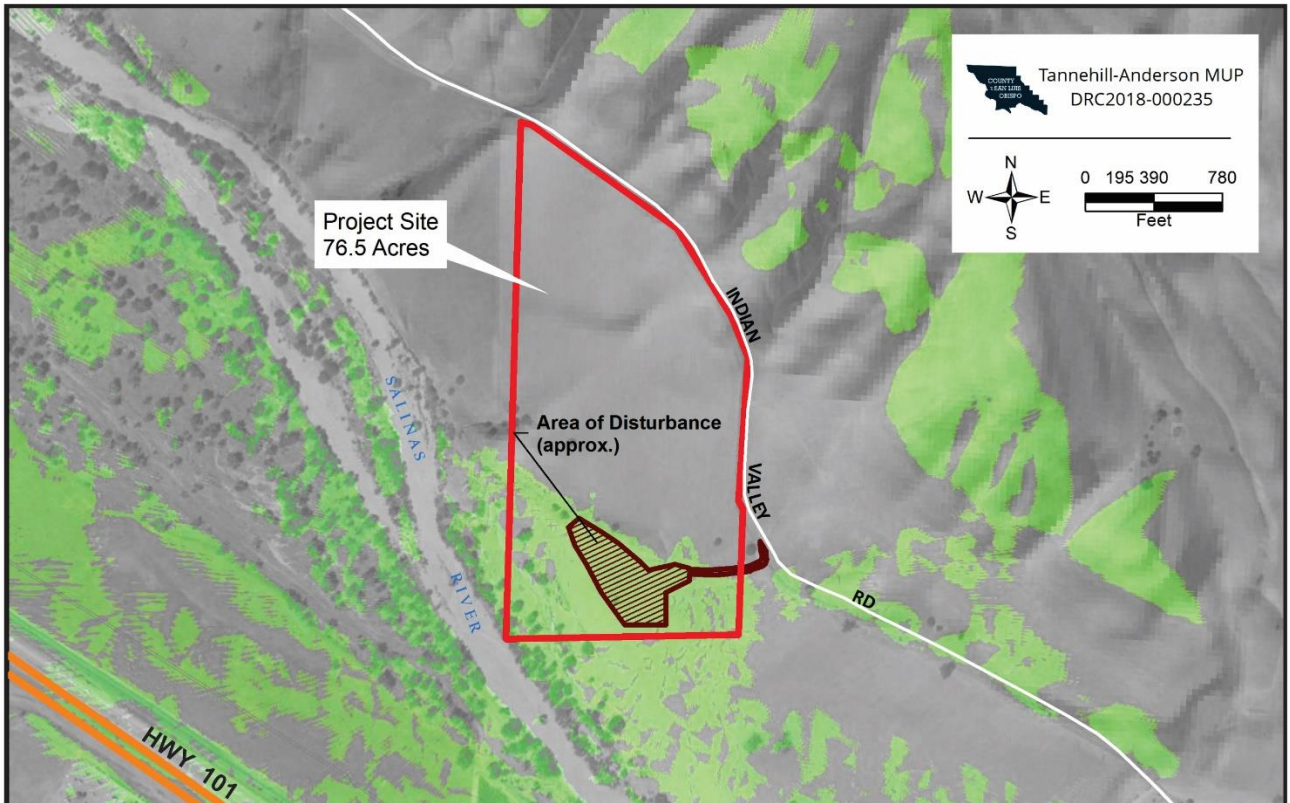
(c) *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable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

The project is located in a rural, non-urbanized area north of the community of San Miguel. Public views of the site are limited to travelers on Indian Valley Road which serves large ranches in the area.

The outdoor cannabis cultivation and nursery areas will be located on a relatively level area toward the south center of the project site about 630 feet west of the public roadway. The area of disturbance sits at the toe of a south-facing slope that separates the irrigated crops on the north portion of the project site from the floodplain of the Salinas River. The outdoor cultivation and nursery areas will be completely surrounded by a security fence (i.e., 6 foot tall chain link fence with opaque slats). Hoop structures will be used to cover the cannabis plants; the structures will be about 12 feet at the highest point and would be partially visible above the fence line. An 8.5 foot tall metal storage container will be located in the parking area outside the security fence along with a portable restroom, and trash / recycling containers.

According to traffic counts taken by the county in 2017, Indian Valley Road experiences 685 average daily trips and 87 trips during the afternoon peak hour (about 1.5 trips per minute). Therefore, the public has a relatively high opportunity to view the project site and associated cannabis facilities. Figure 6 provides a viewshed analysis of the project site that shows areas with a line of sight view of the area of disturbance in green. The analysis assumes the highest point in the area of disturbance is about 11 feet above the existing terrain. As shown in Figure 6, the area of disturbance and the proposed cannabis facilities will be briefly visible from Indian Valley Road. Northbound travelers on Highway 101 will have a brief glimpse of the area of disturbance as well although vegetation and terrain located east of Highway 101 will largely block views of the site from Highway 101.

Figure 6 -- Viewshed Analysis (Area of Disturbance is visible from locations shown in green)



This is not expected to substantially degrade the existing visual character or quality of public views of the site or its surroundings because:

- No permanent large structures are proposed;
- The proposed cannabis cultivation facilities will be screened by a security fence with opaque slats;
- All cultivation and nursery activities will take place inside hoop structures;
- As shown in Figure 6, the area of disturbance will be only briefly visible from Indian Valley Road and northbound travels on Highway 101;
- The proposed fence and hoop structures are common features associated with agricultural operations and would be consistent with the visual character of the area.

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

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

Due to the remote nature of the project site and relative distance to the nearest urbanized area, the project is located in an area with moderate existing levels of light pollution (Darksitefinder.com 2019). The project will include security lighting around the cultivation area equipped with motion detectors that may be activated intermittently during the night. Mitigation measure AES-1 would require that a lighting plan be prepared to ensure lighting is confined to the project site and does not impact wildlife.

Upon implementation of AES-1, potential impacts associated with the creation of a new source of substantial light would be *less than significant with mitigation.*

Conclusion

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

Initial Study – Environmental Checklist

Mitigation

AES-1 **Nighttime lighting.** Prior to issuance of construction permits, the applicant shall submit a light pollution prevention plan (LPPP) to the County Department of Planning and Building for review and approval that incorporates the following measures to reduce impacts related to night lighting:

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

Sources

See Exhibit A.

Initial Study – Environmental Checklist

II. AGRICULTURE AND FORESTRY RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 California Department of Conservation (CDOC) Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and current land use. For environmental review purposes under CEQA, the FMMP categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland,

Farmland of Local Importance, and Grazing Land are considered "agricultural land." Other non-agricultural designations include Urban and Built-up Land, Other Land, and Water. Based on the FMMP, soils at the project site are within the Prime Farmland and Unique Farmland designations (CDOC 2016).

Chapter 6 of the County Conservation and Open Space Element (COSE) identifies resource management goals, policies, and strategies to protect agricultural soils from conversion to urban and residential uses. Table SL-2 of the COSE identifies Important Agricultural Soils within the County and COSE Policy SL 3.1 states that proposed conversion of agricultural lands to non-agricultural uses shall be evaluated using the applicable policies in the COSE and Agricultural Element.

Soils within the area of disturbance are described in detail below and summarized by farmland classifications on Table 1 and 2:

167—Metz-Tujunga complex, occasionally flooded, 0 to 5 percent slopes

The Metz component is found on flood plains. The parent material consists of alluvium derived from mixed rock sources. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is somewhat excessively drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is low. This soil is occasionally flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 1 percent. Non irrigated NRCS land capability classification is 4w. Irrigated land capability classification is 3w. This soil does not meet hydric criteria.

The Tujunga component is found on flood plains. The parent material consists of alluvium derived from mixed rocks. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is somewhat excessively drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is low. This soil is occasionally flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 1 percent. Non irrigated NRCS land capability classification is 4w. Irrigated land capability classification is 2w. This soil does not meet hydric criteria.

174—Mocho clay loam, 2 to 9 percent slopes

The Mocho component is found on inset fans, alluvial fans, alluvial plains, valleys. The parent material consists of alluvium derived from sedimentary rock. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 3 percent. Non irrigated land NRCS capability classification is 4e. Irrigated land capability classification is 2e. This soil does not meet hydric criteria.

180—Nacimiento-Los Osos complex, 30 to 50 percent slopes

The Nacimiento component is found on hills. The parent material consists of residuum weathered from calcareous shale and/or sandstone. Depth to a root restrictive layer, bedrock, paralithic, is 20 to 40 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 4 percent. Non-

irrigated NRCS land capability classification is 6e. Irrigated land capability classification is 6e. This soil does not meet hydric criteria.

The Los Osos component is found on hills. The parent material consists of residuum weathered from shale and/or sandstone. Depth to a root restrictive layer, bedrock, paralithic, is 20 to 40 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 3 percent. Non irrigated NRCS land capability classification is 6e. Irrigated land capability classification is 6e. This soil does not meet hydric criteria.

206—Sorrento clay loam, 2 to 9 percent slopes

The Sorrento component is found on alluvial fans and alluvial plains. The parent material consists of fine-loamy alluvium derived from sedimentary rock. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 3 percent. Non irrigated NRCS land capability classification is 3e. Irrigated land capability classification is 2e. This soil does not meet hydric criteria.

Typic xerofluvents: 30 percent

The Typic Xerofluvents component makes up 30 percent of the map unit. Slopes are 0 to 5 percent. This component is on alluvial plains, flood plains. The parent material consists of mixed alluvium derived from igneous and sedimentary rock. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is somewhat excessively drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is low. This soil is occasionally flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. Non irrigated land capability classification is 6e. This soil does not meet hydric criteria.

Table 1 -- COSE Farmland Classifications & Acres Impacted

Soil Name	Total Acres	COSE Classification	NRCS Classifications	Area Impacted By Project (acres)
Mocho Clay, 2-9% slopes	3.13	Prime	Prime	0.36
Nacimiento-Los Osos Complex 30-50% slopes	8.88	Not Classified as Important Farmland	Not Prime	1.27
Sorrento Clay Loam 2-9% slopes	49.59	Prime	Prime	0.00
Xerefluvents	4.01	Not Classified as Important Farmland	Not Prime	0.00
Metz-Tujunga Complex, 0-5% slopes	8.21	Other Productive Soils	Not Prime	3.08
Total:	**76.50**	**--**		**4.71**

Sources: NRCS 2020, Conservation and Open Space Element

Table 2 -- FMMP Classifications & Acres Impacted

FMMP Classification	Total	Area Impacted By

	Acres	Project (acres)
Farmland of Local Potential	1.33	0.00
Farmland of Local Importance	51.2	0.00
Grazing Land	12.83	0.00
Prime Farmland	3.50	0.28
Unique Farmland	7.64	4.43
Total:	**76.50**	**4.71**

Source: FMMP, 2016

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

According to California Public Resources Code (PRC) Section 12220(g), forest land is defined as land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. Timberland is defined as land, other than land owned by the federal government and land designated by the State Board of Forestry and Fire Protection as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. There is a stand of valley oak woodland in the northwest portion of the project property, and several individual valley oaks are scattered throughout the remaining areas of the property. All oak trees on the property are healthy, mature, and larger than 12 inches in diameter at breast height (dbh).

(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?

As shown in Table 2 the property contains multiple FMMP classifications. The area of disturbance will impact 0.28 acres of Prime Farmland and 4.43 acres of Unique Farmland (California Department of Conservation [DOC] 2016). In order to be shown on FMMP's maps as Prime Farmland, land must have been used for irrigated agricultural production at some time during the four years prior to being designated by the FMMP, and the soil must meet the physical and chemical criteria for Prime Farmland or Farmland of Statewide Importance as determined by the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS). The 0.28 acres of Prime Soils underlying the area of disturbance have been irrigated, and therefore meet this criteria.

Unique Farmland is land which does not meet the criteria for Prime Farmland or Farmland of Statewide Importance, but has been used for the production of specific high economic value crops at some time during the two update cycles prior to the mapping date. It has the special combination of soil quality, location, growing season, and moisture supply needed to produce sustained high quality and/or high yields of a specific crop when treated and managed according to current farming methods. Examples of such crops may include oranges, olives, avocados, rice, grapes, and cut flowers. It does not include publicly owned lands for which there is an adopted policy preventing agricultural use. The area classified as Unique Farmland within the area of disturbance has been cultivated with alfalfa over the past many years and has not supported the types of high-value crops associated with this classification such as oranges, olives, avocados, rice, grapes, and cut flowers.

Moreover, the FMMP excludes the cultivation of dryland grains and extremely low yielding crops such as irrigated pasture from the Unique Farmland classification. The project will nonetheless semi-permanently impact 0.28 acres of Prime Farmland and 4.43 acres of other productive soils.

The project is proposing retiring 1.12 acres of irrigated alfalfa on an nearby parcel to the south (APN 027-420-003) in order to provide the 1:1 water use offset required by Land Use Ordinance (LUO) Section 22.40.050 C.1. (See Section X. Hydrology and Water Quality). As discussed in Section X., the area chosen for the water use offset has been continuously irrigated and cultivated with alfalfa since at least 2009. Soils underlying the offset area are in the Metz-Tujunga complex with 0-5 percent slopes and are not considered prime farmland.

Impacts associated with the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the FMMP to non-agricultural use are considered *less than significant* because:

- The acreage of impacted Prime Farmland (0.28 acres) is a small fraction of the prime farmland on the site and in the County;
- Cannabis plants will be planted in the ground; no permanent structures will be constructed that would permanently impact productive soils. In the event cannabis activities are removed, the area of disturbance could be readily converted to conventional crop production;
- Crop production on the remaining portion of the project site will be unaffected by the proposed cannabis activities;
- The 1.12 acre area retired from irrigation to satisfy the water use offset is not prime farmland, will not be permanently converted to a non-agricultural use and could be dry-farmed using rainfall during the winter months.
- The project is consistent with the following policies of the Agriculture Element with regard to the protection and preservation of productive agricultural land:

  AGP8: Intensive Agricultural Facilities.

  a. Allow the development of compatible intensive agricultural facilities that support local agricultural production, processing, packing, and support industries.

  b. Locate intensive agricultural facilities off of productive agricultural lands unless there are no other feasible locations. Locate new structures where land use compatibility, circulation, and infrastructure capacity exist or can be developed compatible with agricultural uses.

  AGP18: Location of Improvements.

  a. Locate new buildings, access roads, and structures so as to protect agricultural land.

  Discussion: Cannabis cultivation is not considered agricultural crop production. However, the proposed hoop houses will be located in an area where they would not restrict ongoing agricultural operations on the remainder of the site.

  AGP14: Agricultural Preserve Program.

a. Encourage eligible property owners to participate in the county's agricultural preserve program.

Discussion: The project site is not subject to an active LCA contract.

AGP24: Conversion of Agricultural Land.

a. Discourage the conversion of agricultural lands to non-agricultural uses through the following actions:

1. *Work in cooperation with the incorporated cities, service districts, school districts, the County Department of Agriculture, the Agricultural Advisory Liaison Board, Farm Bureau, and affected community advisory groups to establish urban service and urban reserve lines and village reserve lines that will protect agricultural land and will stabilize agriculture at the urban fringe.*

Discussion: The project site is located north of the urban reserve and urban fringe of the community of San Miguel.

2. *Establish clear criteria in this plan and the Land Use Element for changing the designation of land from Agriculture to non-agricultural designations.*
3. *Avoid land redesignation (rezoning) that would create new rural residential development outside the urban and village reserve lines.*
4. *Avoid locating new public facilities outside urban and village reserve lines unless they serve a rural function or there is no feasible alternative location within the urban and village reserve lines.*

Discussion: The project is consistent with the allowable land uses in the Agriculture lad use category and does not propose a change in the land use designation.

Lastly, the project was referred to the Department of Agriculture for review and comment. In their response letter of January 22, 2019, the Agricultura Department recommends conditions of approval relating to soil conservation, the use and licensing of pesticides, minimizing the amount of farmland devoted to parking area and water conservation. These recommendations will be incorporated into the conditions of approval.

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

The subject property is located within the Agriculture land use designation and cannabis cultivation activities, including the proposed outdoor cultivation and ancillary nursery, are allowed uses within this land use designation (LUO Section 22.06.030). Neither the project site nor any of the adjacent properties are currently under a Williamson Act contract, including the property proposed for the water use offset. Therefore, the project would not result in a conflict with existing zoning for agricultural use or a Williamson Act contract and *no impacts would occur.*

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

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

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

There are about 21 oak trees scattered throughout the project site including one within the area of disturbance. The trees appear healthy, mature, and several are larger than 12 inches in diameter at breast height (dbh). The project will not impact the scattered individual trees located on the property. However, based on current project plans, one oak tree will be removed to accommodate the proposed outdoor cultivation area. Based on the limited nature of impacts to oak trees and the small number of trees with the potential to be impacted, potential impacts to individual oak trees would not result in the loss or conversion of forest land and impacts would be *less than significant.* See Section IV. Biological Resources for discussion of biological impacts associated with potential impacts to oak trees.

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

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

As discussed under item b) above, cannabis cultivation activities including the proposed outdoor cultivation and ancillary nursery are allowed uses within the property's Agriculture land use designation (LUO Section 22.06.030, 22.40.050). Based on the type of existing agricultural resources on the property and overall compatibility with surrounding agricultural activities, the project would not involve other changes in the environment that would result in the conversion of farmland to non-agricultural use or forest land to non-forest use; therefore, *potential impacts would be less than significant.*

Conclusion

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

Mitigation

None necessary.

Sources

See Exhibit A.

III. AIR QUALITY

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

Setting

San Luis Obispo County Clean Air Plan

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

SLOAPCD Criteria Pollutant Thresholds

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

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

generators, and other heavy equipment. The SLOAPCD has established thresholds of significance for each of these contaminants.

Operational Thresholds. Operational impacts are focused primarily on the indirect emissions (i.e., motor vehicles) associated with residential, commercial, and industrial development. Certain types of projects can also include components that generate direct emissions, such as power plants, gasoline stations, dry cleaners, and refineries (referred to as stationary source emissions). General screening criteria is used by the SLOAPCD to determine the type and scope of air quality assessment required for a particular project (Table 1-1 in the SLOAPCD's CEQA Air Quality Handbook). According to the Handbook, a project with grading in excess of 4.0 acres and moving 1,200 cubic yards of earth per day can exceed the construction threshold for respirable particulate matter (PM_{10}). A more refined analysis of air quality impacts specific to a given project is necessary for projects that exceed the screening criteria below or are within 10% of exceeding the screening criteria.

Sensitive Receptors

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants, such as the elderly, children, people with asthma or other respiratory illnesses, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. Some land uses are considered more sensitive to changes in air quality than others, due to the population that occupies the uses and the activities involved. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residences. The nearest sensitive receptor location to the project site is an on-site single family residence and an off-site single family residence located approximately 3,500 feet (0.60 miles) southeast of the project site.

Naturally Occurring Asbestos

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

Developmental Burning

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

Discussion

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

In order to be considered consistent with the 2001 San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies 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 4 full-time regular employees and six full-time seasonal employees. The project would likely draw from the local labor pool and would not require a significant number of employees and therefore would not significantly affect the local area's jobs/housing balance.

Adopted transportation control measures include, but are not limited to, a voluntary commute options program, local and regional transit system improvements, bikeway enhancements, and telecommuting programs. The voluntary commute options program targets employers in the county with more than 20 full time employees; because the project would employ up to a maximum of 10 full-time employees, this program would generally not be applicable to the project. The project would not conflict with regional plans for transit system or bikeway improvements. Project employees would generally be performing manual tasks such as planting, harvesting, and monitoring the irrigation equipment; therefore, the project would not be a feasible candidate for participation in a telecommuting program.

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

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

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

Construction Emissions

Preparation of the site for cultivation will result in the creation of construction dust, as well as short-term construction vehicle emissions. As proposed, the project will result in approximately 4.7 acres of ground disturbance with minimal grading. Construction related impacts are considered *less than significant* because:

- Construction of the cultivation area will not require the use of heavy earth moving machinery;
- The project will not require cut or fill; and
- The nearest offsite sensitive receptor (a residence) is about 0.6 miles away.

Operation-Related Emissions

Products produced on the project site will be transported offsite for processing and sale. In addition, the project is expected to employ up to 10 full time employees during peak operations.

Table 1-1 of SLOAPCD's Air Quality Handbook (2017) identifies general light industry project that approach or exceed 172,000 square feet in size would have the potential to exceed SLOAPCD's ozone precursor significance threshold of 25 lbs of ROG + NOx per day. Based on the size and scope

of proposed operations, the project would not exceed SLOAPCD's operational threshold for ozone precursors.

The project was referred to the SLO County Air Pollution Control District for review and comment. In their response letter of January 24, 2019, the APCD concurred that the project as proposed would fall below thresholds of significance for construction and operations. The District recommends standard conditions of approval relating to dust suppression and the burning of construction materials.

Therefore, potential project impacts associated with a cumulatively considerable net increase in criteria air pollutants for which the region is currently non-attainment would be *less than significant.*

(c) Expose sensitive receptors to substantial pollutant concentrations?

The project site is located in a sparsely developed area; the nearest sensitive receptor is a single family residence located approximately 0.6 miles to the southeast. The project would result in temporary increases in air pollutant emissions, including emissions of fugitive dust (PM_{10}) and diesel-exhaust particulate matter (DPM) during project construction. These pollutants are known to be hazardous to health, particularly when exposed to a sensitive receptor; however, because of the considerable distance to the nearest sensitive receptor, this impact is considered less than significant. As discussed above, the project would not result in ground disturbance within 1,000 feet of a sensitive receptor. Therefore, potential impacts would be *less than significant.*

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

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

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

All proposed outdoor cultivation areas, including open air areas and within hoop structures, will be located at a minimum of 300 feet from the north west and east property lines as required by LUO 22.40.50.D.3. The cultivation area is within 65 feet of the southerly property line. As a result, a setback modification is being requested. The property located to the south is in common ownership; no dwellings or sensitive receptors are located on the adjoining property to the south.

Nonetheless, the cultivation area could produce objectionable odors during the maturing and harvest season, which would occur three times per month between the months of April and October. Based on the location of the proposed outdoor cultivation area and the distance to offsite sensitive receptors (about 0.60 miles), the outdoor cultivation areas are not expected to result in detectable offsite cannabis nuisance odors, in accordance with LUO 22.40.050.D.8.

Construction could generate odors from the use of gasoline powered equipment, and/or materials. The generation of odors during the construction period would be temporary, would be consistent with odors commonly associated with construction, and would dissipate within a short distance from the active work area. The project has been located and designed to prevent any long-term

operational nuisance odor emissions from affecting surrounding properties. Therefore, potential impacts associated with other emissions, such as odors, would be *less than significant*.

Conclusion

The project would be consistent with the SLOAPCD's Clean Air Plan and thresholds for operational emissions. The project would not have the potential exceed the SLOAPCD's construction thresholds for ozone precursors, DPM, and fugitive dust emissions. Because of the distance to the nearest offsite sensitive receptor, the project is not expected to expose sensitive receptors to substantial pollutant concentrations. The project has been located and designed to prevent any long-term operational nuisance odor emissions from affecting surrounding properties. Therefore, potential impacts to air quality would be *less than significant*.

Mitigation

None are required.

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?	☒	☐	☒	☒

Initial Study – Environmental Checklist

Setting

The project site is located on a 76.5-acre parcel about 1.3 miles north of the community of San Miguel. As discussed in the Baseline Conditions, the site is undeveloped and historically been irrigated for the cultivation of alfalfa. The Salinas River traverse the southwestern portion of the site. Existing vegetation in the area of proposed cannabis cultivation consists of agricultural crops and scattered oak trees. The surrounding properties to the east, north, and south are largely used for crop production and grazing. Big Sandy Wildlife Area and the Salinas River are located directly west.

A biological resources assessment (BRA) was prepared for the project site by HT Harvey & Associates in August 2019. The BRA included field surveys and an assessment of potential project impacts to sensitive biological resources. The following is a summary of the findings and recommendations of that study.

Methodology

Before conducting surveys, H. T. Harvey & Associates biologists reviewed published information about threatened, endangered, and other special-status species and habitats in the vicinity of the project site. Information was obtained from the *Pankey Ranch Mining and Restoration Project Biological Assessment* (H. T. Harvey & Associates 2013), *Biological Opinion* (USFWS 2016)*, and Pankey Property, Salinas River Mining and Restoration Project Preliminary Identification of Wetlands and Other Waters of the U.S.* (H. T. Harvey & Associates 2012).

A query of special-status plant and wildlife occurrences documented by the CDFW's California Natural Diversity Database (CNDDB) was performed for a five-mile radius surrounding the project site's proposed footprint. In addition, updated information was obtained from Calflora (2019) and the CNPS's online *Inventory of Rare, Threatened, and Endangered Plants of California* (CNPS 2019) to determine which special-status plant species have been reported for the San Miguel quadrangle and eight surrounding quadrangles. For purposes of this assessment, "special-status species" are plant and wildlife species listed or proposed for listing as threatened or endangered under the federal ESA or CESA, candidates for listing under the ESA or CESA, wildlife listed as fully protected under the California Fish and Game Code (Section 3511), wildlife designated as species of special concern by CDFW, and plants that have been assigned a California Rare Plant Rank (CRPR) by CDFW.

The California Consortium of Herbaria (CCH) (CCH 2019) and *The Jepson Manual* (Baldwin et al. 2012) also provided information about the distribution and habitats of vascular plants. In addition, the National Wetlands Inventory, and applicable technical publications were reviewed.

Reconnaissance-level field surveys of the project site were conducted on April 2, 2019 to identify biotic habitats, evaluate botanical and wildlife resources, and assess habitat suitability for special-status plant and wildlife species that may occur on the project site. Additionally the project footprint and an additional 300 feet surrounding the project site was surveyed for nesting raptors including signs of prior nesting. The surveys were conducted with consideration of soil types; topography; habitat conditions and special habitat features, such as sensitive plant communities or wetland indicator species; and jurisdictional waters. Direct and indirect evidence of wildlife were also identified during the field surveys.

The survey was conducted by an H. T. Harvey & Associates qualified ecologist. The ecologist walked approximately 100 foot meandering transects that provided full visual coverage of the site. No special-status plant or wildlife species or their sign was observed during the survey (Appendix B of the BRA). The irrigated agricultural habitat within the site provides habitat for common, rural wildlife species, such as ground-foraging and -nesting birds, pocket gophers (*Thomomys bottae*), and California ground squirrels (*Otospermophilus beecheyi*) (Appendix C of the BRA). No evidence of current or prior nesting by raptors were

observed. No burrows with entrances greater than 4 inches in diameter were observed, and California ground squirrel burrows were uncommon throughout the project site, reflecting the agricultural use of the site.

Regulatory Setting

Federal and State Endangered Species Acts

The Federal Endangered Species Act of 1973 (FESA) provides legislation to protect federally listed plant and animal species. The California Endangered Species Act of 1984 (CESA) ensures legal protection for plants listed as rare or endangered, and wildlife species formally listed as endangered or threatened, and also maintains a list of California Species of Special Concern (SSC). SSC status is assigned to species that have limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. Under state law, the California Department of Fish and Wildlife (CDFW) has the authority to review projects for their potential to impact special-status species and their habitats.

The Migratory Bird Treaty Act of 1918 (MBTA) protects all migratory birds, including their eggs, nests, and feathers. The MBTA was originally drafted to put an end to the commercial trade in bird feathers, popular in the latter part of the 1800s. The MBTA is enforced by the U.S. Fish and Wildlife Service (USFWS), and potential impacts to species protected under the MBTA are evaluated by the USFWS in consultation with other federal agencies and are required to be evaluated under CEQA.

Oak Woodland Ordinance

The County of San Luis Obispo Oak Woodland Ordinance was adopted in April 2017 to regulate the clear-cutting of oak woodlands. This ordinance applies to sites located outside of Urban or Village areas within the inland portions of the county (not within the Coastal Zone). "Clear-cutting" is defined as the removal of 1 acre or more of contiguous trees within an oak woodland from a site or portion of a site for any reason, including harvesting of wood, or to enable the conversion of land to other land uses. "Oak woodland" includes the following species: blue oak (*Quercus douglasii*), coast live oak (*Quercus agrifolia*), interior live oak (*Quercus wislizenii*), valley oak (*Quercus lobata*), and California black oak (*Quercus kelloggii*). The ordinance applies to clear-cutting of oak woodland only and does not apply to the removal of other species of trees, individual oak trees (except for heritage oaks), or the thinning, tree trimming, or removal of oak woodland trees that are diseased, dead, or creating a hazardous condition. Heritage oaks are any individual oak species, as defined in the Oak Woodland Ordinance, of 48 inches diameter at breast height (dbh) or greater, separated from all stands and oak woodlands by at least 500 feet. Minor Use Permit approval is required to remove any heritage oak.

Conservation and Open Space Element

The intent of the goals, policies, and implementation strategies in the COSE is to identify and protect biological resources that are a critical component of the county's environmental, social, and economic well-being. Biological resources include major ecosystems; threatened, rare, and endangered species and their habitats; native trees and vegetation; creeks and riparian areas; wetlands; fisheries; and marine resources. Individual species, habitat areas, ecosystems, and migration patterns must be considered together in order to sustain biological resources. The COSE identifies Critical Habitat areas for sensitive species, including La Graciosa thistle (*Cirsium loncholepis*), California red legged frog (*Rana draytonii*), California tiger salamander (*Ambystoma californiense*), vernal pool fairy shrimp (*Branchinecta lynchi*), Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*), Morro shoulderband snail (*Helminthoglypta walkeriana*), California condor (*Gymnogyps californianus*), and western snowy plover (*Charadrius alexandrinus nivosus*). The COSE also

identifies features of particular importance to wildlife for movement corridors such as riparian corridors, shorelines of the coast and bay, and ridgelines.

California Department of Food and Agriculture Requirements

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

a. Comply with Section 13149 of the Water Code as implemented by the State Water Resources Control Board (SWRCB), Regional Water Quality Control Board (RWQCB), or CDFW; and
b. Comply with any conditions requested by the CDFW or SWRCB under Section 26060.1(b)(1) of the Business and Professions Code.

Habitats

The site was disced prior to the April 2, 2019 field survey and the limited vegetation on the site was comprised of a mix of ruderal species. The site had recently supported cultivated alfalfa and oat hay. Ruderal habitat along the margins of the disced areas contained a mix of nonnative and native annual species such as wild oat (*Avena fatua*), ripgut brome (*Bromus diandrus*), common cheeseweed (*Malva parviflora*), fiddleneck (*Amsinckia* sp.), and hare barley (*Horduem murinum*).

Wetland & Potential Jurisdictional Habitats

On April 2, 2019, H. T. Harvey & Associates' plant ecologist, Ethan Barnes, M.S., conducted a field survey to evaluate and identify potential jurisdictional habitats on the project site, such as waters of the United States and/or State and riparian and vernal pool habitat in accordance with the *U.S. Army Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987), the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0)* (USACE 2008a), and *A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States: A Delineation Manual* (USACE 2008b). No potential jurisdictional habitats, such as waters of the United States and/or State and riparian and vernal pool habitat, were observed on the project site. The conditions on the Cannabis Grow Project site had remained unchanged since the prior survey efforts and analyses for this portion of the 76.5-acre parcel contained in the Preliminary Identification of Wetlands and Other Waters of the U.S. (H. T. Harvey & Associates 2012), Biological Assessment (BA; H. T. Harvey & Associates 2012), and Biological Opinion (BO; [USFWS] United States Fish and Wildlife Service 2016).

Special-Status Species Overview

Seven special-status plant species and 14 special-status wildlife species have been documented in the vicinity of the project site (CNDDB 2019; CNPS 2019). The following 7 plant species and 10 wildlife species have been removed from further consideration based on specific habitat requirements that are absent from the project site and the immediate surroundings: Indian Valley spineflower (*Aristocapsa insignis*), Hardham's evening primrose (*Camissoniopsis hardhamiae*), Lemmon's jewelflower (*Caulanthus lemmonii*), straight-awned spineflower (*Chorizanthe rectispina*), Kellogg's horkelia (*Horkelia cuneata* ssp. *sericea*), shining navarretia (*Navarretia* nigelliformis ssp. *radians*), Santa Cruz microseris (*Stebbinsoseris dicipiens*), vernal pool fairy shrimp (*Branchinecta lynchi*), Western pond turtle (*Actinemys marmorata*), California legless lizard (*Anniella pulchra*), San Joaquin coachwhip (*Coluber flagellum ruddocki*), Coast horned lizard (*Phrynosoma blainvillii*), foothill yellow-legged frog (*Rana boylii*), Western spadefoot (*Spea hammondii*), tricolored blackbird (*Agelaius tricolor*), pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), and Salinas

pocket mouse (*Perognathus inornatus psammophilus*). Tables 3 and 4 provide an overview of these species and the potential to occur on the project site.

Four special-status wildlife species (i.e., burrowing owl, least Bell's vireo, American badger, and San Joaquin kit fox) that warrant additional analysis regarding their potential to occur on the project site and are discussed below.

Table 3 -- Special Status Plant Species With the Potential to Occur on the Project Site

Plant Common Name / Scientific Name	Listing Status* (Fed/State/CRPR)	Habitat	Comments
Indian Valley spineflower *Aristocapsa insignis*	–/–/Rank 1B.2	Sandy soils in cismontane woodlands	Active agriculture and soil conditions on site do not provide appropriate habitat. Recorded 0.5 miles north of the site. Typical associate species not observed on site.
Hardham's evening-primrose *Camissoniopsis hardhamiae*	–/–/Rank 1B.2	Found in sandy or decomposed carbonate soils in chaparral and cismontane woodland, often after fires or similar disturbance.	Soil conditions within the project footprint do not provide appropriate habitat. Recorded 2.5 miles north of the site. Typical associate species not observed on site.
Lemmon's jewelflower *Caulanthus lemmonii*	–/–/Rank 1B.2	Found in pinyon and juniper woodland and valley and foothill grassland, often on exposed hillsides or road-cuts.	Active agriculture and soil conditions within the project footprint do not provide appropriate habitat. Recorded 1 mile south of the site. Typical associate species not observed on site.
Straight-awned spineflower *Chorizanthe rectispina*	–/–/Rank 1B.3	Found in chaparral, cismontane woodland, and coastal scrub on sand or gravel soils.	Active agriculture and soil conditions within the project footprint do not provide appropriate habitat. Recorded 2.5 miles north of the site. Typical associate species not observed on site.
Kellogg's horkelia *Horkelia cuneata* ssp. *sericea*	–/–/Rank 1B.1	Found in sandy or gravelly openings in closed-coned coniferous forest, maritime chaparral, coastal dunes, and coastal scrub.	Active agriculture and soil conditions within the project footprint do not provide appropriate habitat. Recorded 2.5 miles north of the site. Typical associate species not observed on site.
Shining navarretia *Navarretia nigelliformis* ssp. *Radians*	–/–/Rank 1B.2	Sometimes in clay soils in Cismontane woodland, valley and foothill grassland, and vernal pools.	Active agriculture and soil conditions within the project footprint do not provide appropriate habitat. Recorded 2.5 miles north of the site. Typical associate species not observed on site.
Santa Cruz microseris *Stebbinsoseris dicipiens*	–/–/Rank 1B.2	Found in open areas on sandy or shaly soils and sometimes on serpentinite. Occurs in broadleaved upland forest, closed-coned coniferous forest, chaparral, coastal prairie, coastal scrub, and valley and foothill grassland.	Active agriculture and soil conditions within the project footprint do not provide appropriate habitat. Recorded 2.5 miles north of the site. Typical associate species not observed on site.

*** Key to Listing Status Abbreviations:**
– = not listed.
California Rare Plant Rank (CRPR) Definitions:

1B = plants rare, threatened, or endangered in California and elsewhere. California Native Plant Society Threat Code Extensions:
.1 = seriously endangered in California.
.2 = fairly endangered in California.

Table 4 -- Special Status Wildlife Species With the Potential to Occur on the Project Site

Wildlife Common Name / Scientific Name	Listing Status* (Fed / State)	Habitat	Comments
Vernal pool fairy shrimp *Branchinecta lynchi*	FT/-	Primarily inhabits vernal pools, ephemeral swales, basalt flow depression pools, and depressions in sandstone rock outcrops. It can occur in roadside ditches and puddles, when in association with vernal pools. Pools of clear or tea- colored water with mud or grass bottoms are where they are typically found. The water needs to have low total dissolved solids, conductivity, alkalinity, and chloride and water temperatures of 43-68°F.	Although the project site occurs within vernal pool fairy shrimp critical habitat, no vernal pools or other wetland habitats were observed within the project site or vicinity during surveys.
Western pond turtle *Actinemys marmorata*	–/CSC	Primarily inhabits slow-moving streams and rivers but can occur in almost any permanent or ephemeral aquatic habitat and nearby upland habitats.	The Project site contains upland habitat adjacent to the Salinas River where turtles may cross. However, the existing agricultural land use is not conducive to nesting and the proposed future agricultural land use will not change significantly. No impacts to western pond turtle or their habitats will occur from project implementation.
California legless lizard *Anniella pulchra*	–/CSC	Requires sandy or loose loamy soils covered by sparse vegetation.	The existing agricultural land use provides suboptimal habitat for California legless lizard. No impacts to California legless lizard or their habitats will occur from project implementation.
San Joaquin coachwhip *Coluber flagellum ruddocki*	–/CSC	Found in valley grasslands and saltbush scrub. Prefers open, dry areas with few or no trees.	The existing agricultural land use provides suboptimal habitat for San Joaquin coachwhip. No impacts to San Joaquin coachwhip or their habitats will occur from project implementation.
Coast horned lizard *Phrynosoma blainvillii*	–/CSC	Found in a variety of habitats, most common in lowlands along sandy washes with scattered low shrubs. Requires open areas, bushes, patches of loose soil, and abundant supply of ants and other insects.	The existing agricultural land use provides suboptimal habitat for coast horned lizard. No impacts to coast horned lizard or their habitats will occur from project implementation.
Foothill yellow-legged frog *Rana boylii*	–/CSC, CT	Found within a few meters of rocky perennial streams in various habitats below elevations of 6370 feet.	The project site is adjacent to suitable habitat. No habitat or individuals will be affected by project implementation.
Western spadefoot *Spea hammondii*	–/CSC	Primarily inhabits grasslands and occasionally valley-foothill hardwood woodlands; vernal pools or similar ephemeral ponded wetlands required for breeding.	The Project site contains upland habitat adjacent to the Salinas River where toads may cross or seek refuge. However, the existing agricultural land use is not conducive to estivating. No impacts to western spadefoot toad or their habitats will occur from project implementation.
Least Bell's Vireo *Vireo bellii pusillus*	FE / SE	A riparian-obligate breeder, using dense thickets of early- successional willow	Riparian habitat is absent from the Project site; marginally suitable riparian habitat is

		shrubs and other low bushes along perennial or ephemeral streams.	associated with the Salinas River within 100 ft of the project.

Wildlife Common Name / Scientific Name	Listing Status* (Fed / State)	Habitat	Comments
Burrowing owl *Athene cunicularia*	–/CSC	Found in open, dry grasslands, agricultural lands and rangelands, often associated with burrowing animals, such as ground squirrels.	Neither burrowing owls nor signs of their presence were observed during surveys of the site. The project site contains suitable habitat near the project site in scattered areas in grasslands where California ground squirrel burrows are present. No burrows suitable for burrowing owls are present within the project footprint.
Tricolored blackbird *Agelaius tricolor*	-/CT	Prefers to nest in large colonies in tall, dense vegetation near fresh water. Will also nest in agricultural fields. Foraging habitat outside the breeding season may include open grasslands and agricultural land.	Nesting habitat is absent from the site although the site provides potential foraging habitat.
Pallid bat *Antrozous pallidus*	–/CSC	Primarily roosts in rock crevices, trees, bridges, and buildings but also uses crevices and cavities in caves and mines. Found in many habitat types with open areas.	Roosting habitat is absent; suitable foraging habitat is present on the project site.
Townsend's big-eared bat *Corynorhinus townsendii*	–/CSC	Roosts in caves, tunnels, mines, and buildings. Sensitive to disturbance of roost sites. Found in many habitats, prefers mesic conditions.	Roosting habitat is absent; suitable foraging habitat is present on the project site.
Salinas pocket mouse *Perognathus inornatus psammophilus*	–/CSC	Occurs in dry open grasslands or in scrub on ridgetops and hillsides on fine textured soils between 200 and 1100 ft in elevation.	The existing agricultural land use provides suboptimal habitat for Salinas pocket mouse. The proposed future agricultural land use will not change significantly. No impacts to Salinas pocket mouse or their habitats will occur from project implementation.
American badger *Taxidea taxus*	–/CSC	Inhabits a wide variety of habitats, including open woodland, grassland, and agricultural land. Prefers areas with friable soils and abundant small-mammal burrows.	Agricultural activities reduce the quality of denning habitat on the project site. The site supports suitable foraging habitat.
San Joaquin kit fox *Vulpes macrotis mutica*	FE/CT	Inhabits open, arid habitats, primarily grassland and open scrubland.	Agricultural activities reduce the quality of denning habitat on the project site. The site supports suitable foraging habitat. Species has not been detected near the project site since 2007 despite intensive ongoing monitoring.

*** Key to Listing Status Abbreviations:**
– = not listed.
FE Federally listed as endangered
FT Federally listed as threatened

CE State listed as endangered
CT State listed as threatened.
CSC California species of special concern.

Burrowing Owl

Federal listing status: None

State listing status: Species of Special Concern

In California, the burrowing owl occupies lower-elevation, open, dry grasslands, deserts, and shrub-steppe habitats. Typical habitats are treeless with short vegetation and few to no shrubs (Plumpton and Lutz 1993). Burrowing owls are completely dependent on fossorial (adapted for burrowing or digging) mammals for nesting and roosting burrows. Common mammalian commensals include black-tailed prairie dog (*Cynomys* spp.), badger (*Taxidea taxus*), and colonial California ground squirrel. In northern California, burrowing owls are chiefly associated with California ground squirrel colonies that provide nesting, roosting, and escape burrows for the species. Burrowing owls are known to favor areas with short, sparse vegetation (Coulombe 1971; Haug and Oliphant 1990; Plumpton and Lutz 1993), which is the condition typically found in active squirrel colonies. In addition, burrowing owls may select areas that have a high density of available burrows (Plumpton and Lutz 1993).

Burrowing owls are broadly distributed in treeless, well-drained grasslands, steppes, deserts, prairies, and agricultural lands (Haug et al. 1993). In the northern and southern coastal zones (excluding most of Monterey County), Central Valley, and southeastern portion of California, they can be present year-round. Only small, scattered populations occur in the Great Basin and the desert regions of the southwestern part of the state (DeSante et al. 1997). Excluding migrants and occasional residents, burrowing owls are now mostly absent from the coast north of Sonoma County. In the northeastern corner of the state, they may largely reside during summer only (Polite 1990a). Except as occasional transients, they do not occur in high mountain areas, such as the Sierra Nevada and the ranges extending east from Santa Barbara County to San Bernardino County. The remaining major population densities of burrowing owls in California are in the Central and Imperial Valleys (DeSante et al. 1997).

Multiple historic CNDDB (2019) records of burrowing owl occur within 5 miles of the project site, the nearest is from 1997, approximately 1.7 miles southwest of the project site. Scattered patches of suitable habitat with California ground squirrel burrows occur near the project site where grassland habitat occurs. However, no individuals, sign of burrowing owl, or burrows suitable for burrowing owls were observed during the April 2, 2019 survey of the project site.

Least Bell's Vireo

Federal listing status: Endangered

State listing status: Endangered

The least Bell's vireo is characterized as a riparian-obligate breeder (Kus 1998), using dense thickets of early successional willow shrubs and other low bushes along perennial or ephemeral streams (Franzreb et al. 1994, Kus et al. 2010). Ideal least Bell's vireo nesting habitat includes a wide (greater than 800 ft) riparian corridor with dense shrub growth extending vertically from 2 to 10 ft, few trees greater than 3 inch diameter at breast height (dbh) in the canopy, and an open canopy (Kus 2002, Kus et al. 2010, Sharp and Kus 2006). These structural characteristics of the habitat are more important than vegetation composition. Least Bell's vireos build their nests near the edge of vegetation patches in the forks of low branches in dense shrubs or small trees.

The majority of nests in California are built in willows, but a wide variety of other vegetation including coast live oak (*Quercus agrifolia*), California blackberry (*Rubus ursinus*), Mexican elderberry (*Sambucus mexicana*), poison oak (*Toxicodendron diversilobum*), and non-native trees are used by a minority of individuals. Upland

vegetation adjacent to riparian habitats is frequently used for foraging, and sometimes nesting, by least Bell's vireos (USFWS 1998a). Bell's vireo nests are pendulous cup nests, typically located approximately 3 ft above the ground (Kus et al. 2010). Bell's vireos arrive on their breeding grounds in mid-March and typically leave their breeding range in August and September (Kus et al. 2010). Least Bell's vireos exhibit high breeding site fidelity, returning to the same territory, and even nesting in the same shrub, over multiple years (Kus 2002).

Least Bell's vireos historically nested in the upper Salinas River Valley in the project vicinity. The last documented nesting effort in the vicinity was located along the Salinas River near Bradley, California, in 1983, approximately 8 miles north of the Project area. Since that time, singing males have been sporadically detected along the Upper Salinas River (CANG 2009, Roberson and Tenney 1993, H. T. Harvey & Associates 2012).

One long-term study in the Project vicinity failed to detect any least Bell's vireos using intensive point count surveys along the Salinas and Nacimiento Rivers between 1992 and 2007 (Thorngate 2007). However, in 2005, a breeding male was observed several times in late spring 7 miles upstream of the Project area along the Salinas River before being observed with a presumed mate on 2 July, but this pair was not observed again on subsequent visits (FBC 2007). These individuals were observed in habitat described as willow riparian supporting cottonwoods, mule fat, and poison hemlock (*Conium maculatum*).

Protocol-level surveys for least Bell's vireos were conducted along the Salinas River adjacent to the project site in 2006 and 2007, with negative results (Hancock and Woodbury 2006b). The species was also not detected during surveys conducted for willow flycatchers in 2007 (*Empidonax traillii*; FBC 2007). A single singing male detected on a single survey during protocol least Bell's vireo surveys conducted in 2012 was likely a dispersing individual rather than a paired bird defending a territory based on only being observed once during eight surveys. Nevertheless, the presence of this singing male, and other recent detections along the Salinas River suggests that the riparian habitat west of the site possesses at least potentially suitable breeding habitat for the species.

American Badger

Federal listing status: None

State listing status: Species of Special Concern

American badgers are highly specialized fossorial mammals that are found in a range of habitats, such as annual grasslands, oak woodland savannas, and semiarid shrub/scrublands that contain friable soils and relatively open ground. They are primarily nocturnal, although they are often active during the day. Badgers dig both to pursue prey (e.g., gophers, kangaroo rats [*Dipodomys* sp.], and chipmunks) and to create dens for cover and the raising of young. They breed during late summer, and females give birth to a litter of young the following spring.

Badgers are solitary animals, and the home range of individuals varies by sex, season, and resource availability. A study conducted in northern Monterey County documented an average home range size of 479 acres for females and 2,948 acres for males (Quinn 2008). Their distribution varies depending on prey availability, burrowing sites, and mates; males typically range farther than females during the breeding season and summer months (Minta 1993).

Multiple historic CNDDB (2019) records of badger occur within 5 miles of the project site, the nearest and also the most recent is from 1999, approximately 1.0 miles northwest of the project site. Ongoing alfalfa

cultivation reduces denning and foraging habitat value of the project site for badgers, and no evidence of this species was detected on the April 2, 2019 survey.

San Joaquin Kit Fox

Federal listing status: Endangered

State listing status: Threatened

The San Joaquin kit fox typically is found in annual grassland or mixed shrub/grassland habitats throughout low, rolling hills, and in valleys (Morrell 1972). These foxes will use grazed grassland habitat, as well as grasslands with scattered shrubs or structures such as power lines, wind turbines, and solar arrays. They also live adjacent to, and forage in, tilled and fallow fields and irrigated row crops (Warrick et al. 2007). They are primarily nocturnal, and their diet varies geographically, seasonally, and annually, but in most of the species' range, diet consists primarily of rodents, rabbits, ground-nesting birds, and insects (Scrivner et al. 1987; Spiegel et al. 1996).

Giant kangaroo rats (*Dipodomys ingens*) are a favored prey item (Cypher et al. 2000). San Joaquin kit foxes require underground dens for temperature regulation, shelter, reproduction, and predator avoidance (Morrell 1972). They commonly modify and use dens constructed by other animals, such as California ground squirrels, American badgers, and coyotes (*Canus latrans*), and also will use human-made structures (USFWS 1998). Dens usually are constructed in loose-textured soils in areas with low slopes (USFWS 1998b).

Before 1930, the range of the San Joaquin kit fox included most of the San Joaquin Valley and adjacent foothills. The species' range extended from southern Kern County north to the city of Tracy in San Joaquin County on the west side of the valley, and on the east side of the valley, its range extended north to La Grange in Stanislaus County (Grinnell et al. 1937). Additional kit fox localities include the Hollister area of San Benito County; areas of the Salinas River Valley of San Luis Obispo and Monterey counties; the Carrizo Plain; and a narrow band of suitable habitat in Contra Costa, San Joaquin, and northeastern Alameda counties (Jensen 1972; Swick 1973).

Populations of the San Joaquin kit fox appear to be increasingly isolated from one another as a result of developments such as cities, aqueducts, irrigation canals, surface mining, road networks, petroleum fields, and other industrial projects (USFWS 1998b).

San Joaquin kit fox have been previously documented on Camp Roberts west of the project site; however, no kit fox sightings in the vicinity of the Cannabis Grow Project occur in the CNDDB after 2007 (CNDDB 2019), even though Camp Roberts was surveyed for kit fox annually from 2007 to 2017. Additionally, the available data indicate that there have not been verified sightings of San Joaquin kit fox in the Salinas River Valley at previously existing populations in Monterey County such as at Fort Hunter Liggett since 2002. The USFWS concluded in the most recent 5-Year Review of the San Joaquin Kit Fox (USFWS 2010) that both the Camp Roberts and Fort Hunter Liggett Military Reservation populations have been extirpated.

Since documented, the Camp Roberts and Panoche populations have apparently been relatively small and isolated. The kit fox was first detected in 1960 at the California National Guard Training Site at Camp Roberts in the Salinas River Valley foothills west of the San Joaquin Valley (Balestreri 1981, as cited in White et al. 2000), increased in population numbers over the next 20 years, and then began a catastrophic decline in the late 1980s (White et al. 2000; Schwartz et al. 2005). Since 2002 only two observations of single kit fox, likely migrants, have occurred in the Camp Roberts area (M. Moore in litt. 2008), and the most recent data indicate that the resident group has been extirpated (J. Eliason, pers. comm., as cited in Schwartz et al. 2005;

M. Moore in litt. 2008). Likewise, kit fox have disappeared from the Fort Hunter Liggett Military Reservation further north in the Salinas-Pajaro area (Service 2007a; Clark pers. comm. 2008).

There are no extant populations currently known north of the project site within the Salinas River Valley. The California Essential Habitat Connectivity Project (Spencer et al. 2010) conducted around the same time of the

USFWS 5-Year Review appears to reflect this state of the knowledge stating that "Other documented connectivity issues in the region include (1) maintaining *potential* [emphasis added] for Endangered San Joaquin kit fox (*Vulpes macrotis mutica)* movement corridors from Camp Roberts Military Reservation in the central part of this ecoregion southeast into the Carrizo…".

The "corridor between the Carrizo and the Salinas Valley" is at least 40 miles long and tens of thousands of acres in size. Penrod et al. (2010) modeled much of the corridor to be several miles wide. The project site is approximately 625 ft long (<0.3% of 40 miles) and approximately 4 acres so even at a mile wide the project would represent less than 0.02% of a 40 square mile corridor area. Furthermore, the majority of the proposed project is actively farmed and adjacent to riparian habitat associated with the Salinas River. Riparian habitat has been documented through telemetry studies to be a poor movement corridor for kit fox because it provides habitat for predators such as coyotes and bobcats that prey on kit fox (Brian Cypher pers comm.).

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

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

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

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

Seven special status plant species have been documented in the vicinity of the project site. During a survey conducted on April 2, 2019, no special-status plant species were observed. The project's BA concludes that specific habitat requirements are absent from the project site and the immediate surroundings. Therefore, the project would not result in impacts to special status plant species.

Special-Status Wildlife

Burrowing Owl

Only a few appropriate burrows were observed during reconnaissance surveys and no individuals or sign (i.e., whitewash, pellets) were observed, suggesting that the likelihood that this species would occur on the project site is remote. If burrowing owls are present on the project site, implementing the project would result in permanent and temporary impacts on suitable burrowing owl habitat and may result in injury or mortality of individual burrowing owls during construction. The deposition of topsoil within the soil deposition area may increase habitat quality for California ground squirrels and therefore burrowing owls once vegetation is reestablished. Disturbance of habitat during the breeding season (1 February through 31 August) could result in displacement of breeding birds and the abandonment of active nests. Specifically, ground disturbance during construction could contribute to the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Reductions in the numbers of this rare species, directly or indirectly (through nest abandonment or reproductive suppression), would constitute a significant impact. Furthermore, raptors, including owls, and their nests are protected under both federal and State laws and regulations, including the California Fish and Game Code (CFGC) Section 3503.5. With implementation of Mitigation Measures BIO-9 and BIO-13, potential impacts to burrowing owl are considered *less than significant*.

Western Pond Turtle, Foothill Yellow-legged Frog

The BRA states that the project site contains upland habitat adjacent to the Salinas River where western pond turtles and may cross. The BRA also concludes that the project site is adjacent to suitable habitat for yellow-legged frogs (the Salinas River). For each species, the BRA concludes that the existing agricultural land use is not conducive to the persistence of these species and that the proposed future use (cannabis cultivation) will not change these conditions for each species significantly. However, western ponds turtles have been documented to overwinter as far as 1,000 meters from a water source (Pilliod, et al, 2013) and may overwinter in these areas for many weeks. Likewise, yellow-legged frog may disperse up to 300 meters from natal streams (Cook, 2012). Therefore the presence of these species on the project site cannot be ruled out. With mitigation measures BIO-19 and BIO-20 potential impacts to western pond turtle and yellow-legged frog will be *less than significant with mitigation*.

California Legless Lizard, San Juaquin Coachwhip, Coast Horned Lizard, Western Spadefoot, Salinas Pocket Mouse

The BRA concludes that the existing agricultural land use provides suboptimal habitat for these species and that no impacts will occur from project implementation. However, due to the transient nature of these species, their presence or absence in the areas of disturbance during the onset of construction activities cannot be ruled out. With implementation of mitigation measures BIO-21 and BIO-22 potential impacts will be *less than significant with mitigation*.

Nesting Least Bell's Vireo

The proposed project will avoid removal of riparian habitat. Furthermore, the limited amount of riparian habitat within 500 ft of the Cannabis Grow Project is of marginal value to least Bell's vireos because much

of it lacks the dense understory vegetation preferred for nesting. A low risk remains that least Bell's vireos nesting in riparian habitat associated with the Salinas River west of the project site could be disturbed during project construction. Implementation of avoidance and minimization measures that reflect construction activities associated with the proposed project and state and federal regulations would reduce potential impacts to *less than significant*.

American Badger

American badger could potentially den adjacent to the cultivated field or within the limited amount of nonnative annual grassland on the site. Development of the project could result in injury or mortality of individuals if they are present during construction activities. This impact would be significant. Implementation of recommended mitigation measure BIO-11 would reduce potential impacts to less than significant.

San Joaquin Kit Fox

Data and analyses, including the USFWS 5-Year Review, spanning more than a decade indicate that San Joaquin kit fox are likely absent from the vicinity. Furthermore, ongoing alfalfa cultivation and proximity to the riparian habitat reduce the suitability of the site for kit fox should transients occur. In the unlikely event that a transient San Joaquin kit fox uses the site, it could potentially den adjacent to the cultivated field or within the limited amount of nonnative annual grassland on the site. The project will be restricted in the use of pesticides and vertebrate repellents to materials that have active ingredients exempt from tolerance requirements and either exempt from registration requirements or have labels broad enough to include use on cannabis. The allowed materials to discourage rodents are listed as repellants rather than rodenticides and thus do not pose a risk of poisoning kit foxes. Other actions (e.g., trash, pets, vehicle traffic) associated with the project could pose a hazard to a transient kit fox should one occur; however, implementation of the recommended mitigation measures would reduce potential impacts to less than significant.

A Kit Fox Habitat Evaluation form was prepared for the project on July 23, 2019, by Brian Boroski of H.T. Harvey and Associates and reviewed and revised by Benessa Galvan of CDFW on January 13, 2020. The revised evaluation resulted in a score of 68 out of 100 and the determined that impacts should be mitigated at a ratio of two acres conserved for each acre impacted (2:1). According to the evaluation, the project will adversely impact 3.75 acres of designated kit fox habitat. However, this acreage of impacted habitat includes the cannabis cultivation / nursery area only, which is surrounded by about 0.5 acres of access roadways (Figure 2) to be used by vehicles and employees in support of ongoing cultivation activities and would also be unsuitable for kit fox habitat. Therefore, the mitigation requirement for the project is: 4.26 acres X [2:1] = 8.52 acres. The CDFW letter outlines different options for satisfying the 2:1 mitigation requirement. These options include:

- Provide for perpetual protection in perpetuity through acquisition of fee title or a conservation easement of suitable habitat within the kit fox corridor area;
- Deposit funds into an approved in-lieu fee program that provides for permanent protection of suitable kit fox habitat;
- Purchase of credits from an approved conservation bank that provides for the protection in perpetuity of suitable kit fox habitat.

These strategies are incorporated into recommended mitigation measure BIO-3. With incorporation of mitigation measures BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-7, BIO-8, BIO-9 potential impacts to SJKF would be *less than significant.*

Bumblebees

In 2018, a petition to list four species of bumblebee as endangered was received by the California Fish and Game Commission, and the California Department of Fish and Wildlife (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 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 now completing additional analysis to determine if the species will meet the listing criteria. During the approximately one-year review period, the four bumble bee species are 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. CDFWs final evaluation report is expected in late December, 2020.

The BRA prepared for the project did not assess the potential for bumblebees to occur on the project site. However, the project site does contain marginal grassland habitat and is within the historic range of the Crotch bumblebee. Therefore, pre-construction surveys are recommended to ensure potential impacts to bumblebees are avoided.

With incorporation of mitigation measure BIO-18 potential impacts to bumble bees would be *less than significant.*

Overall, potential impacts associated with substantial adverse effects to special status species would be *less than signification with mitigation.*

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

Based on the Biological Resources Assessment Report prepared for the project, no special-status plant communities, USFWS-designated critical habitat, or riparian habitat occurs within the project site or the immediate project vicinity (HT Harvey 2019). Therefore, potential impacts to riparian habitat or other sensitive natural communities would be *less than significant.*

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

The nearest documented wetland feature is the Salinas River located adjacent to the project site to the west. No direct connectivity exists between this feature and the area of disturbance; however, it is likely that water within the project site drains to the river. The project does not include direct work to be done in the floodplain of the river and will be setback at least 50 feet from the upland extent of any riparian vegetation. The project will be conditioned to prepare a drainage and erosion control plan to avoid indirect impacts to offsite water features. This drainage and erosion control plan will be subject to County Public Works review and approval in accordance with standard County construction and

stormwater control requirements. Therefore, potential impacts to state or federally protected wetlands would be *less than significant.*

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

As described in item c) above, the project disturbance area would not directly impact proximate natural water features and therefore would have no impact on resident or migratory fish species.

If any migratory bird (common species, raptors, or other special-status birds) nests in areas where direct construction disturbance would occur, work during the breeding season (typically, February 1 through September 15) could result in the destruction of nests, eggs, or young. Active nests could be removed, trampled, or crushed by construction. In addition, the noise, vibration, and movement of construction equipment and personnel close to the active nests of these species could cause adults to abandon eggs or young, resulting in their mortality. This impact would be significant; however, with implementation of mitigation measure BIO-12 potential impacts would be *less than significant*.

The project is located within an area that has historically supported San Joaquin kit fox, which are a migratory species. The California Essential Habitat Connectivity Project (Spencer et al. 2010) conducted around the same time of the USFWS 5-Year Review (2010), concluded that the resident group in the Camp Roberts area had been extirpated. It further states that "maintaining *potential* [emphasis added] for Endangered San Joaquin kit fox (*Vulpes macrotis mutica*) movement corridors from Camp Roberts Military Reservation in the central part of this ecoregion southeast into the Carrizo…" is a concern. The "corridor between the Carrizo and the Salinas Valley" is at least 40 miles long and tens of thousands of acres in size. Penrod et al. (2010) modeled much of the corridor to be several miles wide. The project site is approximately 625 ft long (<0.3% of 40 miles) and approximately 4 acres so even at a mile wide the project would represent less than 0.02% of a 40 square mile corridor area. Furthermore, the majority of the proposed project is actively farmed and adjacent to riparian habitat associated with the Salinas River. Riparian habitat has been documented through telemetry studies to be a poor movement corridor for kit fox because it provides habitat for predators such as coyotes and bobcats that prey on kit fox (Brian Cypher pers comm.). Consequently, the proposed project will not reduce the ecological services of the corridor between the Carrizo and the Salinas Valley to a level that will substantially interfere with San Joaquin kit fox use, survival, and/or reproduction in the corridor, nor will the project impede the use of native wildlife nursery sites.

The fencing provisions included in recommended mitigation measure BIO-7 require all proposed fencing to be modified to include ground-level gaps to allow for SJKF passage. Therefore, impacts related to interference with the movement of migratory fish or wildlife would be *less than significant with mitigation.*

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

Scattered mature valley oak trees occur within and around the proposed development area on-site, which are considered a sensitive resource by the County and are endemic to California. Based on the current site plans, it appears one mature oak tree located in the center of the proposed area of disturbance activities will be removed. Mitigation measures BIO-14 through BIO-16 have been identified to require the applicant to identify on final site plans any oak trees that would be impacted as a result of project implementation, protect native oak trees in proximity to construction activities, and require preparation of an Oak Tree Replacement Plan to mitigate those impacts through planting of

replacement plantings if applicable. Measure BIO-17 has also been identified to ensure any trees not identified as impacted would be maintained for the life of the project. Therefore, impacts associated with conflict with local ordinances or policies protecting biological resources would be *less than significant with mitigation.*

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

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

Conclusion

Upon implementation of mitigation measures BIO-1 through BIO-22 to reduce potential impacts to special-status plants, special-status wildlife, and native oak trees, listed below, potential impacts to biological resources would be less than significant.

Mitigation

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

BIO-2 **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:

a. The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.

b. 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.

c. 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).

d. Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.

e. 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.

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

BIO-3 **San Joaquin Kit Fox (*Vulpes macrotis mutica*; SJKF) Habitat Mitigation Measures - Prior to issuance of grading and/or construction permits**, the applicant shall submit evidence to the County and CDFW that one or a combination of the following three SJKF mitigation measures for loss of SJKF habitat has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of **8.52 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 of this program be in place before County permit issuance or initiation of any ground-disturbing activities.

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

Mitigation alternative (b.) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-unit of $2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to "The Nature Conservancy", would total **$21,300** (4.26 acres impacted x 2 mitigation acres per acre impacted x $2,500 per acre).

c. Purchase **8.52** 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 **$21,300** (4.26 acres impacted x 2 mitigation acres per acre impacted x $2,500 per acre). This fee is calculated based on the current cost-per-credit of $2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground-disturbing activities.

BIO-4 **Prior to issuance of grading and/or construction permits,** all SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

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

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

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

BIO-6 **Noxious Weed Species.** To prevent the potential spread of invasive botanical species identified within the project site, all vehicles and equipment used at the site shall be cleaned of all dirt, mud, and plant debris prior to exiting the site.

BIO-7 **Standard SJKF Avoidance and Protection Measures.**

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

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

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

d. To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes or trenches greater than two feet deep shall be completely covered at the end of each

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

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

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

g. No deliberate feeding of wildlife shall be allowed.

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

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

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

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

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

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

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

BIO-8 **Nighttime Lighting.** To minimize the effects of exterior lighting on special-status wildlife species, the applicant shall submit a Light Pollution Prevention Plan to the County Planning Department for approval that incorporates the following measures to reduce impacts related to night lighting:

a. Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;

b. All facilities using artificial lighting shall include shielding and/or blackout tarps that are in place between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping;

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

d. Exterior lighting used for security purposes shall be motion activated, be designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off site and shall be of the lowest lumen necessary to address security issues.

BIO-9 **Annual Pre-activity Survey for SJKF and Burrowing Owl (BUOW).** Applicant or project proponent shall hire a qualified biologist to complete an annual pre-activity survey for SJKF and BUOW no more than 14 days **prior to the start of initial ground disturbance** associated with the outdoor grow sites to ensure SJKF and special-status bird species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active SJKF and BUOW burrows within the grow site areas plus a 200-foot buffer for SJKF. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of the burrows is not feasible, the County shall be contacted for further guidance. The County will contact the appropriate resource agencies. If a SJKF den is found within 200 feet of the disturbance area, the County must be contacted for further guidance. The County will contact the appropriate resource agencies.

BIO-10 **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 remove 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.

BIO-11 **Pre-construction survey for American badgers (*Taxidea taxus*).** 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, 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.

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), measured outward from the burrow entrance. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

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.

BIO-12 **Pre-construction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week **prior to initial project activity beginning**, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

a. A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.

b. If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) 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.

BIO-13 **Pre-construction Survey for Burrowing Owl (BUOW) (*Athene cunicularia*).** If work is planned to occur within 150 meters (approximately 492 feet) of BUOW habitat, a qualified biologist shall conduct a pre-construction survey for the species within 14 days **prior to initial project activities**. This applies year-round (i.e., within the breeding (February 1 to August 31) or non-breeding (September 1 to January 31) seasons. Habitat for BUOW includes areas with generally short, sparse vegetation and few shrubs, level to gentle topography and well-drained soils including grasslands, shrub steppe, desert, some agricultural areas, ruderal grassy fields, vacant lots, and pastures. A second survey shall be completed immediately prior to initial project activities (i.e., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on BUOW Mitigation, which specifies that 7- to 20-meter transects shall be walked, such that the entire project area is visible. These surveys may be completed concurrently with SJKF, American badger, or other special-status species surveys. If occupied BUOW burrows are identified the following exclusion zones shall be observed during project activities, unless otherwise authorized by CDFW:

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

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

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

BIO-14 **Native Tree Impacts.** Prior to issuance of construction or grading permits or prior to any site disturbance, whichever occurs first, a County-qualified biologist shall prepare finalized site plans that shall clearly delineate all native trees within 50 feet of areas where soil disturbance would occur and shall indicate which trees would be impacted by project activities, such as compaction (e.g., regular use of vehicles), grading (includes cutting and filling of material), tilling, placement of impermeable surfaces (e.g., pavement), or year-round irrigation within the critical root zone (measured to be a radius of 1.5 times the dripline of the tree), and which trees are to remain unimpacted.

BIO-15 **Native Tree Protection.** Throughout all project phases' site disturbance and construction activities, native oak trees located within 20 feet of proposed grading, trenching, building construction, road improvements, tilling, year-round irrigation, or other impactful activities shall be protected by placement of protective fencing until site disturbance activities of that phase is complete.

BIO-16 **Oak Tree Replacement Plan.** Prior to issuance of construction or grading permits or prior to site disturbance of all project phases, whichever occurs first, the qualified biologist shall prepare an Oak Tree Replacement Plan that provides for the installation and maintenance of replacement native oak trees on the project parcel and surrounding parcels owned by the Applicant and shall be reviewed and approved by the County Department of Planning and Building. Mitigation replacement plantings for each oak tree removed shall be at a at a 4:1 ratio and at a 2:1 ratio for each oak tree impacted (e.g., if nine trees are impacted, 18 trees shall be planted). The Oak Tree Replacement Plan shall include the following components:

a. A brief narrative of the project location, description, and purpose;

b. Clearly identified parties responsible for the mitigation program and their contact information;

c. A landscape map showing and quantifying all oak tree planting areas;

d. A requirement that all replacement oak trees be located at least 50 feet from existing powerlines.

e. A detailed discussion of the methods for implementing the Oak Tree Replacement Plan, including invasive species removal, sources of plant materials, and supplemental watering regimes;

f. Provisions for the collection of oak propagules from the disturbance area, replacement planting propagation, and reintroduction into the parcel;

g. Identification of locations, amounts, species, and sizes of the oak trees to be planted. For each individual of a species removed, the same species shall be planted.

h. Identification of necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful plant reestablishment;

i. A program schedule and established success criteria for a 5-year maintenance, monitoring, and reporting program that is structured to ensure the success of the mitigation plantings; and

j. Methods for removing nonnative species from the replanting areas.

BIO-17 **Unimpacted Oak Tree Maintenance.** For the life of the project, all oak trees not identified as being impacted shall be maintained. Unless identified as impacted in the finalized site plans, the following activities are not allowed within the critical root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plant(s) for up to 3 years), grading (includes cutting and filling of material), compaction (e.g., regular use of vehicles), placement of impermeable surfaces (e.g., pavement), and disturbance of soil that impacts roots (e.g., tilling).

BIO-18 **Pre-construction surveys for Crotch Bumblebee (CBB). Prior to issuance of construction or grading permits or prior to any site disturbance, if no permits are required**, the following actions shall be undertaken to avoid and minimize potential impacts to CBB:

a. CBB Surveys - The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for CBB within suitable habitat (i.e. small mammal burrows, thatched/bunched 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.

b. CBB Take Avoidance - If the survey(s) establish the presence of CBB 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 of the Department of Panning and Building in consultation with CDFW. The Management Plan shall include at least the following:

   a. Avoidance measures to include a minimum 50-feet 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 Department of Planning and Building, shall consult with CDFW to identify specific measures to be undertaken to avoid take as defined by the California Endangered Species Act (CESA).

c. In the event CBB is denied listing under the CESA, this measure shall not be required.

BIO-19 **Foothill yellow-legged Frog (FYLF)**. The following measures shall be implemented to mitigate potential impacts to FYLF:

a. Site preparation, including vegetation clearance, soil disturbance, and grading shall not occur: (a) during the typical rainy season (November 1 to April 1), (b) during the nighttime (between 30 minutes before dusk and 30 minutes after dawn), (c) during an actual or predicted rain event of 0.25-inches or greater or within 24 hours after an actual rain event, and (d) near isolated pools.

b. If remaining construction activities (such as wall construction or interior work) are proposed during the rainy season, **prior to obtaining a building permit or continuing construction**, the applicant shall prepare a Management Plan prepared by a qualified professional. The project's Management Plan is subject to the review and approval of the United States Fish & Wildlife Service (USFWS) and San Luis Obispo County Planning & Building Department **prior to any continuation of construction or building**.

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

d. Construction activities conducted during the wet season shall not occur: (a) during the nighttime (between 30 minutes before dusk and 30 minutes after dawn), or (b) during an actual or predicted rain event of 0.25-inches or greater, or within 24 hours after an actual rain event.

BIO-20 **Western Pond Turtle Pre-Construction Survey.** A qualified biologist(s) shall conduct a pre-construction survey within 24 hours prior to the onset of work activities within and around areas proposed for construction and staging activities. If this species is found and the individuals are likely to be injured or killed by work activities, the approved biologist shall be allowed sufficient time to move them from the project site before work activities begin. The biologist(s) must relocate any western pond turtle the shortest distance possible to a location that contains suitable habitat that is not likely to be affected by activities associated with the project.

Access routes, staging, and construction areas shall be limited to the minimum area necessary to achieve the project goal and minimize potential impacts to western pond turtle habitat including locating access routes and construction staging areas outside of wetlands and riparian areas to the maximum extent practicable.

BIO-21 **Pre-construction survey for special-status reptiles and amphibians.** A qualified biologist shall conduct a pre-construction survey immediately prior to initial project activities (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat for California legless lizard (*Anniella pulchra)*, San Joaquin coachwhip (*Coluber flagellum ruddocki),* Coast horned lizard (*Phrynosoma blainvillii*), and Western spadefoot (*Spea hammondii).* Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special-status reptile or amphibian species are discovered during surveys or monitoring, they will be allowed to leave the area on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact.

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

BIO-22 **Pre-construction survey and burrow mapping for special-status small mammals.** A qualified biologist shall complete a pre-construction survey for special-status small mammal species (e.g. Salinas pocket mouse [*Peroganthus inomatus incaratus psammophilus*]) no more than two weeks prior to the start of initial project activities to determine if special-status small mammal species are present within proposed work areas. The survey will include mapping of all potentially active special-status small mammal burrows within the proposed work areas, access routes, and staging areas, plus a 50-foot buffer.

- All potentially active small mammal burrows will be mapped and flagged, and a 50-foot exclusion zone shall be established around the burrows. The exclusion zone shall encircle the burrows and have a radius of 50 feet from the burrow entrance or the outside border of a cluster of burrows (e.g. precinct). 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, and then shall be removed.
- If avoidance of the burrows by 50 feet is not feasible and the species using the burrow is unknown, the burrows will be monitored for 3 days and 3 nights with an infra-red, motion-

triggered camera. If it is determined that no special-status species are using the burrow, no avoidance of the burrow is required.

- If it is determined that special-status small mammal burrows are present and cannot be avoided by 50 feet by all project activities, work in that area will not begin and the County shall be contacted. The County will coordinate with appropriate resource agencies.

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

Sources

See Exhibit A.

V. CULTURAL RESOURCES

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

Setting

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

As defined by CEQA, a historical resource includes:

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

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

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

Initial Study – Environmental Checklist

Discussion

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

An Archaeological Surface Survey Report was prepared for the project (Central Coast Archaeological Research Consultants, April 2019) and included a Phase I Archaeological surface survey and a records search using the Central Coast Information Center (CCIC) of the California Historical Resources Information System. Based on the results of the field survey and literature searches, project site does not contain, nor is it located near, any historic resources identified in the National Register of Historic Places or CRHR. The project site does not contain a site under the Historic Site (H) combining designation and does not contain other structures of historic age (50 years or older) that could be potentially significant as a historical resource. Therefore, the project would not result in an adverse change in the significance of a historical resources and *impacts would be less than significant.*

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

A Phase I Archaeological Surface Survey Report was prepared for the project ((Central Coast Archaeological Research Consultants, April 2019) and included a surface survey and a records search using the Central Coast Information Center (CCIC) of the California Historical Resources Information System. The records search identified no previous archaeological surveys had been conducted within the project site or surrounding areas within 0.5-mile of the project site.

Although located within an area of moderate archaeological sensitivity, archival research, and an intensive archaeological field survey of the project site identified no cultural resources. Based on the results of the records search and surface survey, the project site has low potential for containing archaeological or cultural resources. No further archaeological work is required or recommended within the acreage studied during this survey.

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

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

Based on existing conditions and results of the archaeological surface survey conducted onsite, buried human remains are not expected to be present in the site area. In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code Section 7050.5 and LUO 22.10.040 (Archaeological Resources) require that no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. With adherence to State Health and Safety Code Section 7050.5 and County LUO, impacts related to the unanticipated disturbance of archaeological resources and human remains would be reduced to less than significant; therefore, potential impacts would be *less than significant.*

Initial Study – Environmental Checklist

Conclusion

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

Mitigation

None necessary.

Sources

See Exhibit A.

VI. ENERGY

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

Setting

Local Utilities

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

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

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

Local Energy Plans and Policies

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

State Building Code Requirements

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

Vehicle Fuel Economy Standards

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

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

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

In January 2012, CARB approved the Advanced Clean Cars Program which combines the control of GHG emissions and criteria air pollutants, as well as requirements for greater numbers of zero-emission vehicles, into a single package of standards for vehicle model years 2017 through 2025. The new rules strengthen the GHG standard for 2017 models and beyond. This will be achieved through existing technologies, the use of stronger and lighter materials, and more efficient drivetrains and engines. The program's zero-emission vehicle regulation requires a battery, fuel cell, and/or plug-in hybrid electric vehicles to account for up to 15 percent of California's new vehicle sales by 2025. The program also includes a clean fuels outlet regulation designed to support the commercialization of zero-emission hydrogen fuel cell vehicles planned by vehicle manufacturers by 2015 by requiring increased numbers of hydrogen fueling stations throughout the state.

The number of stations will grow as vehicle manufacturers sell more fuel cell vehicles. By 2025, when the rules will be fully implemented, the statewide fleet of new cars and light trucks will emit 34 percent fewer global warming gases and 75 percent fewer smog-forming emissions than the statewide fleet in 2016 (CARB 2016).

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

Energy Use in Cannabis Operations

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

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

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

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

would represent a nominal portion of the county's total annual natural gas demand (County of Santa Barbara 2017).

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

Discussion

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

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

Construction Activities

During construction, fossil fuels, electricity, and natural gas would be used by construction vehicles and equipment. The energy consumed during construction would be temporary in nature and would be typical of other similar construction activities in the County. Based on the size and scope of proposed earthwork and building construction, the project is not expected to result in adverse environmental impacts through its use of diesel fuel for construction equipment. 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. Energy consumption during construction would not conflict with a state or local plan for renewable energy and would not be wasteful, unnecessary, or inefficient, and therefore would be *less than significant*.

Project Operations

Electricity and Natural Gas Use. The project's operational electricity needs would be met by a connection to existing PG&E infrastructure. Current energy demand associated with the project site is limited to the periodic pumping of groundwater for irrigation.

Based on an analysis of cannabis cultivation operations throughout the county, it is assumed that outdoor cannabis cultivation and nursery projects typically use an insignificant amount of natural gas which is typically associated with cooking appliances and space heating. Accordingly, this assessment of impacts is based on electricity use.

The CBC 2019 Building Energy Efficiency Standards include mandatory energy efficiency standards. However, cultivation and nursery activities will be conducted outdoors and no new buildings will be constructed except for a 100 sf metal storage shed. Therefore, the energy demand associated with cultivation and ancillary bursary activities will not be wasteful, inefficient, or unnecessary.

The project's energy use would contribute cumulatively to use of energy resources within the county. However, as proposed, the energy use would not be wasteful or unnecessary and comparable to the ongoing cultivation of pasture and crops. Therefore, the project's individual impacts associated with energy use would be *less than significant* and would not be cumulatively considerable.

Fuel Use. Ongoing operation of the project would result in fuel use associated with employee motor vehicle trips and deliveries. The project would employ up to 10 employees, 4 full-time and 6 seasonal. All vehicles used by employees and deliveries during operation would be subject to applicable state and federal fuel economy standards and State-mandated smog inspections. Based on adherence to applicable state and federal vehicle fuel regulations and the size and scope of proposed activities, project fuel use would not result in a potentially significant environmental impact and would not be wasteful, inefficient, or unnecessary.

Therefore, potential impacts associated with potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources and potential conflict with state or local plans regarding renewable energy or energy efficiency would be *less than significant with mitigation incorporated.*

Conclusion

The project would not result in a potentially significant energy demand and inefficient energy use during long-term operations. Potential impacts related to energy would be *less than significant*.

Mitigation

None are required.

Sources

See Exhibit A.

VII. GEOLOGY AND SOILS

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

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

Setting

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

The County Safety Element also identifies 17 other faults that are considered potentially active or have uncertain fault activity in the County. The Safety Element establishes policies that require new development to be located away from active and potentially active faults. The element also requires that the County enforce applicable building codes relating to seismic design of structures and require design professionals to evaluate the potential for liquefaction or seismic settlement to impact structures in accordance with the Uniform Building Code. The nearest potentially capable fault line is located approximately 7 miles to the west of the project site based on the County Land Use View mapping tool.

The County LUO identifies a Geologic Study Area (GSA) combining designation for areas where geologic and soil conditions could present new developments and/or their occupants with potential hazards to life and property. The project site is not located within the LUO Geologic Study Area (GSA) combining designation. Based on the Safety Element, the project site is located in an area with low to moderate landslide risk potential and low to moderate liquefaction potential.

The project site is underlain by alluvial depositional soils (CGS 2015, Diblee 2004). This type of underlying geologic material is considered to have low to high paleontological sensitivity with sensitivity increasing with depth past surface soils, approximately 3 to 5 feet (County of Monterey 2014, SWCA Environmental Consultants 2019).

Discussion

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

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

The project site is not located within an Alquist-Priolo Fault Hazard Zone, and the nearest potentially capable fault line is located approximately 7 miles to the west of the project site based on the County Land Use View mapping tool. There are no habitable structures proposed with this project.

Therefore, potential impacts related to the rupture of a known earthquake fault would be *less than significant*.

(a-ii) Strong seismic ground shaking?

Ground shaking refers to the motion that occurs in response to local and regional earthquakes. Seismic ground shaking is influenced by the proximity of the site to an earthquake fault, the intensity of the seismic event, and the underlying soil composition. The project would be required to comply with the CBC and other applicable standards to ensure the effects of a potential seismic event would be minimized through compliance with current engineering practices and techniques. The project does not include habitable structures or unique components that would be particularly sensitive to seismic ground shaking or result in an increased risk of injury or damage as a result of ground shaking. Implementation of the project would not expose people or structures to significant increased risks associated with seismic ground shaking; therefore, impacts would be *less than significant.*

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

Based on the Safety Element Liquefaction Hazards Map, the project site is located immediately east of the floodplain of the Salinas River which is considered to have a high potential for liquefaction. However, the project does not propose any habitable structures. In addition, the project would be required to comply with CBC seismic requirements to address the site's potential for seismic-related ground failure including liquefaction; therefore, the potential impacts would be *less than significant.*

(a-iv) Landslides?

The project site has relatively flat to gently rolling topography. Based on the Safety Element Landslide Hazards Map, proposed components are located in an area with low potential for landslide risk. Therefore, the project would not result in significant adverse effects associated with landslides and impacts would be *less than significant.*

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

The project would result in approximately 4.7 acres of site disturbance and would involve minimal grading. During site preparation activities, there would be a potential for erosion to occur. The project was referred to the Public Works Department for review and comment. In their letter of January 20, 2019, the Department determined that the project is within a drainage review area and must demonstrate compliance with County drainage standards. In addition, the project does not meet the applicability criteria for Stormwater Management and is located outside a Stormwater Management Area.

A sedimentation and erosion control plan will be required to minimize the potential for soil erosion; such a plan will be subject to the review and approval of the County Building Division in accordance with LUO Section 22.52.120 to minimize potential impacts related to erosion, and will include requirements for specific erosion control materials, setbacks from creeks, and siltation. In addition, the project would be subject to Regional Water Quality Control Board (RWQCB) requirements for preparation of a Storm Water Pollution Prevention Plan (SWPPP) (LUO Section 22.52.130), which may include the preparation of a Storm Water Control Plan to further minimize on-site erosion. Upon implementation of the above control measures, impacts related to soil erosion would be *less than significant*.

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(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?

Based on the Safety Element Landslide Hazards Map, the project site is not located in an area with high landslide risk. Based on the Safety Element and U.S. Geological Survey (USGS) data, the project site is not located in an area of historical or current land subsidence (USGS 2019). Although the area immediately to the west of the area of disturbance is subject to a high risk of liquefaction, all of the project components will be located outside of this area. Due to the distance to the nearest active fault zone and topography of the project site, lateral spreading is not likely to occur on-site. The project would be required to comply with the CBC standards designed to significantly reduce potential risks associated with unstable earth conditions. Therefore, impacts related to on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse would be *less than significant.*

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

The area of disturbance is underlain by the following soil units: Mocho Clay, 2-9% slopes, Nacimiento-Los Osos Complex 30-50% slopes and Metz-Tujunga Complex, 0-5% slopes. The shrink-well potential these soils is low to moderate (USDA 2019). However, the project does not propose any habitable structures that be placed on building foundations. Regardless, all new construction would be required to comply with applicable CBC standards designed to reduce potential risks associated with expansive soils. Therefore, potential impacts associated with expansive soil would be *less than significant.*

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

Wastewater for employees will be provided by portable restrooms. No septic system is proposed. Therefore, there would be *no impact* associated with having soils incapable of adequately supporting the use of septic tanks.

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

The project site does not contain any unique rock outcroppings or other unique geologic features. The project site is underlain by alluvial depositional soils (Diblee 2004). This type of underlying geologic material is considered to have low to high paleontological sensitivity with sensitivity increasing with depth past surface soils, approximately 3 to 5 feet (County of Monterey 2014, SWCA Environmental Consultants 2019). The project will involve minimal grading or excavation and would therefore not have the potential to destroy previously unknown paleontological resources. Potential impacts to paleontological resources would be *less than significant.*

Conclusion

Potential impacts associated with soils and geologic hazards is considered less than significant.

Mitigation

None are required.

Sources

See Exhibit A.

VIII. GREENHOUSE GAS EMISSIONS

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

Setting

Greenhouse gasses (GHGs) are any gases that absorb infrared radiation in the atmosphere. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and fluorinated gases. These are most commonly emitted through the burning of fossil fuels (oil, natural gas, and coal), agricultural practices, decay of organic waste in landfills, and a variety of other chemical reactions and industrial processes (e.g., the manufacturing of cement). Carbon dioxide (CO_2) is the most abundant GHG and is estimated to represent approximately 80–90% of the principal GHGs that are currently affecting the earth's climate. According to the California Air Resources Board (CARB), transportation (vehicle exhaust) and electricity generation are the main sources of GHGs in the state.

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

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

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

The initial Scoping Plan was first approved by CARB on December 11, 2008, and is updated every 5 years. The first update of the Scoping Plan was approved by the CARB on May 22, 2014, which looked past 2020 to set mid-term goals (2030–2035) toward reaching the 2050 goals. The most recent update released by CARB is the 2017 Climate Change Scoping Plan, which was released in November 2017. The 2017 Climate Change

Scoping Plan incorporates strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05.

When assessing the significance of potential impacts for CEQA compliance, an individual project's GHG emissions will generally not result in direct significant impacts because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation. Accordingly, in March 2012, the SLOAPCD approved thresholds for GHG impacts which were incorporated into their 2012 CEQA Air Quality Handbook. The Handbook recommended applying a 1,150 $MTCO_2e$ per year Bright Line Threshold for commercial and residential projects and included a list of general land uses and estimated sizes or capacities of uses expected to exceed this threshold. According to the SLOAPCD, this threshold was based on a 'gap analysis' and was used for CEQA compliance evaluations to demonstrate consistency with the state's GHG emission reduction goals associated with AB32 and the 2008 Climate Change Scoping Plan which have a target year of 2020. However, in 2015, the California Supreme Court issued an opinion in the case of *Center for Biological Diversity vs California Department of Fish and Wildlife* ("Newhall Ranch")[i] that determined that AB 32 based thresholds derived from a gap analysis are invalid for projects with a planning horizon beyond 2020. Since the bright-line and service population GHG thresholds in the Handbook are AB 32 based, and project horizons are now beyond 2020, the SLOAPCD no longer recommends the use of these thresholds in CEQA evaluations. Instead, the following threshold options are recommended for consideration by the lead agency:

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

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

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

- Lead Agency Adopted Defensible GHG CEQA Thresholds: Under this approach, a lead agency may establish SB 32-based local operational thresholds. As discussed above, SB 32 requires the state to reduce GHG levels by 40 percent below 1990 levels by the year 2030. According to the *California Greenhouse Gas Emissions for 2000 to 2017, Trends of Emissions and Other Indicators* published by the California Air Resources Board, emissions of GHG statewide in 2017 were 424 million $MMTCO_2e$, which was 7 million MTCO2e *below* the 2020 GHG target of 431 $MMTCO_2e$ established by AB 32. At the local level, an update of the County's EnergyWise Plan prepared in 2016 revealed that overall GHG emissions in San Luis Obispo County decreased by approximately seven percent between 2006 and 2013, or about one-half of the year 2020 target of reducing greenhouse gas emissions by 15% relative to the 2006 baseline. 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 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 consistent with the targets established by SB32. Therefore, for the purpose of evaluating the significance of GHG emissions for a project after 2020, a project estimated to generate less than 690 $MMTCO_2e$ per year GHG is assumed to 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?*

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

Energy inefficiency contributes to higher GHG emissions and would conflict with state and local plans for energy efficiency, including the policies of the COSE, the EWP goals, and the 2001 SLOAPCD CAP. However, as discussed in the project description, the project does not include the construction of significant new buildings or a significant increase in employment or housing. Table 5 provides an estimate of project-related operational GHG emissions associated with the project. As shown in Table 5, GHG emissions will be considerably less than the interim working threshold of 690 $MTCO_2e$ per year. Accordingly, GHG emissions will be less than significant, less than cumulatively considerable and in conformance with the GHG reduction objectives of state and local laws and policies.

Table 5 -- Projected Project Operational GHG Emissions

Project Component	Size (sf)	Emissions Rate[1] (Annual $MTCO_2e$/sf)	Estimated Projected Annual CO_2 Emissions (MT/year)
Outdoor Cultivation and Ancillary Nursery	3.75 acres	0.00095	514.55

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

Conclusion

The project would result in less than significant GHG emissions during long-term operations and would be consistent with plans adopted to reduce GHG emissions. Potential impacts related to GHG emissions would be less than significant.

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. 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 8305 relating to Renewable Energy Requirements: *Beginning January 1, 2023, all indoor, tier 2 mixed-light*

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

Mitigation

None are required.

Sources

See Exhibit A.

IX. HAZARDS AND HAZARDOUS MATERIALS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
(b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
(c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
(d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒

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		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
(f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
(g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

Setting

The Hazardous Waste and Substances Site List (Cortese List), which is a list of hazardous materials sites compiled pursuant to California Government Code (CGC) Section 65962.5, is a planning document used by the state, local agencies, and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. The project site is not listed on the Cortese List (State Water Resources Control Board [SWRCB] 2015; California Department of Toxic Substance Control [DTSC] 2019).

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

The California Health and Safety Code provides regulations pertaining to the abatement of fire-related hazards and requires that local jurisdictions enforce the CBC, which provides standards for fire resistive building and roofing materials, and other fire-related construction methods. The General Plan Safety Element provides a Fire Hazard Zones Map that identifies zones in the unincorporated county with moderate, high, and very high fire hazard severity. The project is located within the State Responsibility Area in a high fire hazard severity zone. Based on County GIS data, it would take approximately 15 - 20 minutes to respond to a call regarding fire or life safety. For more information about fire-related hazards and risk assessment, see Section XX, Wildfire.

The project is not located within an Airport Review Area and there are no active public or private landing strips within the immediate project vicinity.

Section 22.40.050 C. 4. of the LUO requires all applications for cannabis cultivation to provide a list of all pesticides, fertilizers and any other hazardous materials that are expected to be used in the cultivation process. Section 22.40.050 C. 5 requires the application to provide a storage and hazard response plan for all pesticides, fertilizers and any other hazardous materials. These materials are included in the application

materials which are incorporated by reference and available for review at the Department of Planning and Building located at 976 Osos Street, Suite 200, San Luis Obispo.

Discussion

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

The project does not propose the routine transport, use, or disposal of hazardous substances. Any commonly used hazardous substances within the project site (e.g., cleaners, solvents, oils, paints, etc.) would be transported, stored, and used according to regulatory requirements and existing procedures for the handling of hazardous materials.

The project would be required to comply with all applicable CAL FIRE requirements as detailed in the referral response letter dated February 10, 2021. Therefore, potential impacts associated with hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials would be *less than significant.*

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

Oils, gasoline, lubricants, fuels, and other potentially hazardous substances would be used and temporarily stored onsite during construction activities. 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 has been recommended to reduce potential impacts associated with upset or accident conditions during project construction.

Proposed outdoor cultivation and ancillary nursery activities may include the use and storage of pesticides and fertilizers on-site. These materials are not considered highly toxic or hazardous, but could result in a hazard if upset or spilled under accident conditions. Storage, refilling, use, and dispensing procedures of these materials would be required to be conducted in accordance with the California Fire Code and the project Storage and Hazard Response Plan during operation, and would therefore not have the potential to create a significant hazard through upset or accident conditions.

Therefore, potential impacts associated with hazards to the public or the environment through reasonably foreseeable upset or accident conditions would be *less than significant with mitigation.*

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

The closest school facility is located approximately 1.6 miles south of the project site. The project site is not located within 0.25 mile of an existing or proposed school; therefore, *no impacts* would occur.

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

Based on the California DTSC's Envirostor and SWRCB's GeoTracker, the proposed project site is not listed on, or located in close proximity to, a site listed on the Cortese List, which is a list of hazardous materials sites compiled pursuant to CGC Section 65962.5; therefore, *no impacts would occur*.

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

The nearest airstrip in proximity to the project site is the Paso Robles Airport located about 8 miles to the southeast. The project site is not located within an Airport Review designation or adjacent to a private airstrip. The project site is not located within or adjacent to an airport land use plan or within 2 miles of a public airport or private airstrip; therefore, *no impacts would occur.*

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

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

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

The project is located in a High Fire Hazard Severity Zone. As discussed under items a) and b) above, the project will be required to comply with the relevant provisions of State and county regulations regarding the use and storage of hazardous materials. In addition, the project would be required to implement building and site improvements in accordance with the Fire Code, as detailed in the referral response letter, including, but not limited to, improvements to the existing access road and onsite road improvements to support emergency vehicle apparatuses. Therefore, potential impacts associated with exposure of people or structures to significant risk involving wildland fires would be *less than significant with mitigation.*

Conclusion

The project may include the use of potentially hazardous materials during construction and operation. Upon implementation of measures HAZ-1and HAZ-2, potential impacts associated with hazards and hazardous materials would be *less than significant with mitigation.*

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?	☐	☐	☒	☐

Setting

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

Cannabis cultivators who plan to divert surface water to irrigate cannabis need a water right to do so. The SWRCB Cannabis Policy requires cannabis cultivators to forbear (or cease) from diverting surface water during the dry season, which starts April 1 and ends October 31 of each calendar year. This means that water must be diverted during the wet season and stored for use during the dry season. Water is required to be stored off-stream. The Cannabis Small Irrigation Use Registration (SIUR) is a streamlined option to obtain a small appropriative water right (less than 6.6 acre-feet per year) to divert and store surface water to irrigate commercial cannabis crops.

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

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

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

The project site is served by one existing well that has historically served the property for crop irrigation. A pump test was completed for the project in 2017 which showed an average sustained yield of 564 gallons per minute.

County Land Use Ordinance (LUO) Section 22.40.050 C.1. requires all applications for cannabis cultivation to include a detailed water management plan that discusses the proposed water supply, conservation measures

and any water offset requirements. In addition, Section 22.40.050 D. 5. requires that a cultivation project located within a groundwater basin with a Level of Severity III (LOS III) provide an estimate of water demand prepared by a licensed professional or other expert, and a description of how the new water demand will be offset. For such projects, the water use offset ratio is 1:1. If the project is within an Area of Severe Decline the offset requirement is 2:1, unless a greater offset is required by the review authority through the permit review process.

The project is within the Paso Robles Groundwater Basin which has been assigned a Level of Severity III; the project is not within the Area of Severe Decline. Therefore, cannabis related water demand must be offset at a ratio of 1:1.

Discussion

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

The project would result in approximately 4.7 acres of site disturbance with minimal grading. The project was referred to the Public Works Department for review and comment. In their letter of January 20, 2019, the Department determined that the project is within a drainage review area and must demonstrate compliance with County drainage standards. In addition, the project does not meet the applicability criteria for Stormwater Management and is located outside a Stormwater Management Area.

A sedimentation and erosion control plan will be required in accordance with LUO Section 22.52.120 to minimize potential impacts related to erosion, and include requirements for specific erosion control materials, setbacks from creeks, and siltation. In addition, the project is located within a drainage review area and proposes a disturbance area greater than 1.0 acre; therefore, the project would be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) by a qualified SWPPP developer in order to demonstrate compliance with the Federal Clean Water Act which prohibits certain discharges of stormwater containing pollutants.

All potentially hazardous materials proposed to be used onsite would be stored, refilled, and dispensed on-site in full compliance with applicable County Department of Environmental Health standards. All pesticides would be registered and regulated by federal and state government codes, with the County Agricultural Commissioner being the primary local regulator. Based on the proximity of the area of disturbance from the nearest creek or water feature, and compliance with existing County and state water quality, sedimentation, and erosion control standards, the project would not result in a violation of any water quality standards, discharge into surface waters, or otherwise alter surface water quality; therefore, impacts 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?*

Based on the Water Demand Analysis prepared for the project (Wallace Group, August 12, 2020), project cultivation and ancillary nursery activities would result in approximately 4.88 acre-feet of water demand per year. The project water demand would be served by an existing groundwater well that produces an average sustained yield of 564 gallons per minute. Therefore, the well would need to run 12.7 minutes per day, on average, to supply the 7,187 gallons per day demand associated with cannabis cultivation.

The project is located within the Paso Robles Groundwater Basin, which is categorized as being in a state of critical overdraft, and is located outside the area that is categorized as being in severe decline (Spring Well Decline 1997–2013; County of San Luis Obispo 2018), and is required to offset water usage at a 1:1 ratio per LUO requirements. To achieve the required 1:1 offset the project proposes to remove irrigated crops from a nearby property (APN 027-420-003) which is under the same ownership as the site proposed for cannabis activities. The Water Demand Analysis provides historical aerial photographs that document ongoing irrigation of the area proposed for the offset. As shown in the aerials, this area has been cultivated with alfalfa since at least 2009.

Table 6 -- Estimated Annual Water Demand

Use	Rate	Gross Demand (gallons/year)	Gross Demand (AFY)
Ancillary Outdoor Nursery 0.75 acres	32,670 sf x 0.1 gal/day/sf x 270 days	882,090	2.71
Outdoor Cultivation 3 acres	130,680 sf x 0.03 gal/day/sf x 180 days	705,672	2.17
Total Water Demand:		**1,587,762**	**4.88**
Remove 1.12 acres of irrigated alfalfa (APN 027-420-003)	1.12 acres x 4.5 AF per acre	-1,642,289	-5.04
Net Change In Water Demand		**-54,527**	**-0.16**

Source: Wallace Group, Water Use Evaluation for proposed Cannabis Cultivation, August 12, 2020

The project applicant would be required to offset this new water use through removal of 1.12 acres of irrigated crops on APN 027-420-003, installation of efficient water systems and fixtures, and/or participation in an approved water conservation program, as detailed in mitigation measures W-1 and W-2. Offsetting the water demand will result in a net-neutral water demand on the groundwater basin, therefore, impacts related to available surface or ground water would be *less than significant.*

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

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

The project would result in approximately 4.7 acres of site disturbance and will require minimal grading. A sedimentation and erosion control plan will be required to minimize the potential for soil erosion, which would be subject to the review and approval of the County Building Division in accordance with LUO Section 22.52.120 to minimize potential impacts related to erosion, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation.

The project would be required to comply with all National Pollution Discharge Elimination System (NPDES) requirements and prepare a SWPPP that incorporates BMPs during construction. Water quality protection measures would include protection of stockpiles, protection of slopes, protection of all disturbed areas, protection of access roads, and perimeter containment measures. Therefore, potential impacts associated with erosion and siltation from substantial alteration of the existing on-site drainage pattern would be *less than significant.*

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

The project would result in a slight increase in impervious surface area on the project property as a result of installation of 3.75 acres of hoop structures with plastic covers, installation of one seatrain container, a shed, portable restrooms, and trash/recycling containers.

This project does not meet the applicability criteria for Stormwater Management and is located outside a Stormwater Management Area. The project would be subject to post-construction stormwater requirements through preparation and implementation of a SWPPP, which would identify appropriate Best Management Practices to capture and treat runoff before it leaves the site. The grading, drainage, and erosion control plan prepared for the project will also identify measures such as hydroseeding of all disturbed surfaces and installation of fiber rolls throughout the site to slow runoff and capture sediment. Based on required compliance with applicable state and County drainage and stormwater control regulations, the project's impacts associated with increased surface runoff resulting in flooding on- or off-site would be *less than significant.*

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

The project would be subject to post-construction stormwater requirements through preparation and implementation of a SWPPP, which would identify appropriate Best Management Practices to capture and treat runoff before it leaves the site. The grading, drainage, and erosion control plan prepared for the project will also identify measures such as hydroseeding of all disturbed surfaces and installation of fiber rolls throughout the site to slow runoff and capture sediment. Based on required compliance with applicable state and County drainage and stormwater control regulations, the project's impacts associated with increased surface runoff resulting in exceedance of the capacity of existing or planned drainage systems or provide substantial additional sources of polluted runoff would be *less than significant.*

(c-iv) Impede or redirect flood flows?

A portion of the project site is located within Flood Hazard Area D which is used to denote areas where there are possible but undetermined flood hazards, as no analysis of flood hazard has been conducted. However, no structures for human occupancy are proposed and all cannabis related facilities will be located outside the 100-year floodplain. In addition, flood insurance is not federally required in Zone D. The project would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. Therefore, *no impacts would occur.*

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

A portion of the project site is located within Flood Hazard Area D which is used to denote areas where there are possible but undetermined flood hazards, as no analysis of flood hazard has been conducted. Based on the San Luis Obispo County Tsunami Inundation Maps, the project site is not located in an area with potential for inundation by a tsunami (CDOC 2019). The project site is not located within close proximity to a standing body of water with the potential for a seiche to occur. Therefore, the project site has no potential to release pollutants due to project inundation and *no impacts would occur.*

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

The project is located within the Paso Robles Groundwater Basin, which is categorized as being in a state of critical overdraft, and is located outside the area that is categorized as being in severe decline (County of San Luis Obispo 2018), and is required to offset water usage at a 1:1 ratio per LUO requirements. The project applicant would be required to offset this new water use through removal of 1.12 acres of irrigated crops on APN 027-420-003, installation of efficient water systems and fixtures, and/or participation in an approved water conservation program, as detailed in mitigation measures W-1 and W-2. Therefore, potential impacts associated with conflict or obstruction of a water quality control plan or sustainable groundwater management plan would be less than significant with mitigation.

Conclusion

Compliance with existing regulations and/or required plans in addition to the removal of 1.12 acres of irrigated crops will reduce potential impacts associated with hydrology and water quality to be less than significant.

Mitigation

W-1 **Prior to issuance of building permits (or prior to occupancy if no building permits are required)**, 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:

a. A detailed inventory of net new water demand associated with all cannabis-related activities including cultivation, nursery activities, manufacturing, and processing as applicable. The inventory and estimate of water demand shall be prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of Planning and Building. The quantification of water demand shall be expressed in total acre-feet per year, and shall be consistent with the Water Management Plan required by LOU Sections 22.40.050 C. 1 and 22.40.060 C.1.

b. A program for achieving providing a water demand offset of **4.88** 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). The water demand offset for all cannabis-related activities shall be 2:1 within the Area of Severe Decline and 1:1 elsewhere within the Basin. Such a program may include, but is not limited to, the following:

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

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

- The offset of 1.12 acres of alfalfa cultivation on APN 027-420-003;
- Drip irrigation;
- 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;
- Installation of float valves on water tanks to prevent tanks from overflowing;
- 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.]
- 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.]

ii. 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.

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

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

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 of 4.88 AFY.

Sources

See Exhibit A.

XI. LAND USE AND PLANNING

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

Setting

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

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

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

Discussion

(a) Physically divide an established community?

The project does not propose project elements or components that would physically divide the site from surrounding areas and uses. The project would be consistent with the general level of

development within the project vicinity and would not create, close, or impede any existing public or private roads, or create any other barriers to movement or accessibility within the community. Therefore, the proposed project would not physically divide an established community and *impacts would be less than significant.*

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

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

The Camp Roberts Military Reservation, which occupies 26,146 acres, is located near the project site to the west. Camp Roberts is operated by the state as a "federal mobilization station" used primarily for National Guard training, with other uses including equipment and maintenance operations, training, and U.S. Army satellite communications. The camp employs over 200, mostly civilians also in the National Guard reserve. Most of the camp is in Monterey County; though most employees live in San Luis Obispo County in Atascadero. The project site is located within the Camp Roberts Land Use Influence Area and will be referred to the Department of Defense for review and comment.

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

Conclusion

The project would be consistent with local and regional land use designations, plans, and policies and would not divide an established community. Potential impacts related to land use and planning would be *less than significant with mitigation* measures associated with aesthetic resources, biological resources, hazards and hazardous materials, and hydrology and water quality.

Mitigation

Implement mitigation measures AES-1, BIO-1 through BIO-22, HAZ-1 and HAZ-2, and W-1 and W-2.

Sources

See Exhibit A.

XII. MINERAL RESOURCES

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

Setting

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

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

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

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

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

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

Initial Study – Environmental Checklist

Discussion

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

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

(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 project is not located within a designated mineral resource zone or within an Extractive Resource Area combining designation. There are no known mineral resources in the project area; therefore, there would be *no impact.*

Conclusion

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

Mitigation

None necessary.

Sources

See Exhibit A.

XIII. NOISE

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

Setting

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

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

- Residential development, except temporary dwellings
- Schools (preschool to secondary, college and university, and specialized education and training)
- Health care services (e.g., hospitals, clinics, etc.)
- Nursing and personal care
- Churches
- Public assembly and entertainment
- Libraries and museums
- Hotels and motels
- Bed and breakfast facilities

- Outdoor sports and recreation
- Offices

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

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

Table 7 -- Maximum allowable exterior noise level standards[1]

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

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

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

The existing ambient noise environment is characterized by marginal traffic on Indian Valley Road, Highway 101, and connecting roadways, as well as agricultural equipment from surrounding properties. The nearest existing noise-sensitive land use is a rural residence located approximately 0.60 miles to the southeast of the project area.

Discussion

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

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

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

The project does not propose any habitable buildings or the use of an HVAC system that would be a permanent source of stationary noise. Therefore, the project is not anticipated to exceed the maximum allowable nighttime level (65 dB) or the hourly average equivalent noise level (45 dB). Ambient noise levels at the project site and in surrounding areas after project implementation

would not be significantly different than existing levels. Therefore, potential operational noise impacts would be *less than significant*.

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

The project does not propose grading/earthmoving activities, pile driving, or other high impact activities that would generate substantial groundborne noise or groundborne vibration during construction. Construction equipment has the potential to generate minor groundborne noise and/or vibration, but these activities would be limited in duration and are not likely to be perceptible from adjacent areas. The project does not propose a use that would generate long-term operational groundborne noise or vibration. Therefore, impacts related to exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels would be *less than significant.*

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

The nearest airstrip in proximity to the project site is the Paso Robles Airport located approximately 5 miles to the southeast of the site. The project site is not located within an Airport Review designation or adjacent to a private airstrip. The project site is not located within or adjacent to an airport land use plan or within 2 miles of a public airport or private airstrip; therefore, *no impact would occur*.

Conclusion

Short-term construction activities would be limited in nature and duration and conducted during daytime periods per LUO standards. Operational noise would be comparable to existing conditions. No other potentially significant impacts were identified, and no other mitigation measures are necessary.

Mitigation

None are required.

Sources

See Exhibit A.

XIV. POPULATION AND HOUSING

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

Setting

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

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

The project site is currently developed with a single-family residence, which would not be impacted by implementation of the project.

Discussion

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

The project proposes cannabis activities within a rural area and would employ up to 4 full-time employees and up to 6 additional seasonal/temporary employees during harvest times. Workers would likely be sourced from the local labor pool and would not require new or additional housing as a result of the proposed project. The project would not generate a substantial number of new employment opportunities that would encourage population growth in the area. The project does not include the extension or establishment of roads, utilities, or other infrastructure that would induce development and population growth in new areas. In addition, the project would be subject to inclusionary housing fees to offset any potential increased need for housing in the area.

Initial Study – Environmental Checklist

Therefore, the project would not directly or indirectly induce substantial growth and impacts would be *less than significant.*

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

The project would not displace existing housing or necessitate the construction of replacement housing elsewhere; therefore, impacts would be *less than significant.*

Conclusion

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

Mitigation

None necessary.

Sources

See Exhibit A.

XV. PUBLIC SERVICES

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

Setting

Fire protection services in unincorporated San Luis Obispo County are provided by CAL FIRE, which has been under contract with the County to provide full-service fire protection since 1930. Approximately 180 full-time state employees operate the County Fire Department, supplemented by as many as 100 state seasonal fire fighters, 300 County paid-call and reserve fire fighters, and 120 state inmate fire fighters. CAL FIRE responds to emergencies and other requests for assistance, plans for and takes action to prevent emergencies and reduce their impact, coordinates regional emergency response efforts, and provides public education and training in local communities. CAL FIRE has 24 fire stations located throughout the county, and the project would be served by CAL FIRE station #80 at the Paso Robles Airport and station 36 located on SR 46 east of the City of Paso Robles. Based on the County's mapping program (Land Use View), emergency personnel would be able to reach the site within 15-20 minutes of receiving a call.

Police protection and emergency services in the unincorporated portions of the county are provided by the San Luis Obispo County Sheriff's Office. The Sheriff's Office Patrol Division responds to calls for service, conducts proactive law enforcement activities, and performs initial investigations of crimes. Patrol personnel are deployed from three stations throughout the county, the Coast Station in Los Osos, the North Station in Templeton, and the South Station in Oceano. The project would be served by the County Sheriff's Office, and the nearest sheriff station is located approximately 10 miles south of the project site in the community of Templeton.

Initial Study – Environmental Checklist

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

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

Public facilities fees, Quimby fees, and developer conditions are several ways the County currently funds public services. A public facility fee program (i.e., development impact fee program) has been adopted to address impacts related to public facilities (county) and schools (CGC Section 65995 et seq.). The fee amounts are assessed annually by the County based on the type of proposed development and the development's proportional impact and are collected at the time of building permit issuance. Public facility fees are used as needed to finance the construction of and/or improvements to public facilities required to the serve new development, including fire protection, law enforcement, schools, parks, and roads.

Discussion

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

Fire protection?

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

Police protection?

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

Schools?

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

Parks?

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

Other public facilities?

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

Conclusion

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

Mitigation

None necessary.

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

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

The County Bikeways Plan identifies and prioritizes bikeway facilities throughout the unincorporated area of the county, including bikeways, parking, connections with public transportation, educational programs, and funding. The Bikeways Plan is updated every 5 years and was last updated in 2016. The plan identifies goals, policies, and procedures geared towards realizing significant bicycle use as a key component of the transportation options for San Luis Obispo County residents. The plan also includes descriptions of bikeway design and improvement standards, an inventory of the current bicycle circulation network, and a list of current and future bikeway projects within the county.

Discussion

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

The project proposes cannabis activities within a rural area and would employ up to 4 full-time employees and up to 6 additional seasonal/temporary employees during harvest times. Workers would likely be sourced from the local labor pool and would not result in increased demand on existing or planned recreational facilities in the county. The project is located adjacent to the Big

Sandy Wildlife Area and the Salinas River. The Parks and Recreation Element has identified a potential trail corridor along the Salinas River on the east side of the floodplain. A referral was sent to County Parks who will determine whether the project should be conditioned to provide the dedication of a trail easement as a condition of approval.

The project would not result in a substantial growth within the area and would not substantially increase demand on any proximate existing neighborhood or regional park or other recreational facilities. Payment of standard development impact fees would ensure any incremental increase in use of existing parks and recreational facilities would be reduced to *less than significant.*

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

The project does not include the construction of new recreational facilities and would not result in a substantial increase in demand or use of parks and recreational facilities. Implementation of the project would not require the construction or expansion of recreational facilities; therefore, impacts would be *less than significant.*

Conclusion

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

Mitigation

None necessary.

Sources

See Exhibit A.

XVII. TRANSPORTATION

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

Setting

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

The County has established Level of Service (LOS) "C" or better for rural roadways. The project site is vacant and generates a very low volume of traffic. The project site is located in a rural area and is accessed by Indian Valley Road, a two lane collector that parallels the Salinas River north of the community of San Miguel. Based on the North County Area Plan, no roads within the general vicinity have been identified as having congestion concerns or needing improvements (County of San Luis Obispo 2014). Access from Indian Valley Road is via an unimproved driveway that crosses the neighboring parcel to the south via an access easement. A project referral was sent to the County Public Works Department and no traffic-related concerns were identified. A project site driveway approach is required per current County standards to protect the County public road from edge of pavement damage and minimize tracking soil and rocks onto the roadway surface.

In 2013 SB 743 was signed into law with the intent to "more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions" and required the Governor's Office of Planning and Research (OPR) to identify new metrics for identifying and mitigating transportation impacts within

CEQA. As a result, in December 2018, the California Natural Resources Agency certified and adopted updates to the State CEQA Guidelines. The revisions included new requirements related to the implementation of SB 743 and identified VMT per capita, VMT per employee, and net VMT as new metrics for transportation analysis under CEQA (as detailed in Section 15064.3 [b]). Beginning July 1, 2020, the newly adopted VMT criteria for determining significance of transportation impacts must be implemented statewide.

The County's Framework for Planning (Inland) includes the Land Use and Circulation Elements of the County of San Luis Obispo General Plan. The Framework establishes goals and strategies to meet pedestrian circulation needs by providing usable and attractive sidewalks, pathways, and trails to establish maximum access and connectivity between land use designations. Due to the remote location of the project site, there are no pedestrian, bicycle, or public transit facilities within about 2 miles of 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 does not propose the substantial temporary or long-term alteration of any proximate transportation facilities. According to trip generation rates provided by the Public Works Department in their letter of January 20, 2019, the project is estimated to generate approximately 14 trips per day, including 1.4 trips during the PM peak hour of 4:00 p.m. to 6:00 p.m. All of these trips would use Indian Valley Road. Projected trip generation from the project would be marginally higher than surrounding rural residential and agriculture land uses and would not have a significant impact on area roadway operations. Marginal increases in traffic can be accommodated by existing local streets and the project would not result in any long-term changes in traffic or circulation or reduce the Level of Service below LOS "C". The project does not propose uses that would interfere or conflict with applicable policies related to circulation, transit, roadway, bicycle, or pedestrian systems or facilities. The project would be consistent with the County Framework for Planning (Inland) and consistent with the projected level of growth and development identified in the 2019 RTP. Therefore, potential impacts would be less than significant.

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

The County of San Luis Obispo is developing a model and method for evaluating vehicle miles traveled for proposed land use development projects. This program will incorporate the State's direction and recommended screening criteria for types of projects that would not have an impact to circulation due to Vehicle Miles Traveled (VMT). This screening criteria includes small projects that generate low levels of traffic or VMT. The screening criteria is 110 ADT.

According to the trip generation factors applied by the Department of Public Works, the project is expected to generate 14 ADT which is below the screening threshold of 110 ADT. Therefore, the project will not conflict with, or be inconsistent with, CEQA Guidelines Section 15064.3 and potential impacts are less than significant. The project is located within about 2 miles of the community of San Miguel and Highway 101, a regional transportation corridor. The small number of average daily trips, combined with the proximity to services and regional transportation facilities, will help minimize vehicle miles traveled. Therefore, potential impacts would be *less than significant*.

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

The project would not change roadway design and does not include geometric design features that would create new hazards or an incompatible use. The project was referred to the Public Works Department for review and comment. Their response letter of January 20, 2019 did not identify and traffic safety issues. Therefore, impacts would be *less than significant*.

(d) Result in inadequate emergency access?

The project would not result in road closures during short-term construction activities or long-term operations. Individual access to adjacent properties would be maintained during construction activities and throughout the project area. Project implementation would not affect long-term access through the project area and sufficient alternative access exists to accommodate regional trips. Therefore, the project would not adversely affect existing emergency access and impacts would be *less than significant*.

Conclusion

The project would not alter existing transportation facilities or result in the generation of substantial additional trips or vehicle miles traveled. Payment of standard development fees and compliance with existing regulations would ensure potential impacts were reduced to less than significant.

Mitigation

None are required.

Sources

See Exhibit A.

XVIII. TRIBAL CULTURAL RESOURCES

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

Setting

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

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

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

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

In accordance with AB 52 Cultural Resources requirements, outreach to four Native American tribes has been conducted: Northern Salinan, Xolon Salinan, tiṭu tiṭu yak tiłhini Northern Chumash, and Northern Chumash Tribal Council. Responses were received from the Xolon Salinan tribe and the Northern Salinans. The Xolon Salinan Tribe stated that they do not know of any specific sensitive archaeological sites relating to the project site, but they noted that the Salinas River was an important resource for native peoples. A response was also received from the Northern Salinan tribe who recommended a cultural resource specialist be on site during all ground disturbing activities. As discussed above, a Phase I survey was conducted that did not identify any resources associated with the project site. In additional, minimal site disturbance is proposed.

Discussion

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

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

The County has provided notice of the opportunity to consult with appropriate tribes per the requirements of AB 52 and the project site does not contain any known tribal cultural resources that have been listed or been found eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1. Potential impacts associated with the inadvertent discovery of tribal cultural resources would be subject to LUO 22.10.040 (Archaeological Resources), which requires that in the event resources are encountered during project construction, construction activities shall cease, and the County Planning and Building Department shall be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with state and federal law. Therefore, impacts related to a substantial adverse change in the significance of tribal cultural resources would be *less than significant.*

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

The project site does not contain any resources determined by the County to be a potentially significant tribal cultural resource. Impacts associated with potential inadvertent discovery would be minimized through compliance with existing standards and regulations (LUO 22.10.040). Therefore, potential impacts would be *less than significant*.

Conclusion

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

Mitigation

None necessary.

Sources

See Exhibit A.

XIX. UTILITIES AND SERVICE SYSTEMS

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

Setting

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

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

coverage under the SWRCB's Construction General Permit. PG&E is the primary electricity provider and both PG&E and SoCalGas provide natural gas services for urban and rural communities within the county. The project would be served by a domestic well for water and portable toilets for wastewater disposal. The project's energy needs would be provided by PG&E.

There are three landfills in San Luis Obispo County: Cold Canyon Landfill, located near the city of San Luis Obispo; Chicago Grade Landfill, located near the community of Templeton; and Paso Robles Landfill, located east of the city of Paso Robles. The project's solid waste needs would be served by Mid-State Solid Waste and Recycling and the Chicago Grade Landfill.

Discussion

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

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

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

As discussed in Section X, Hydrology and Water Quality, the project cultivation and ancillary nursery activities would result in approximately 4.88 acre-feet of water demand per year, served by an existing groundwater well that produces an average sustained yield of 564 gallons per minute. Therefore, the well would need to run 12.7 minutes per day, on average, to supply the 7,187 gallons per day demand associated with cannabis cultivation.

The project is located within the Paso Robles Groundwater Basin, which is categorized as being in a state of critical overdraft, and is required to offset water usage at a 1:1 ratio per LUO requirements. Per the CWWCP, the project applicant would be required to offset this new water use at a 1:1 ratio. The project will achieve the offset by retiring 1.12 acres of irrigated crops that use a total of 5.04 AFY per acre. Offsetting the water demand of the proposed project in accordance with the CWWCP would result in a net-neutral water demand on the groundwater basin, therefore, impacts related to water supplies would be *less than significant with mitigation.*

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

The project would be served by a portable restrooms and would not be connected to a community wastewater service provider. Therefore, *no impacts would occur.*

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

The nearest landfill to the site is the Chicago Grade Landfill, located approximately 15 miles to the south. The landfill has a remaining capacity of approximately four million cubic yards as of 2020. The incremental amount of greenwaste generated by the project that is not recycled/reused would be

within the service capacity of the landfill. Construction activities would result in the generation of minimal solid waste materials; no significant long-term increase in solid waste would occur. Local landfills have adequate permit capacity to serve the project and the project does not propose to generate solid waste in excess of State or local standards or otherwise impair the attainment of solid waste reduction goals. Therefore, potential impacts would be *less than significant*.

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

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

Conclusion

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

Mitigation

None are required.

Sources

See Exhibit A.

XX. WILDFIRE

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

Setting

In central California, the fire season usually extends from roughly May through October; however, recent events indicate that wildfire behavior, frequency, and duration of the fire season are changing in California. Fire Hazard Severity Zones (FHSZ) are defined by CAL FIRE based on the presence of fire-prone vegetation, climate, topography, assets at risk (e.g., high population centers), and a fire protection agency's ability to provide service to the area (CAL FIRE 2007). FHSZs throughout the county have been designated as "Very High," "High," or "Moderate." In San Luis Obispo County, most of the area that has been designated as a "Very High Fire Hazard Severity Zone" is located in the Santa Lucia Mountains, which extend parallel to the coast along the entire length of San Luis Obispo County. The project would be located within the State Responsibility Area in a high fire hazard severity zone. The project is located in a "High" fire hazard severity zone. Based on the County's fire response time map, it would take approximately 15-20 minutes to respond to a call regarding fire or life safety.

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

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

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

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

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

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

Discussion

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

The project does not require any road closures and would be designed to accommodate emergency vehicle access. Implementation of the proposed project would not have a permanent impact on any adopted emergency response plans or emergency evacuation plans. Temporary construction activities and staging would not substantially alter existing circulation patterns or trips. Access to adjacent areas would be maintained throughout the duration of the project. There are adequate alternative routes available to accommodate any rerouted trips through the project area for the short-term construction period.

Based on the County's Land Use View tool and Dam and Levee Failure Plan, the project is adjacent to an area that would be inundated in the event of failure of the Salinas Dam (Santa Margarita Lake). The project would not impair implementation or physically interfere with County hazard mitigation or emergency plans; therefore, no impacts related to emergency plans would occur.

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

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

The project is located within a High Fire Hazard Severity Zone. The site is located within a State Responsibility Area. Based on the County's fire response time map, it would take approximately 15-20 minutes to respond to a call regarding fire or life safety. The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and Public Resources Code, which includes improvements to the driveway on Indian Valley Road to accommodate access, and installation of a water storage tank for fire protection. The County Fire Department/California Department of Forestry and Fire Protection (CAL FIRE) prepared a Fire Safety Plan letter for the project, and the applicant will be required to comply with the requirements of the plan for the life of the project.

The cannabis activities would be located on relatively level slopes and would not involve the construction of habitable structures. Winds in the area vary from 6-8 miles per hour and primarily come from the north (October-April) and west (April-October). As described in Section 6, Geology and Soils, the potential for landslides in the project area is low, and the project is not proposing disturbance in areas of steep slopes that would be conducive to the formation of debris flows in the nearby existing channels.

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

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

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

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

The cannabis activities would be located on fairly level slopes. Winds in the area vary from 6-8 miles per hour and primarily come from the north (October-April) and west (April-October). As described in Section 6, Geology and Soils, the potential for landslides in the project area is low to moderate, and the project is not proposing disturbance in areas of steep slopes that would be conducive to the formation of debris flows in the nearby existing channels. The project does not include any design elements that would expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, impacts would be *less than significant*.

Conclusion

The project would not expose people or structures to new or exacerbated wildfire risks and would not require the development of new or expanded infrastructure or maintenance to reduce wildfire risks.

Initial Study – Environmental Checklist

Therefore, potential impacts associated with wildfire would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

Sources

See Exhibit A.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

Discussion

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

As discussed in each resource section above, upon implementation of identified mitigation measures, the proposed project would not result in significant impacts to biological or cultural resources and would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or

eliminate important examples of the major periods of California history or prehistory. Therefore, impacts would be *less than significant with mitigation incorporated.*

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

The State CEQA Guidelines define cumulative impacts as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts." Section 15355 of the State 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 State CEQA Guidelines state that the discussion of cumulative impacts should reflect the severity of the impacts as well as the likelihood of their occurrence. However, the discussion need not be as detailed as the discussion of environmental impacts attributable to the project alone. Furthermore, the discussion should remain practical and reasonable in considering other projects and related cumulatively considerable impacts.

Existing and Reasonably Foreseeable Cannabis Facilities

In 2016, the County estimated that were as many as 500 unpermitted (illegal) cannabis cultivation sites within the unincorporated county. Assuming 0.5 acre per site, the canopy associated these activities could be as high as 250 acres. County Code Enforcement officers have successfully abated 82 operations, and there are currently approximately 225 total operations under investigation to date (December 10, 2019). Unpermitted cannabis operations are expected to continue to be abated throughout the county.

Table 8 below provides a summary of the maximum possible cannabis cultivation activities that could be approved through permit applications that have been received by the County to date (September, 2020). Each of these proposed activities is considered a reasonably foreseeable future project for the purposes of this cumulative impact analysis. It is important to note, however, that many proposed activities are subject to change during the land use permit process and a portion of these applications may be withdrawn by the applicant or denied by the County approving body. Figure 7 shows the project site along with other approved and proposed cannabis project sites within 5 miles of the proposed project site.

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

All 114 applications for cultivation sites would be approved and developed;

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

a. 3 acres of outdoor cultivation;

b. 0.5 acres of indoor cultivation;

c. 19,000 square feet of ancillary nursery;

d. 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;

e. A total of 4 full-time and 4 seasonal employees;

f. A total of 25 average daily motor vehicle trips; and

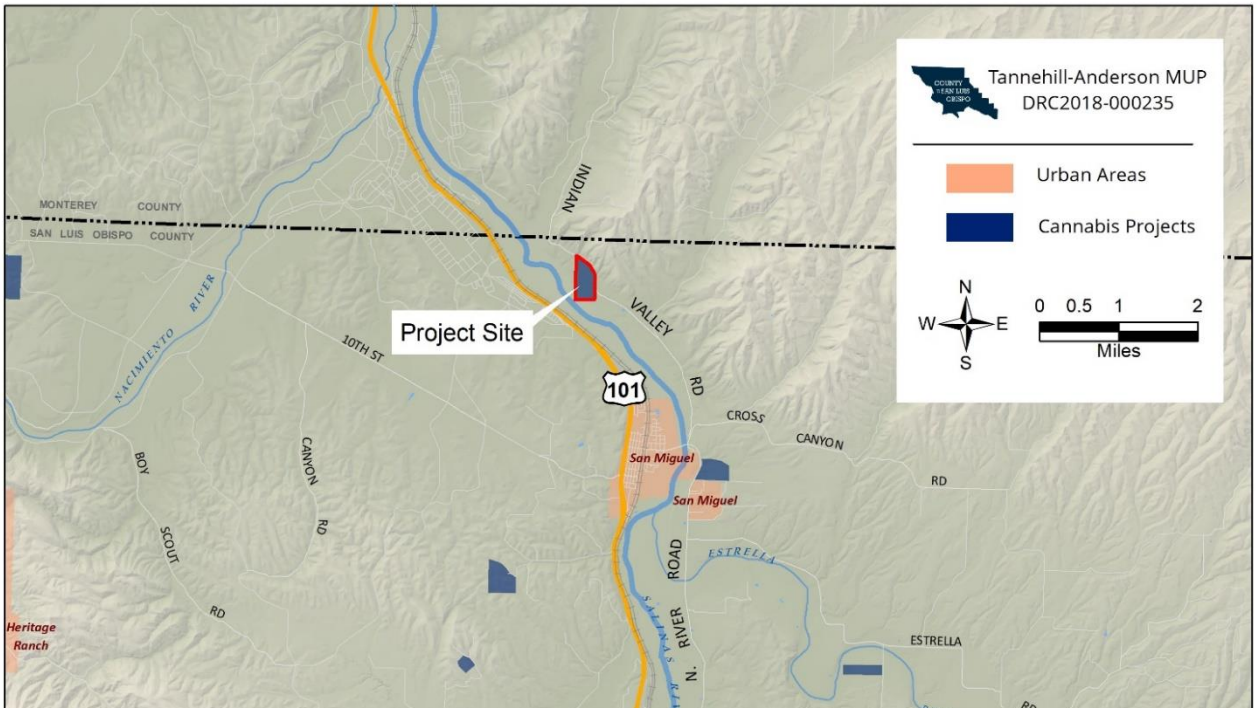
g. All sites will be served by a well and septic leach field.

Table 8 -- Summary of Cannabis Facility Applications for Unincorporated San Luis Obispo County[1]

Proposed Cannabis Activity Type	Total Number of Proposed Cannabis Activities[1,2]	Total Proposed Canopy (acres)	Approved Activities
Indoor Cultivation and Indoor Nursery	114	75.9	30
Outdoor Cultivation		225	
Ancillary Nursery	114	66.4	30
Processing	9	-	-
Manufacturing	24	-	6
Non-Storefront Dispensary	28	-	15
Commercial Distribution	8	-	4
Commercial Transport	5	-	1
Testing Laboratory	1	-	1
Total	**303**	**367.3**	**87**

Notes:
1. As of the date of this initial study.
2. Total number of all cannabis activities for which an application has been submitted to the County to date. A project site may include multiple cannabis activities.

Figure 7 -- Reasonably Foreseeable Future Development Scenario Map



Aesthetics

The analysis provided in Section I, Aesthetic and Visual Resources, provides an overview of the visual setting and concludes that the potential project-specific impacts would be less than significant with mitigation identified to eliminate off-site nighttime light overspill. The project site is located in an area with 6 potential cannabis facilities within 5 miles (as of September, 2020). Proposed cannabis cultivation operations would require a discretionary permit. Based on the rural and agricultural visual character of the area, newly proposed structures visible from surrounding public roadways would undergo evaluation for consistency with the surrounding visual character and may be required to implement visual screening and/or other measures if County staff identify potential impacts to visual resources. Proposed cannabis cultivation projects, including use of mixed-light growing techniques, would be subject to standard County mitigation measures to eliminate off-site nighttime light overspill.

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

Agriculture and Forestry Resources

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

Air Quality

The analysis provided in Section III, Air Quality, concludes that the project's potential construction-related emissions would fall below SLOAPCD thresholds of significance for construction emissions, resulting in impacts with a less than cumulatively considerable contribution to the county's non-attainment status under state air quality standards for ozone and fugitive dust. Impacts associated with project construction, operational, and cumulative impacts would be less than significant.

The project is one of 114 land use permit applications for cannabis cultivation activities located within the county. All proposed cannabis cultivation operations located within the county would require discretionary permits and would be evaluated for their potential to result in potentially significant environmental effects, including potential impacts to air quality. These proposed cannabis cultivation projects would undergo evaluation for their potential to exceed applicable SLOAPCD thresholds and result in potentially cumulatively considerable contribution to the county's non-attainment status for ozone and/or fugitive dust. Proposed projects with the potential to exceed SLOAPCD thresholds would be subject to standard SLOAPCD mitigation measures to reduce potential air pollutant emissions to a less-than-significant level. These measures would also be applied for projects located within close proximity of sensitive receptor locations.

The project site is located in an area with six reasonably foreseeable future cannabis cultivation facilities within 5 miles (as of September, 2020). The analysis provided in Section III, Air Quality, concludes that the project's potential other emissions (such as those leading to odor) would be less

than significant based on the distance of proposed odor-emitting uses from the project property lines. All surrounding proposed cannabis development projects would be required to comply with County LUO ordinance cannabis odor control requirements, including preparation of an odor control plan, minimum setback distances, and installation of sufficient ventilation controls to prevent odors from being detected off-site.

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

Biological Resources

The analysis provided in Section IV, Biological Resources, concludes that the project would have a less-than-significant impact upon implementation of the identified avoidance and mitigation measures for special-status wildlife species and their habitats, and avoidance and replacement of potentially impacted native trees. With implementation of measures BIO-1 through BIO-22, potential impacts to biological resources would be less than significant.

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

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

Energy

Cannabis cultivation operations typically use an insignificant amount of natural gas. Accordingly, this assessment of cumulative energy impacts is based on electricity use. The analysis provided in Section VI, Energy, states that the project would result in an annual energy demand that is not wasteful, inefficient or unnecessary.

Table 9 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 9 indicates that electricity demand in San Luis Obispo County could increase by as much as 18% if all 114 cultivation projects are developed with 22,000 square feet of mixed-light cultivation and are approved. PG&E is required by state law (the Renewable Portfolio Standard) to derive at least 60% of their electricity from renewable sources by 2030. These sources are "bundled" and offered for sale to other Load Serving Entities (utility providers). Table 10 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.

Because the project's energy demand is considered to be not wasteful, inefficient or unnecessary, the project's contribution to the overall increased demand for electricity is considered less than cumulatively considerable. In addition, all proposed cannabis cultivation projects within the county would be subject to discretionary review by County staff. Indoor and mixed-light cultivation projects that are determined to have the potential to result in potentially significant impacts from their proposed energy use would be required to implement mitigation measures to reduce their energy demand and use sources that result in less GHG emissions. It is also important to note that while many proposed cannabis cultivation projects

Table 9 -- Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects

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

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

[2]Source: California Energy Commission 2019.

Table 10 -- 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 115 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.

would result in new permitted facilities, a portion of these facilities are being proposed in existing buildings previously used for unpermitted cannabis cultivation activities or other uses. Therefore, the estimated increases in energy demand provided in Tables 9 and 10 are assumed to be overestimations.

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

Geology and Soils

As discussed in Section VII. Geology and Soils, the project is not located within an Alquist-Priolo Fault Hazard Zone and would be required to comply with the CBC and other applicable standards to ensure the effects of ground instability or a potential seismic event would be minimized through compliance with current engineering practices and techniques. Based on the minimal amount of grading and ground disturbance, the project's potential impacts to previously unknown paleontological resources are considered less than significant and less than cumulatively considerable.

All proposed cannabis cultivation operations located within the county would require discretionary permits and would be evaluated for their potential to result in potentially significant environmental effects, including potential impacts associated with geology and soils. These proposed cannabis cultivation projects would undergo evaluation for their potential to exacerbate geologic hazards and impact geologic resources, including paleontological resources. Projects identified to have potentially significant impacts associated with geology and soils would be required to implement mitigation measures to reduce these risks.

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

Greenhouse Gas Emissions

As discussed in Section VIII. Greenhouse Gas Emissions, the project is estimated to generate approximately 514 metric tons of CO_2 emissions per year. Accordingly, the project will not exceed the interim working threshold of 690 metric tons of GHG emissions per year and will not be cumulatively considerable..

All proposed cannabis cultivation operations located within the county would require discretionary permits and would be evaluated for their potential to result in potentially significant environmental effects, including potential impacts associated with GHG emissions. These proposed cannabis cultivation projects would undergo evaluation for their potential to exceed applicable GHG thresholds. Projects identified to have the potential to exceed the GHG thresholds would be required to implement standard mitigation measures to reduce these potential impacts, including but not limited to, preparation of an Energy Conservation Plan and/or requiring enrollment in a clean energy program.

Based on 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 does not include the use of potentially hazardous materials. However, pesticides and fertilizers, along with oils, solvents and other materials used for construction and ongoing operations, could adversely impact surface water quality in the event of a spill. Therefore, mitigation measure HAZ-1 and HAZ-2 are recommended to protect surface water quality.

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 and Water Quality

As discussed in Section X. Hydrology and Water Quality, compliance with existing regulations and/or required plans in addition to the proposed water use offset strategy proposed by the project 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 (PRGWB), which is categorized as being in a state of critical overdraft, and is located outside the area that is categorized as being in severe decline (Spring Well Decline 1997–2013; County of San Luis Obispo 2018). A total of 33 applications for cannabis cultivation projects located within the PRGWB have been submitted to date (September, 2020).

Table 11 -- Estimated Water Demand from Reasonably Foreseeable Cannabis Cultivation in PRGWB

Bulletin 118 Groundwater Basin[1]	Number of Reasonably Foreseeable Cultivation Projects	Total Estimated Water Demand From Cannabis Cultivation (AF/Year)[3]	Total Basin Storage Capacity (AF)
Paso Robles Groundwater Basin	32[2]	125.91	Approximately 400,000

[1] Source: California Department of Water Resources Bulletin 118.
[2] Includes 661.21 acres (12 projects) in the Area of Severe Decline.
[3] Based on the assumptions for development and water demand outlined above.

The project's proposed water use within a groundwater basin that is currently in critical overdraft would contribute to the overall cumulative impact of other proposed cannabis cultivation projects water use within the PRGWB. The project proposes to achieve the required 1:1 offset by retiring 1.12

acres of irrigated alfalfa on land 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. Proposed projects located in areas designated as being in severe decline would be required to offset proposed water use at a 2:1 ratio. Through water demand offsets and compliance with the 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, noise associated with project will be less than significant. Reasonably foreseeable future cannabis cultivation projects would require discretionary permits and would be reviewed by County staff for potentially significant environmental impacts, including impacts associated with noise. Future projects with potential to generate noise above County standards or noise that would adversely affect surrounding sensitive receptors would be required to implement measures to reduce associated impacts. In addition, most cultivation activities would be required to adhere to the established setback distances from property lines as detailed in the LUO and these setbacks would allow noises to dissipate to some degree before reaching surrounding land uses.

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

Population and Housing

The most recent projection of regional growth for San Luis Obispo County is the 2050 Regional Growth Forecast (RGF) for San Luis Obispo County, prepared and adopted by 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% 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 typically employ 15 full-time workers and up to 7 additional seasonal 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 a substantial increased demand for housing throughout the county. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the

subject project to impacts related to housing and population is considered less than cumulatively considerable.

Public Services

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

Transportation

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

The County Department of Public Works has derived trip generation rates for cannabis cultivation activities through the trip generation rates published by the Institute of Traffic Engineers. Table 12 provides an estimate of total average daily trips (ADT) and PM peak hour trips associated with buildout of the 115 currently proposed cannabis cultivation projects.

The County of San Luis Obispo is developing a model and method for evaluating vehicle miles traveled for proposed land use development projects. This program will incorporate the State's direction and recommended screening criteria for types of projects that would not have an impact to circulation due to Vehicle Miles Traveled (VMT). This screening criteria includes small projects that generate low levels of traffic or VMT. The screening criteria is 110 ADT.

Table 12 -- Cumulative Average Daily Trips From Cannabis Cultivation

Use	Unit	ADT per Unit	Total Proposed Cannabis Cultivation Area	Total ADT	PM Peak Hour Trips	Total VMT
Cultivation, Indoor (includes greenhouses, plant processing, drying, curing, etc.)	1,000 sf	0.27	1,851,300 sf	500	50	13,696
Cultivation, Outdoor (includes hoop house)	Acres	2.00	225 acres	450	45	12,330
Seasonal Employees*	Employee	2.00	570 employees	1,140	114	31,236
			Total	**2,090**	**538.6**	**57,262**

* Seasonal Trips are adjusted based on the annual frequency.

The most recent estimate of total VMT for the county is from 2013, at which time total VMT per day was estimated to be 7,862,000 VMT. Assuming a 1% annual growth in VMT during the intervening 6 years, the current daily total is estimated to be around 8,333,720 VMT. Accordingly, the VMT associated with proposed cannabis cultivation projects throughout the county is estimated to result in a very marginal increase in the total county VMT. The marginal increase in VMT is not expected to result in a reduction of the level of service on county streets and intersections. 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 would be less than cumulatively considerable.

Other Impact Issue Areas

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

- Cultural Resources;
- Land Use Planning;
- Mineral Resources;
- Recreation;
- Tribal Cultural Resources;
- Utilities and Service Systems; and
- Wildfire.

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

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

Conclusion

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

Sources

See Exhibit A.

Exhibit A - Initial Study References and Agency Contacts

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

Contacted	Agency	Response
☒	County Public Works Department	**In File****
☒	County Environmental Health Services	**None**
☒	County Agricultural Commissioner's Office	**In File****
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☒	Air Pollution Control District	**In File****
☒	County Sheriff's Department	**None**
☒	Regional Water Quality Control Board	**None**
☐	CA Coastal Commission	**Not Applicable**
☒	CA Department of Fish and Wildlife	**None**
☒	CA Department of Forestry (Cal Fire)	**In File****
☐	CA Department of Transportation	**Not Applicable**
☐	Community Services District	**Not Applicable**
☒	Other San Miguel Advisory Council	**In File****
☒	Other AB 52 Tribes	**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 Department of Planning and Building.

☒ Project File for the Subject Application

County Documents

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

☒ Land Use Ordinance (Inland/Coastal)
☒ Building and Construction Ordinance
☒ Public Facilities Fee Ordinance
☐ Real Property Division Ordinance
☐ Affordable Housing Fund
☐ Airport Land Use Plan
☒ Energy Wise Plan
☒ North County Area Plan/Adelaida 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

References

Project application materials and plans are available for review at the Department of Planning and Building located at 976 Osos St #200, San Luis Obispo, CA

CAL FIRE letter of February 10, 2021

Public Works Department letter of January 20, 2019

Building Division e-mail of January 14, 2019

Agricultural Commissioner's Office letter of January 22, 2019

E-mail of January 15, 2019 from the Assessor's Office

E-mail of February 10, 2019 from the Xolon Salinan tribe

E-mail of February 12, 2021 from the Salinan Tribe

SLO County Air Pollution Control District letter of January 24, 2019

H.T. Harvey and Associates, Pankey, Pankey Anderson and Flannery Cannabis Grow Biotic Report, August 2019

H.T. Harvey and Associates, Pankey, Pankey Anderson and Flannery cover letter for revised Cannabis Grow Biotic Report, September 25, 2019

Central Coast Archaeological Consultants, Cultural Resources Survey of the , Pankey, Pankey Anderson and Flannery Project, April 2019

Wallace Group, Water Use Evaluation for Proposed Cannabis Cultivation, August 12, 2020

Bennet Water Systems, October 4, 2017 Well Test

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

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

California Department of Fish and Wildlife, July 13, 2020, Preliminary San Joaquin Kit Fox Mitigation Evaluation Assessor's Parcel Number (APN) 027-420-001, Indian Valley Road, San Luis Obispo County (DRC2018-00235 Tannehill-Anderson)

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_____. 2018. County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form.

County of San Luis Obispo Staff. 2019. California Emissions Estimator Model (CalEEMod) Results.

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

Pilliod, David S., Welty, Justin L, and Stafford, Robert, Terrestrial Movement Patterns Of Western Pond Turtles (Actinemys Marmorata) In Central California, Herpetological Conservation and Biology 8(1):207 – 221.

San Luis Obispo Air Pollution Control District (SLOAPCD). 2012. CEQA Air Quality Handbook. April 2012.

_____. 2017. Clarification Memorandum for the San Luis Obispo County Air Pollution Control District's 2012 CEQA Air Quality Handbook. November 2017.

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

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U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS). 2017. Web Soil Survey. Available at <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx> Accessed April 17, 2019.

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

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.

Aesthetics and Visual Resources

AES-1 **Nighttime lighting.** Prior to issuance of construction permits, the applicant shall submit a light pollution prevention plan (LPPP) to the County Department of Planning and Building for review and approval that incorporates the following measures to reduce impacts related to night lighting:

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

Biological Resources

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

BIO-2 **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:

a. The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.

b. 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.

c. 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).

d. Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.

e. 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.

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

BIO-3 **San Joaquin Kit Fox (*Vulpes macrotis mutica*; SJKF) Habitat Mitigation . Prior to issuance of grading and/or construction permits,** the applicant shall submit evidence to the County and CDFW that one or a combination of the following three SJKF mitigation measures for loss of SJKF habitat has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of **8.52 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 of this program be in place before County permit issuance or initiation of any ground-disturbing activities.

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

   Mitigation alternative (b.) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-unit of $2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to "The Nature Conservancy", would total **$21,300** (4.26 acres impacted x 2 mitigation acres per acre impacted x $2,500 per acre).

c. Purchase **8.52** 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 $21,300 (4.26

acres impacted x 2 mitigation acres per acre impacted x $2,500 per acre). This fee is calculated based on the current cost-per-credit of $2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground-disturbing activities.

BIO-4 **Prior to issuance of grading and/or construction permits,** all SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

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

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

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

BIO-6 **Noxious Weed Species.** To prevent the potential spread of invasive botanical species identified within the project site, all vehicles and equipment used at the site shall be cleaned of all dirt, mud, and plant debris prior to exiting the site.

BIO-7 **Standard SJKF Avoidance and Protection Measures.**

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

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

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

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

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

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

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

g. No deliberate feeding of wildlife shall be allowed.

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

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

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

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

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

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

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

BIO-8 **Nighttime Lighting.** To minimize the effects of exterior lighting on special-status wildlife species, the applicant shall submit a Light Pollution Prevention Plan to the County Planning Department for approval that incorporates the following measures to reduce impacts related to night lighting:

a. Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;

b. All facilities using artificial lighting shall include shielding and/or blackout tarps that are in place between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping;

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

d. Exterior lighting used for security purposes shall be motion activated, be designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off site and shall be of the lowest lumen necessary to address security issues.

BIO-9 **Annual Pre-activity Survey for SJKF and Burrowing Owl (BUOW).** Applicant or project proponent shall hire a qualified biologist to complete an annual pre-activity survey for SJKF and BUOW no more than 14 days **prior to the start of initial ground disturbance** associated with the outdoor grow sites to ensure SJKF and special-status bird species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active SJKF and BUOW burrows within the grow site areas plus a 200-foot buffer for SJKF. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of the burrows is not feasible, the County shall be contacted for further guidance. The County will contact the appropriate resource agencies. If a SJKF den is found within 200 feet of the disturbance area, the County must be contacted for further guidance. The County will contact the appropriate resource agencies.

BIO-10 **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 remove 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.

BIO-11 **Pre-construction survey for American badgers (*Taxidea taxus*).** 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, 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.

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), measured outward from the burrow entrance. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

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.

BIO-12 **Pre-construction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week **prior to initial project activity beginning**, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

a. A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.

b. If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) 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.

BIO-13 **Pre-construction Survey for Burrowing Owl (BUOW) (*Athene cunicularia*).** If work is planned to occur within 150 meters (approximately 492 feet) of BUOW habitat, a qualified biologist shall conduct a pre-construction survey for the species within 14 days **prior to initial project activities**. This applies year-round (i.e., within the breeding (February 1 to August 31) or non-breeding (September 1 to January 31) seasons. Habitat for BUOW includes areas with generally short, sparse vegetation and few shrubs, level to gentle topography and well-drained soils including grasslands, shrub steppe, desert, some agricultural areas, ruderal grassy fields, vacant lots, and pastures. A second survey shall be completed immediately prior to initial project activities (i.e., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on BUOW Mitigation, which specifies that 7- to 20-meter transects shall be walked, such that the entire project area is visible. These surveys may be completed concurrently with SJKF, American badger, or other special-status species surveys. If occupied BUOW burrows are identified the following exclusion zones shall be observed during project activities, unless otherwise authorized by CDFW:

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

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

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

BIO-14 **Native Tree Impacts. Prior to issuance of construction or grading permits or prior to any site disturbance, whichever occurs first**, a County-qualified biologist shall prepare finalized site plans that shall clearly delineate all native trees within 50 feet of areas where soil disturbance would occur and shall indicate which trees would be impacted by project activities, such as compaction (e.g., regular use of vehicles), grading (includes cutting and filling of material), tilling, placement of impermeable surfaces (e.g., pavement), or year-round irrigation within the critical root zone (measured to be a radius of 1.5 times the dripline of the tree), and which trees are to remain unimpacted.

BIO-15 **Native Tree Protection.** Throughout all project phases' site disturbance and construction activities, native oak trees located within 20 feet of proposed grading, trenching, building construction, road improvements, tilling, year-round irrigation, or other impactful activities shall be protected by placement of protective fencing until site disturbance activities of that phase is complete.

BIO-16 **Oak Tree Replacement Plan.** Prior to issuance of construction or grading permits or prior to site disturbance of all project phases, whichever occurs first, the qualified biologist shall prepare an Oak Tree Replacement Plan that provides for the installation and maintenance of replacement native oak trees on the project parcel and surrounding parcels owned by the Applicant and shall be reviewed and approved by the County Department of Planning and Building. Mitigation replacement plantings for each oak tree removed shall be at a at a 4:1 ratio and at a 2:1 ratio for each oak tree impacted (e.g., if nine trees are impacted, 18 trees shall be planted). The Oak Tree Replacement Plan shall include the following components:

a. A brief narrative of the project location, description, and purpose;

b. Clearly identified parties responsible for the mitigation program and their contact information;

c. A landscape map showing and quantifying all oak tree planting areas;

d. A requirement that all replacement oak trees be located at least 50 feet from existing powerlines.

e. A detailed discussion of the methods for implementing the Oak Tree Replacement Plan, including invasive species removal, sources of plant materials, and supplemental watering regimes;

f. Provisions for the collection of oak propagules from the disturbance area, replacement planting propagation, and reintroduction into the parcel;

g. Identification of locations, amounts, species, and sizes of the oak trees to be planted. For each individual of a species removed, the same species shall be planted.

h. Identification of necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful plant reestablishment;

i. A program schedule and established success criteria for a 5-year maintenance, monitoring, and reporting program that is structured to ensure the success of the mitigation plantings; and

j. Methods for removing nonnative species from the replanting areas.

BIO-17 **Unimpacted Oak Tree Maintenance.** For the life of the project, all oak trees not identified as being impacted shall be maintained. Unless identified as impacted in the finalized site plans, the following activities are not allowed within the critical root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plant(s) for up to 3 years), grading (includes cutting and filling of material), compaction (e.g., regular use of vehicles), placement of impermeable surfaces (e.g., pavement), and disturbance of soil that impacts roots (e.g., tilling).

BIO-18 **Pre-construction surveys for Crotch Bumblebee (CBB). Prior to issuance of construction or grading permits or prior to any site disturbance, if no permits are required,** the following actions shall be undertaken to avoid and minimize potential impacts to CBB:

a. CBB Surveys - The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for CBB within suitable habitat (i.e. small mammal burrows, thatched/bunched 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.

b. CBB Take Avoidance - If the survey(s) establish the presence of CBB 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 of the Department of Panning and Building in consultation with CDFW. The Management Plan shall include at least the following:

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

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

c. In the event CBB is denied listing under the CESA, this measure shall not be required.

BIO-19 **Foothill yellow-legged Frog (FYLF)**. The following measures shall be implemented to mitigate potential impacts to FYLF:

a. Site preparation, including vegetation clearance, soil disturbance, and grading shall not occur: (a) during the typical rainy season (November 1 to April 1), (b) during the nighttime (between 30 minutes before dusk and 30 minutes after dawn), (c) during an actual or predicted rain event of 0.25-inches or greater or within 24 hours after an actual rain event, and (d) near isolated pools.

b. If remaining construction activities (such as wall construction or interior work) are proposed during the rainy season, **prior to obtaining a building permit or continuing construction**, the applicant shall prepare a Management Plan prepared by a qualified professional. The project's Management Plan is subject to the review and approval of the United States Fish & Wildlife Service (USFWS) and San Luis Obispo County Planning & Building Department **prior to any continuation of construction or building**.

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

d. Construction activities conducted during the wet season shall not occur: (a) during the nighttime (between 30 minutes before dusk and 30 minutes after dawn), or (b) during an actual or predicted rain event of 0.25-inches or greater, or within 24 hours after an actual rain event.

BIO-20 **Western Pond Turtle Pre-Construction Survey.** A qualified biologist(s) shall conduct a pre-construction survey within 24 hours prior to the onset of work activities within and around areas proposed for construction and staging activities. If this species is found and the individuals are likely to be injured or killed by work activities, the approved biologist shall be allowed sufficient time to move them from the project site before work activities begin. The biologist(s) must relocate any western pond turtle the shortest distance possible to a location that contains suitable habitat that is not likely to be affected by activities associated with the project.

Access routes, staging, and construction areas shall be limited to the minimum area necessary to achieve the project goal and minimize potential impacts to western pond turtle habitat including locating access routes and construction staging areas outside of wetlands and riparian areas to the maximum extent practicable.

BIO-21 **Pre-construction survey for special-status reptiles and amphibians.** A qualified biologist shall conduct a pre-construction survey immediately **prior to initial project activities** (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat for California legless lizard (*Anniella pulchra)*, San Joaquin coachwhip (*Coluber flagellum ruddocki),* Coast horned lizard (*Phrynosoma blainvillii*), and Western spadefoot (*Spea hammondii).* Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special-status reptile or amphibian species are discovered during surveys or monitoring, they will be allowed to leave the area on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact.

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

BIO-22 **Pre-construction survey and burrow mapping for special-status small mammals.** A qualified biologist shall complete a pre-construction survey for special-status small mammal species (e.g. Salinas pocket mouse [*Peroganthus inomatus incaratus psammophilus*]) no more than two weeks prior to the start of initial project activities to determine if special-status small mammal species are present within proposed work areas. The survey will include mapping of all potentially active special-status small mammal burrows within the proposed work areas, access routes, and staging areas, plus a 50-foot buffer.

- All potentially active small mammal burrows will be mapped and flagged, and a 50-foot exclusion zone shall be established around the burrows. The exclusion zone shall encircle the burrows and have a radius of 50 feet from the burrow entrance or the outside border of a cluster of burrows (e.g. precinct). 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, and then shall be removed.
- If avoidance of the burrows by 50 feet is not feasible and the species using the burrow is unknown, the burrows will be monitored for 3 days and 3 nights with an infra-red, motion-triggered camera. If it is determined that no special-status species are using the burrow, no avoidance of the burrow is required.
- If it is determined that special-status small mammal burrows are present and cannot be avoided by 50 feet by all project activities, work in that area will not begin and the County shall be contacted. The County will coordinate with appropriate resource agencies.

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

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 (or prior to occupancy if no building permits are required)**, 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:

a. A detailed inventory of net new water demand associated with all cannabis-related activities including cultivation, nursery activities, manufacturing, and processing as applicable. The inventory and estimate of water demand shall be prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of Planning and Building. The quantification of water demand shall be expressed in total acre-feet per year, and shall be consistent with the Water Management Plan required by LOU Sections 22.40.050 C. 1 and 22.40.060 C.1.

b. A program for achieving providing a water demand offset of **4.88** 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). The water demand offset for all cannabis-related activities shall be 2:1 within the Area of Severe Decline and 1:1 elsewhere within the Basin. Such a program may include, but is not limited to, the following:

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

      - The offset of 1.12 acres of alfalfa cultivation on APN 027-420-003;
      - Drip irrigation;
      - 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.

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

ii. 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.

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

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

Attachment A – Other Agency Approvals That May Be Required

California Department of Food and Agriculture, CalCannabis Cultivation Licensing Division

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

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

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

Section 8102 – Annual State License Application Requirements

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

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

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

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

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

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

Section 8106 – Cultivation Plan Requirements

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

(3) A pest management plan.

Section 8108 -- Cannabis Waste Management Plans

Section 8216 – License Issuance in an Impacted Watershed

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

Section 8304 – General Environmental Protection Measures

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

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

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

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

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

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

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

Section 8305 – Renewable Energy Requirements

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

Section 8306 -- Generator Requirements

Section 8307 – Pesticide Use Requirements

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

Section 8308 – Cannabis Waste Management

Bureau of Cannabis Control

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

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

Federal Endangered Species Act

The Federal Endangered Species Act (FESA) provides legislation to protect federally listed plant and animal species. Impacts to listed species resulting from the implementation of a project would require the responsible agency or individual to formally consult with the USFWS to determine the extent of impact to a

particular species. If the USFWS determines that impacts to a federally listed species would likely occur, alternatives and measures to avoid or reduce impacts must be identified.

State Water Resources Control Board

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

California Department of Fish and Wildlife

Lake or Streambed Alternation

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

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

California Endangered Species Act

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

[i] Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan: Final Additional Environmental Analysis. California Department of Fish and Wildlife SCH No. 2000011025, 12 June 2017: https://ceqaportal.org/ceqacase.cfm?cq_id=1612; https://wildlife.ca.gov/Regions/5/Newhall

DATE: March 16, 2021

DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAMFOR TANNEHILL-ANDERSON MINOR USE PERMIT (DRC2018-00235)

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

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

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

AESTHETICS

AES-1 Nighttime lighting. Prior to issuance of construction permits, the applicant shall submit a light pollution prevention plan (LPPP) to the County Department of Planning and Building for review and approval that incorporates the following measures to reduce impacts related to night lighting:

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

> **Monitoring:** Light pollution prevention plan shall be submitted for review and approvalby the County Department of Planning and Building at the time of application for construction permits. Compliance will be verified by the County Department of Planning and Building.

BIOLOGICAL RESOURCES

BIO-1: Environmental Awareness Training – Prior to major construction activities (e.g., site mobilization, clearing, grubbing, preparation for installing new facilities, etc.), an environmental awareness training shall be presented to all project personnel by a qualified biologist prior to the start of any project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the

project's discretionary permits, an overview of the federal Endangered Species Act, the California Endangered Species Act, and implications of noncompliance with these regulations, as well as an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the trainees will be kept and provided to the County of San Luis Obispo (County). If new project personnel join the project after the initial training period, they will receive the environmental awareness training from a designated crew member on site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

Monitoring: Evidence that environmental awareness training has been completed shall be provided to the County Department of Planning and Building prior to construction. 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 submitted to, and kept by, the Department of Planning and Building.

BIO-2 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:

a. The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.

b. 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.

c. 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).

d. Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.

e. 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.

f. 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: Construction/ grading plans shall be checked for the incorporation of required measures prior to the issuance of construction permits. Compliance will be verified during construction and quarterly by the County Department of Planning and Building.

BIO-3 San Joaquin Kit Fox (*Vulpes macrotis mutica*; SJKF) Habitat Mitigation Measures. Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County and CDFW that one or a combination of the following three SJKF mitigation measures for loss of SJKF habitat has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of **8.52 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 of this program be in place before County permit issuance or initiation of any ground-disturbing activities.

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

   Mitigation alternative (b.) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-unit of $2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to "The Nature Conservancy", would total **$21,300** (4.26 acres impacted x 2 mitigation acres per acre impacted x $2,500 per acre).

c. Purchase **8.52** 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 **$21,300** (4.26 acres impacted x 2 mitigation acres per acre impacted x $2,500 per acre). 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.

Monitoring: Evidence of implementation of one, or a combination of, the three options for SJKF mitigation shall be provided to the Department of Planning Building prior to issuance of grading and/or construction permits. Compliance will be verified by the County Department of Planning and Building prior to issuance of construction or grading permits.

BIO-4 Prior to issuance of grading and/or construction permits, all SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

Monitoring: Prior to issuance of a grading or construction permit (prior to any project activities), required plans shall be checked for inclusion of the required SJKF protection measures. Compliance will be verified by the County Department of Planning and Building.

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

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

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

Monitoring: Evidence that preconstruction surveys for SJKF have been undertaken within the timeframe prescribed shall be provided to the Department of Planning Building. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

BIO-6 Noxious Weed Species. To prevent the potential spread of invasive botanical species identified within the project site, all vehicles and equipment used at the siteshall be cleaned of all dirt, mud, and plant debris prior to exiting the site.

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

BIO-7 Standard SJKF Avoidance and Protection Measures

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

b. A maximum of 25 mph speed limit shall be required at the project site during project activities during daylight hours (sunrise to sunset). Any security vehicles accessing the project site from the county road during night-time hours will be required to observe a 10 mph speed limit. Speed limit signs shall be installed on the project site prior to start of all work.

c. Project construction activities shall occur only during daylight hours only (sunrise to sunset). On-going project activities shall occur during daylight hours only, except for periodic security patrols, which are allowed 24 hours a day. Any vehicle traffic necessary during nighttime hours associated with the above activities shall be conducted with extra caution to minimize impacts to wildlife. Any security vehicles accessing the project site from the County road during nighttime hours will be required to observe a 10-mph speed limit.

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

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

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

g. No deliberate feeding of wildlife shall be allowed.

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

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

removal.

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

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

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

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

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

Monitoring: Evidence that the required SJKF avoidance measures are in place and are being implemented will be checked by the County Department of Planning and Building prior to construction, during construction, and quarterly through the cannabis monitoring program.

BIO-8 Nighttime Lighting. To minimize the effects of exterior lighting on special-status wildlife species, the applicant shall submit a Light Pollution Prevention Plan to the County Planning Department for approval that incorporates the following measures to reduce impacts related to night lighting:

a. Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;

b. All facilities using artificial lighting shall include shielding and/or blackout tarps that are in place between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping;

c. Exterior path lighting shall conform to LUO Section 22.10.060, be designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off site. Exterior path lighting shall be"warm-white" or filtered (correlated color temperature of < 3,000 Kelvin;

scotopic/photopic ratio of < 1.2) to minimize blue emissions; and

d. Exterior lighting used for security purposes shall be motion activated, be designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off site and shall be of the lowest lumen necessary to address security issues.

> **Monitoring:** The Light Pollution Prevention Plan shall be provided to the Department of Planning Building for review and approval prior to building permit issuance. Compliance will be verified by the County Department of Planning and Building prior to the start of cultivation activities and during quarterly monitoring.

BIO-9 Annual Pre-activity Survey for SJKF and Burrowing Owl (BUOW). Applicant or project proponent shall hire a qualified biologist to complete an annual pre-activity survey for SJKF and BUOW no more than 14 days **prior to the start of initial ground disturbance** associated with the outdoor grow sites to ensure SJKF and special-status bird species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active SJKF and BUOW burrows within the grow site areas plus a 200-foot buffer for SJKF. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of the burrows is not feasible, the County shall be contacted for further guidance. The County will contact the appropriate resource agencies. If a SJKF den is found within 200 feet of the disturbance area, the County must be contacted for further guidance. The County will contact the appropriate resource agencies.

> **Monitoring:** Evidence that the applicant has hired a qualified biologist and has conducted the required annual pre-activity survey for SJKF and BUOW shall be provided the County Department of Planning and Building no more than 14 days prior to the start of ground disturbance. Compliance shall be verified by the County Department of Planning and Building prior to and during ground disturbance activities.

BIO-10 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 remove 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: No later than one month following revocation of a use permit or abandonment of a licensed cultivation or nursery site the project site shall be inspected by the County Department of Planning and Building to ensure all materials, equipment and improvements devoted to cannabis has been removed. Plans and description of the continued use of any non-cannabis related materials or equipment on the site, and any required restoration plan that will re-establish the previous natural conditions of the site shall be provided to the County Department of Planning and Building and approved within two weeks of the revocation or abandonment of such cannabis project. Compliance shall be monitored by the County Department of Planning and Building.

BIO-11 Pre-construction survey for American badgers (*Taxidea taxus*). 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, 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.
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), measured outward from the burrow entrance. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.
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: Evidence that preconstruction surveys for American badger have been undertaken within the timeframes prescribed shall be provided to the Department of Planning Building prior to any construction or pre-construction activities. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

BIO-12 Pre-construction Survey for Sensitive and Nesting Birds. If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week **prior to initial project activity beginning**, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is

no longer deemed active.

a. A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project- related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.

b. If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) 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: Evidence that preconstruction surveys for sensitive and nesting birds have been undertaken within the timeframe prescribed shall be provided to the Department of Planning Building. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

BIO-13 Pre-construction Survey for Burrowing Owl (BUOW) (*Athene cunicularia*). If work is planned to occur within 150 meters (approximately 492 feet) of BUOW habitat, a qualified biologist shall conduct a pre-construction survey for the species within 14 days **prior to initial project activities**. This applies year-round (i.e., within the breeding (February 1 to August 31) or non-breeding (September 1 to January 31) seasons. Habitat for BUOW includes areas with generally short, sparse vegetation and few shrubs, level to gentle topography and well-drained soils including grasslands, shrub steppe, desert, some agricultural areas, ruderal grassy fields, vacant lots, and pastures. A second survey shall be completed immediately prior to initial project activities (i.e., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on BUOW Mitigation, which specifies that 7- to 20-meter transects shall be walked, such that the entire project area is visible. These surveys may be completed concurrently with SJKF, American badger, or other special-status species surveys. If occupied BUOW burrows are identified the following exclusion zones shall be observed during project activities, unless otherwise authorized by CDFW:

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

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

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

Monitoring: Evidence that preconstruction surveys for burrowing owl have been undertaken within the timeframes prescribed shall be provided to the Department of Planning Building prior to any construction or pre-construction activities. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

BIO-14 Native Tree Impacts. Prior to issuance of construction or grading permits or prior to any site disturbance, whichever occurs first, a County-qualified biologistshall prepare finalized site plans that shall clearly delineate all native trees within 50feet of areas where soil disturbance would occur and shall indicate which trees would be impacted by project activities, such as compaction (e.g., regular use of vehicles), grading (includes cutting and filling of material), tilling, placement of impermeable surfaces (e.g., pavement), or year-round irrigation within the critical root zone (measured to be a radius of 1.5 times the dripline of the tree), and which trees are to remain unimpacted.

Monitoring: An inventory of native oak trees within 50 feet of construction activities shall be provided to the Department of Planning and Building prior to grading permit issuance. Trees shall be marked as required and verified prior to construction by the Department of Planning and Building. A monitoring report summarizing results of the monitoring shall be submitted to the County Department of Planning and Building within one week of completing monitoring work. Trimming and other activities affecting native oak trees shall be monitored during construction by the Department of Planning and Building.

BIO-15 Native Tree Protection. Throughout all project phases' site disturbance and construction activities, native oak trees located within 20 feet of proposed grading, trenching, building construction, road improvements, tilling, year-round irrigation, orother impactful activities shall be protected by placement of protective fencing until site disturbance activities of that phase is complete.

Monitoring: Compliance will be verified by the County Department of Planning and Building prior to, and during construction as well as quarterly through the County's monitoring program.

BIO-16 Oak Tree Replacement Plan. Prior to issuance of construction or grading permits or prior to site disturbance of all project phases, whichever occurs first,the qualified biologist shall prepare an Oak Tree Replacement Plan that provides forthe installation and maintenance of replacement native oak trees on the project parcel and surrounding parcels owned by the Applicant and shall be reviewed and approved by the County Department of Planning and Building. Mitigation replacement plantings for each oak tree removed shall be at a at a 4:1 ratio and at a2:1 ratio for each oak tree impacted (e.g., if nine trees are impacted, 18 trees shall be planted). The Oak Tree Replacement Plan shall include the following components:

a. A brief narrative of the project location, description, and purpose;

b. Clearly identified parties responsible for the mitigation program and their contact information;

c. A landscape map showing and quantifying all oak tree planting areas;

d. A requirement that all replacement oak trees be located at least 50 feet from existing powerlines.

e. A detailed discussion of the methods for implementing the Oak Tree Replacement Plan, including invasive species removal, sources of plant materials, and supplemental watering regimes;

f. Provisions for the collection of oak propagules from the disturbance area, replacement planting propagation, and reintroduction into the parcel;

g. Identification of locations, amounts, species, and sizes of the oak trees to be planted. For each individual of a species removed, the same species shall be planted.

h. Identification of necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful plant reestablishment;

i. A program schedule and established success criteria for a 5-year maintenance, monitoring, and reporting program that is structured to ensure the success of the mitigation plantings; and

j. Methods for removing nonnative species from the replanting areas.

Monitoring: Prior to issuance of a building permit the applicant shall prepare and obtain review and approval of an Oak Tree Replacement Plan by the Department of Planning and Building. Compliance with the plan will be verified by the County Department of Planning and Building prior to, and during construction.

BIO-17 Unimpacted Oak Tree Maintenance. For the life of the project, all oak trees not identified as being impacted shall be maintained. Unless identified as impacted in the finalized site plans, the following activities are not allowed within the critical rootzone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plant(s) for up to 3 years), grading (includes cutting and filling of material), compaction (e.g., regular use of vehicles), placement of impermeable surfaces (e.g., pavement), and disturbance of soil that impacts roots (e.g., tilling).

Monitoring: Compliance will be verified by the County Department of Planning and Building prior to and during construction as well as during quarterly project monitoring.

BIO-18 Pre-construction surveys for Crotch Bumblebee (CBB). Prior to issuance of construction or grading permits or prior to any site disturbance, if no permitsare required, the following actions shall be undertaken to avoid and minimize potential impacts to CBB:

a. CBB Surveys - The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for CBB within suitable habitat (i.e. small mammal burrows, thatched/bunched 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.

b. CBB Take Avoidance - If the survey(s) establish the presence of CBB 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 of the Department of Panning and Building in consultation with CDFW. The Management Plan shall include at least the following:

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

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

c. In the event CBB is denied listing under the CESA, this measure shall not be required.

Monitoring: Evidence that preconstruction surveys for Crotch Bumblebee have been undertaken within the timeframes prescribed shall be provided to the Department of Planning Building prior to any construction or pre-construction activities. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

BIO-20 Western Pond Turtle Pre-Construction Survey. A qualified biologist(s) shall conduct a pre-construction survey within 24 hours prior to the onset of work activities within and around areas proposed for construction and staging activities. Ifthis species is found and the individuals are likely to be injured or killed by work activities, the approved biologist shall be allowed sufficient time to move them from the project site before work activities begin. The biologist(s) must relocate any western pond turtle the shortest distance possible to a location that contains suitable habitat that is not likely to be affected by activities associated with the project.

Access routes, staging, and construction areas shall be limited to the minimum areanecessary to achieve the project goal and minimize potential impacts to western pond turtle habitat

including locating access routes and construction staging areas outside of wetlands and riparian areas to the maximum extent practicable.

Monitoring: Evidence that preconstruction surveys for Western Pond Turtle have been undertaken within the timeframes prescribed shall be provided to the Department of Planning Building prior to any construction or pre-construction activities. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

BIO-21 Pre-construction survey for special-status reptiles and amphibians. A qualified biologist shall conduct a pre-construction survey immediately **prior to initial projectactivities** (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat for California legless lizard (*Anniella pulchra)*, San Joaquin coachwhip (*Coluber flagellum ruddocki),* Coast horned lizard (*Phrynosoma blainvillii*), and Western spadefoot (*Spea hammondii) and foothill yellow-legged frog (FYLF)(Rana boylii).* Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special-status reptile or amphibian species are discovered during surveys or monitoring, they will be allowedto leave the area on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact.

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

Monitoring: Evidence that preconstruction surveys for special status reptiles and amphibians have been undertaken within the timeframes prescribed shall be provided to the Department of Planning Building prior to any construction or pre-construction activities. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

BIO-22 Pre-construction survey and burrow mapping for special-status small mammals. A qualified biologist shall complete a pre-construction survey for special-status small mammal species (e.g. Salinas pocket mouse [*Peroganthus inomatus incaratus psammophilus*]) no more than two weeks prior to the start of initial project activities to determine if special-status small mammal species are present within proposed work areas. The survey will include mapping of all potentially active special-status small mammal burrows within the proposed work areas, access routes, and staging areas, plus a 50-foot buffer.

- All potentially active small mammal burrows will be mapped and flagged, and a50-foot exclusion zone shall be established around the burrows. The exclusionzone shall encircle the burrows and have a radius of 50 feet from the burrow entrance or the outside border of a cluster of burrows (e.g. precinct). 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 shallbe maintained until all project-related disturbances have been terminated, and then shall be removed.
- If avoidance of the burrows by 50 feet is not feasible and the species using the burrow is unknown, the burrows will be monitored for 3 days and 3 nights with an infra-red, motion-triggered camera. If it is determined that no special-statusspecies are using the burrow, no avoidance of the burrow is required.

- If it is determined that special-status small mammal burrows are present and cannot be avoided by 50 feet by all project activities, work in that area will notbegin and the County shall be contacted. The County will coordinate with appropriate resource agencies.

If two weeks lapse between project phases (e.g., vegetation trimming and thestart of grading), during which no or minimal work activity occurs, the small mammal burrow survey shall be repeated.

> **Monitoring**: Evidence that preconstruction surveys for special-status small mammals species (e.g., Salinas pocket mouse) have been undertaken within the timeframes prescribed shall be provided to the Department of Planning Building prior to any construction or pre-construction activities. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

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.

> **Monitoring:** Required during all construction activities. Implementation and compliance will be verified by the County Department of Planning and Building.

Hydrology and Water Quality

W-1 Prior to issuance of building permits (or prior to occupancy if no building permits are required), 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:

a. A detailed inventory of net new water demand associated with all cannabis-related activities including cultivation, nursery activities, manufacturing, and processing as applicable. The inventory and estimate of water demand shall be prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of Planning and Building. The quantification of water demand shall be expressed in total acre-feet per year, and shall be consistent with the Water Management Plan required by LOU Sections 22.40.050 C. 1 and 22.40.060 C.1.

b. A program for achieving providing a water demand offset of **4.88** 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). The water demand offset for all cannabis-related activities shall be 2:1 within the Area of Severe Decline and 1:1 elsewhere within the Basin. Such a program may include, but is not limited to, the following:

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

- The offset of 1.12 acres of alfalfa cultivation on APN 027-420-003;
- Drip irrigation;
- 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.
- Installation of float valves on water tanks to prevent tanks fromoverflowing;
- 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.]
- 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.]

ii. 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.

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

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

Monitoring: Water Conservation Plan to be submitted and approved by the Department of Planning and Building prior to the issuance of construction permits.

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 of 4.88 AFY.

> **Monitoring:** Compliance will be verified quarterly 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.

	Thomas Anderson II	05/20/2021
Signature of Applicant	**Name (Print)**	**Date**