



# Negative Declaration & Notice Of Determination

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

**ENVIRONMENTAL DETERMINATION NO.** ED Number 20-197

**DATE:** June 16, 2021

**PROJECT/ENTITLEMENT:** Vertical Integration Corporation, Minor Use Permit DRC2020-00012

**APPLICANT NAME:** Vertical Integration Corporation  
**EMAIL:** steven@verticalintegration.com  
**ADDRESS:** 198 Cow Meadow Place, Paso Robles, CA 93446  
**CONTACT PERSON:** Steven Herring **TELEPHONE:** 805-460-6326

**PROPOSED USES/INTENT:** A request by **Vertical Integration Corporation** for a Minor Use Permit (DRC2020-00012) to establish up to 3 acres of outdoor cannabis cultivation canopy within hoop structures. Additional improvements include security fencing and equipment, parking and access, etc. The project will result in the disturbance of approximately 5.16 acres including 107 cubic yards (cy) of cut and 83 cy of fill on an approximately 644-acre parcel located at 9110 Camatta Creek Road (APN 037-371-001), approximately 18 miles east of the community of Santa Margarita, 15 miles west of California Valley, and 2.5 miles north of Highway 58. The project includes a setback modification to reduce the required setback from 300 feet to zero feet along the western property line. The project is within the Agriculture land use category and Shandon Carrizo Subarea of the North County Planning Area.

**LOCATION:** 9110 Camatta Creek Road, Santa Margarita (APN 037-371-001)

**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.

Eric Hughes (ehughes@co.slo.ca.us)

County of San Luis Obispo

**Signature**

**Project Manager Name**

**Date**

**Public Agency**



Initial Study - Environmental Checklist

Project Title & No. Vertical Integration Corporation, Minor Use Permit, ED20-197, DRC2020-00012

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.

Table with 3 columns of environmental factors and checkboxes. Checked items include Air Quality, Biological Resources, Hazards & Hazardous Materials, Hydrology & Water Quality, Land Use & Planning, Utilities & Service Systems, and Mandatory Findings of Significance.

DETERMINATION: (To be completed by the Lead Agency)

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

- Five bullet points with checkboxes describing potential environmental impacts and required declarations or reports. The second option is checked.

Signature and date lines for Kip Morais (Prepared by) and David Moran (Reviewed by). Includes a signature for Steve McMasters, Principal Environmental Specialist, dated March 30, 2021.

## Initial Study – Environmental Checklist

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### 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 **Vertical Integration Corporation** for a Minor Use Permit (DRC2020-00012) to establish up to 3 acres of outdoor cannabis cultivation canopy within hoop structures. Additional improvements include security fencing and equipment, parking and access, etc. The project will result in the disturbance of approximately 5.16 acres including 107 cubic yards (cy) of cut and 83 cy of fill on an approximately 644-acre parcel located at 9110 Camatta Creek Road (APN 037-371-001), approximately 18 miles east of the community of Santa Margarita, 15 miles west of California Valley, and 2.5 miles north of Highway 58. The project includes a setback modification to reduce the required setback from 300 feet to zero feet along the western property line. The project is within the Agriculture land use category and Shandon Carrizo Subarea of the North County Planning Area.

The project is one of three outdoor cannabis cultivation projects proposed on adjacent properties under common ownership (Figure 2). Each project is subject to a separate Minor Use Permit but will be developed concurrently with shared facilities for water supply, water treatment, water storage, vehicular access, and equipment storage. Table 1 provides a summary of the project components associated with all three projects.

The site plan (Figure 6) shows a 10-acre rectangular outdoor cultivation area situated on a relatively level mesa about one-half mile east of Shell Creek Road along the western property line shared with APN 037-371-002 and the cultivation area associated with DRC2020-00011 (Figure 3). Access will be provided by an existing roadway that extends eastward from Shell Creek Road to the cultivation area; the roadway will be shared and serve cannabis activities proposed on APNs 037-351-002 and 037-371-001. The roadway will be improved with an all-weather surface to a width of 16 feet consistent with CalFIRE standards and will terminate outside the cultivation area with a hammerhead turnaround for emergency vehicles and parking for ten (10) vehicles. The cultivation area will be developed with three sets of ten (10) hoop structures, permitted at a maximum height of 12 feet, and two (2) 400-square foot compost areas, which will be enclosed by six-foot-high chain-link fencing with opaque slats. One 400 square foot metal storage container will be placed outside the fenced security area on APN 037-371-001 to store equipment, fertilizers, and pesticides. Another will be placed near the well head and provide shared storage for the cannabis projects proposed on adjoining properties under the same ownership. A portable restroom will be provided for employees.

## Initial Study – Environmental Checklist

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One cannabis crop will be grown per year and will be harvested in late October and immediately taken offsite for processing. No drying or curing of plant material or storage of harvested plants will occur onsite.

No signage is proposed other than that required by the Sheriff's Department. No lighting is proposed except for security purposes.

Seasonal planting will occur during the daylight hours in the month of May for 5 days. During the planting and harvesting seasons, the project will have 30 seasonal staff who will meet offsite to bus, carpool, or vanpool to the site. During day-to-day operations, there will be three full time employees to attend to crop maintenance during daylight hours. Harvest will occur during October and will require 30 seasonal employees. Harvest is expected to take approximately 5 days, after which the harvested cannabis will be immediately transported offsite.

Water will be provided by an existing well located on the adjacent parcel to the west (APN 037-371-002); a 3-inch water line will be extended to the cultivation area. The project includes a water treatment system at the well site that will allow for the blending of fertilizer into the water prior to irrigation via a direct drip irrigation system.

### *Lighting and Security*

Security lighting will be fully shielded, directed downward, and hooded so as not to cast light off the property onto neighboring properties or skyward. Lighting will comply with the International Dark Sky Association standards for lighting zones and be designed to regulate light spillage onto neighboring properties resulting from backlight, up-light, or glare.

Motion-activated lighting will be provided at the locked gate on Shell Creek Road as a deterrence. Switch-controlled lighting will be provided at the water treatment plant for use during nighttime emergency situations. No lighting will be utilized in the cultivation area. Lights are not necessary due to the nature of outdoor cultivation and the project's remote location and restricted access. All work would occur during daylight hours.

A Security Plan has been prepared for the project and submitted for review by the Sheriff's Department, including security staffing and strict access controls. No harvested cannabis will be stored onsite.

### *Odor Management*

Odor associated with outdoor cultivation will be managed with the use of setbacks and barriers (i.e., hoop structure materials and screened fencing). The proposed outdoor cultivation area will be setback a minimum of 300 feet from properties not under the same ownership as the project site.

According to the application materials, the proposed annually harvested operation is not anticipating any odor nuisance because:

- A majority of neighboring parcels are under the same ownership;
- The nearest residence is approximately 0.9 mile south of the proposed project;
- The area is dominated by agriculture and is very rural;
- Outdoor cannabis cultivation does not produce odor for the majority of the year, with a 3-5 week window where the odor could potentially be detected.
- The site meets all minimum setback requirements from parcels not under common ownership;
- The applicant has met with the single neighboring property not under contiguous ownership and

## Initial Study – Environmental Checklist

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established an open line of communication in the event concerns regarding odor are raised during times of harvest so they can work to identify measures to ensure the operation is compatible with the neighborhood. Establishment of this communication is considered by the neighborhood to be an effective odor management plan tool.

## Initial Study – Environmental Checklist

Table 1 – Summary of Concurrent Vertical Integration Projects

Project Components	Vertical Integration Site 1 DRC2020-00012	Vertical Integration Site 2 DRC2020-00011	Vertical Integration Site 3 DRC2020-00179	Total
Project Site Area	644 acres	199 acres	635 acres	1,478 acres
Outdoor Cannabis Cultivation	Up to 3.75 acres with 30 hoop structures	Up to 3.75 acres with 30 hoop structures	Up to 3.75 acres with 30 hoop structures	Up to 11.25 acres, 90 hoop structures
Cannabis Canopy	Up to 3 acres	Up to 3 acres	Up to 3 acres	Up to 9 acres
Employees	3 full time, 30 seasonal employees for five days	3 full time, 30 seasonal employees for five days	3 full time, 30 seasonal employees for five days	9 full time, 90 seasonal
Hours of operation	Daylight hours from May through October	Daylight hours from May through October	Daylight hours from May through October	Daylight hours from May through October
Estimated Water Demand for Cultivation and Domestic Use	2.19 AFY	2.19 AFY	2.19 AFY	6.57 AFY
Motor Vehicle Trips	6 trips per day, 5 truck trips during the harvest	6 trips per day, 5 truck trips during the harvest	Max. 6 trips per day 5 truck trips during the harvest	18 trips per day, plus 15 truck trips during the harvest
Areas of Disturbance Cultivation Areas Storage Water Treatment Parking Access Road Water Line Total:	216,599 sq.ft. 0 sq.ft. 0 sq.ft. 3,855 sq.ft. <u>4,288 sq.ft.</u> <u>0 sq.ft.</u> 224,742 sq.ft./ 5.16 acres	216,599 sq.ft. 550 sq.ft. 3,000 sq.ft. 0 sq.ft. <u>4,288 sq.ft.</u> <u>0 sq.ft.</u> 224,387 sq.ft./ 5.15 acres	213,079 sq.ft. 425sq.ft. 0 sq.ft. 0 sq.ft. <u>17,486 sq.ft.</u> <u>0 sq.ft.</u> 230,990 sq.ft./ 5.30 acres	15.61 acres
Cut and Fill	107 cy cut, 83 cy fill	107 cy cut 81 cy fill	319 cy cut/255 cy fill	533 cy cut, 419 cy fill
Chemical and Equipment Storage	-	One, 400 sq.ft. storage container Plus one 400 sq.ft. shared storage container	One, 400 sq.ft. storage container	3 storage containers
Water Storage	n/a	Two 10,000 gal. tanks for irrigation, One 10,000 gal. tank for fire suppression Two 5,000 gal. tanks for nutrient blending	n/a	Two 10,000 gal. tanks for fire suppression, Two 5,000 gal. tanks for nutrient blending
Portable Restrooms	1	1	1	3

## Initial Study – Environmental Checklist

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### *Water Management*

The project's estimated water use for three acres of cannabis is 2.19 acre-feet per year (AFY). The project is within the Paso Robles Groundwater Basin which has been assigned a Level of Severity III by the County Resource Management System; the project is outside the Area of Severe Decline. Therefore, a water demand offset of 1:1 is required for the proposed cannabis use. The applicant proposes to achieve the required offset by retiring irrigated cultivation on a property (or properties) under their ownership.

The project water demand will be served by an existing groundwater well. A well pump test performed in 2015 revealed that the well can produce 1,000 gallons per minute and the water level recovered in about 30 minutes. In addition, two (2) 10,000-gallon water tanks will be installed on the adjacent parcel to the south for storage.

### *Pesticides and Fertilizers*

In accordance with LUO Section 22.40.050.C.3. all applications for cannabis cultivation must include a list of all pesticides, fertilizers and any other hazardous materials expected to be used, along with a storage and hazardous response plan. All products are non-hazardous and in compliance with the Department of Pesticide Regulation (DPR) and the County of San Luis Obispo Agricultural Commissioner (CAC).

Fertilizer application will be monitored by the Regional Water Quality Control Board annual reporting of the project's Nitrogen Management Plan.

### Insecticides and Miticides

Azadirachtin • Bacillus thuringiensis sub. kurstaki • Bacillus thuringiensis sub. israelensis • Beauveria bassiana • Burkholderia spp. strain A396 • Capsaicin • Cinnamon and cinnamon oil • Citric acid • Garlic and garlic oil • Geraniol • Horticultural oils (petroleum oil) • Insecticidal soaps (potassium salts of fatty acids) • Iron phosphate • Isaria fumosorosea • Neem oil • Potassium bicarbonate • Potassium sorbate • Rosemary oil • Sesame and sesame oil • Sodium bicarbonate • Soybean oil • Sulfur • Thyme oil

### Fungicides and Antimicrobials

Bacillus amyloliquefaciens strain D747 • Cloves and clove oil • Corn oil • Cottonseed oil • Gliocladium virens • Neem oil • Peppermint and peppermint oil • Potassium bicarbonate • Potassium silicate • Reynoutria sachalinensis extract • Rosemary and rosemary oil • Sodium bicarbonate • Trichoderma harzianum

### Vertebrate Repellants

Castor oil

An Operator Identification Number will be obtained for the cultivation staff or contractors responsible for pesticide and fertilizer application in accordance with rules established by the Department of Agriculture / Weights and Measures.

The project includes a water treatment system at the well site on APN 037-371-002 that will allow for the blending fertilizer into the water prior to irrigation via a direct drip irrigation system. The pesticide plan will be adjusted depending on pests encountered on site and will be varied to avoid pest adaptation.

### *Storage and Hazard Response Plan*

The project includes hazard response procedures within the Emergency Management Section of the Employee Safety Plan. All pest management will be contracted out. Any small chemical containers needed for day-to-day operations will be securely and properly stored and utilized in accordance with good farming

## Initial Study – Environmental Checklist

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practices.

### *Waste Management Plan*

For solid waste, a standard commercial waste bin will be located adjacent to the grow site. Trash pick-up services will be contracted, and the bin will be emptied when it becomes full. For compostable waste, all unused plant materials and soils will be shredded and tilled back into the soil after harvest. During the grow season, compostable waste will be maintained in a pile inside the secured portion of the grow site.

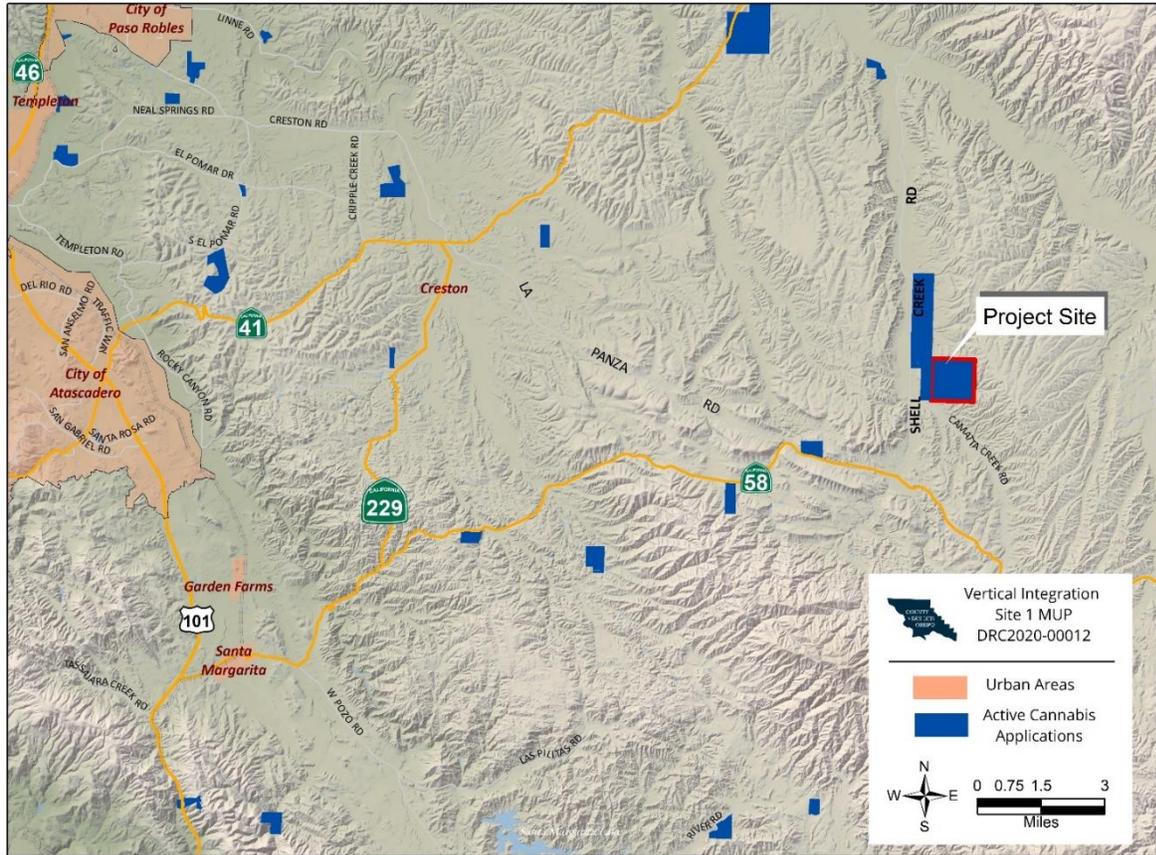
**Ordinance Modification:** The project includes a setback modification to reduce the required setback for outdoor cannabis cultivation from 300 feet to zero feet along the western property line which is shared with a parcel under common ownership (APN 037-371-002) and where cannabis activities are also proposed (DRC2020-00011).

**Baseline Conditions.** The project will be constructed on a single lot of record that is one of several contiguous parcels under the same ownership. The project site contains no structures other than the well. The level areas along the western portion of the site have most recently been used for irrigated vegetable crop production. Access is provided to the project site from an existing driveway at County-maintained Shell Creek Road. Water is provided to the site from an existing well that is shared among three contiguously owned parcels and piped for irrigation of the project site and parcels to the north and west. Existing vegetation includes non-native annual grasslands and agricultural crops; the nearest water course is a tributary of Shell Creek located offsite about 200 feet to the east. Topography of the project site is relatively level area where the cannabis activities are proposed.

The nearest offsite residence is located approximately 0.9 mile south of the project site. The project site is subject to an active Land Conservation Act (Williamson Act) contract. There has been no cannabis cultivation previously on the project site.

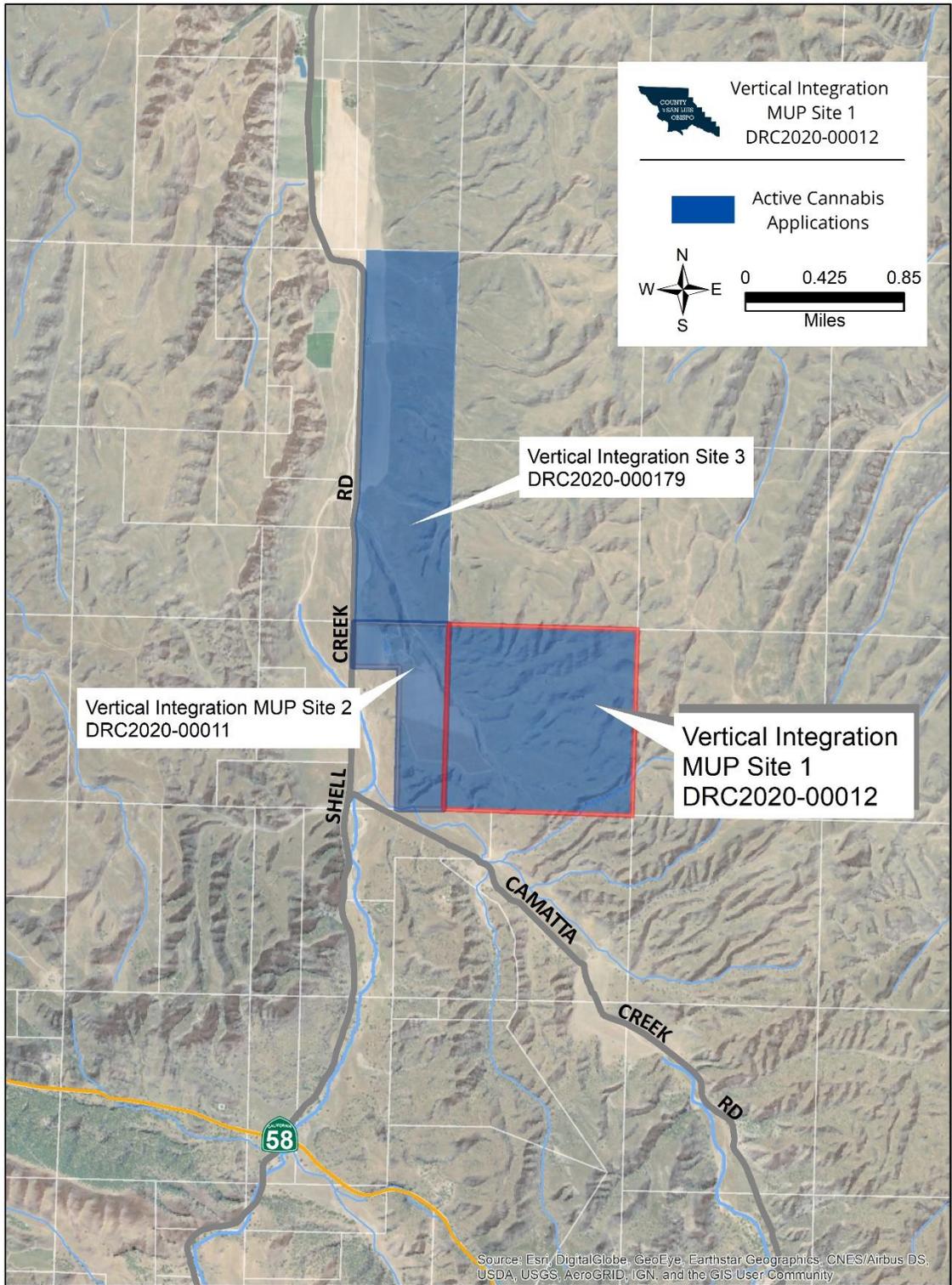
# Initial Study – Environmental Checklist

Figure 1 – Project Location



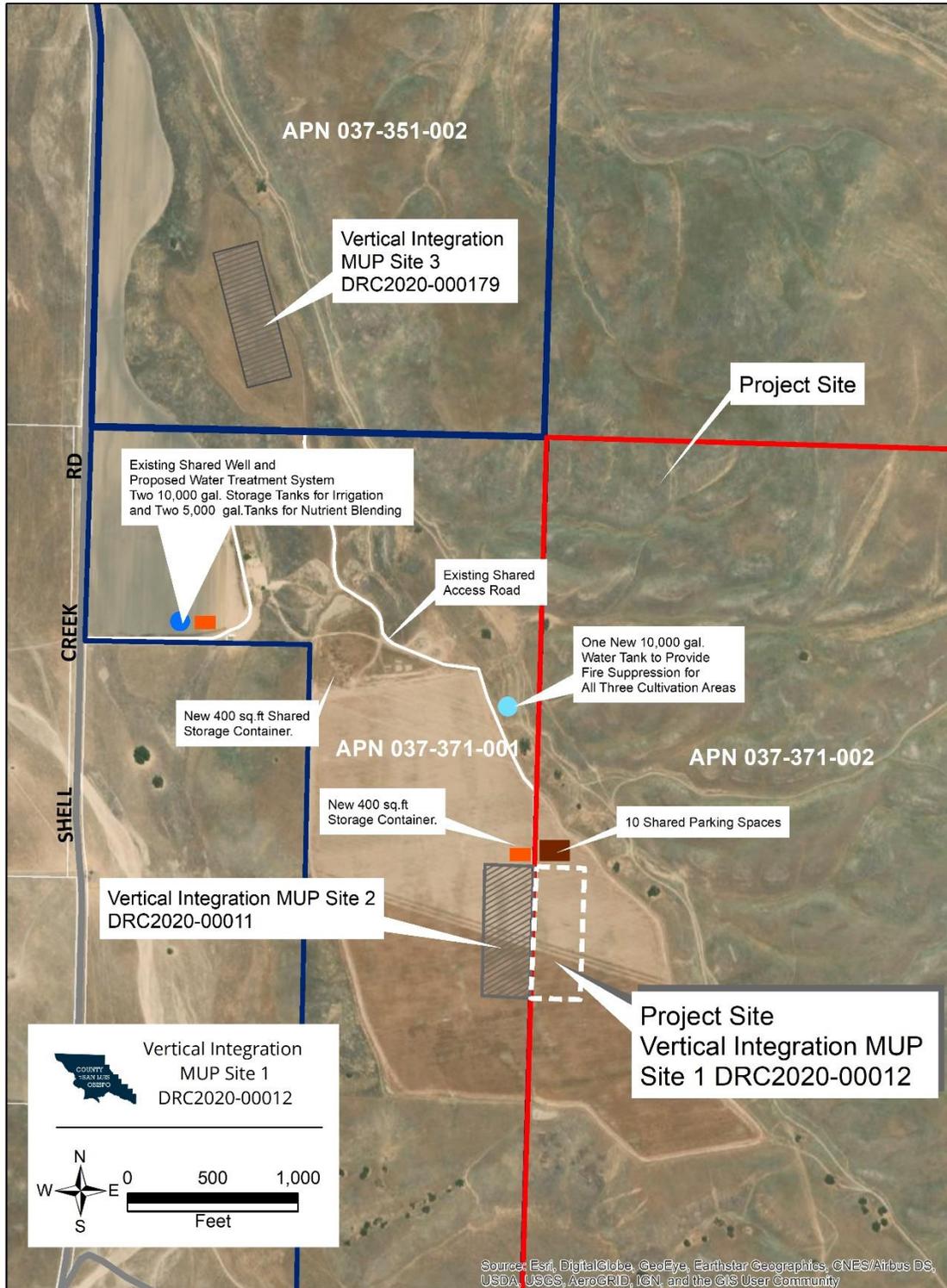
## Initial Study – Environmental Checklist

Figure 2 – Aerial View of Vertical Integration Projects



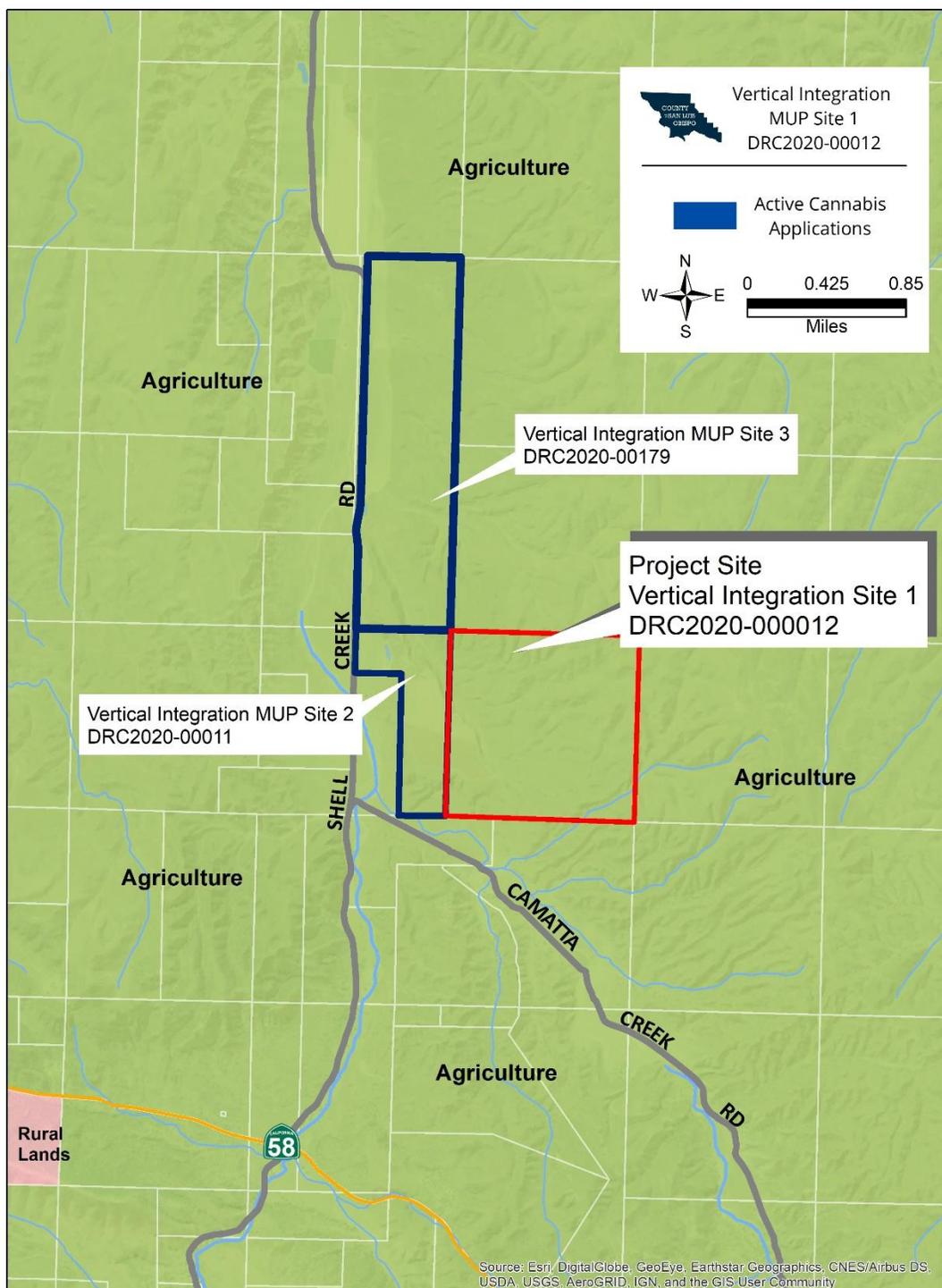
# Initial Study – Environmental Checklist

Figure 3 – Aerial View



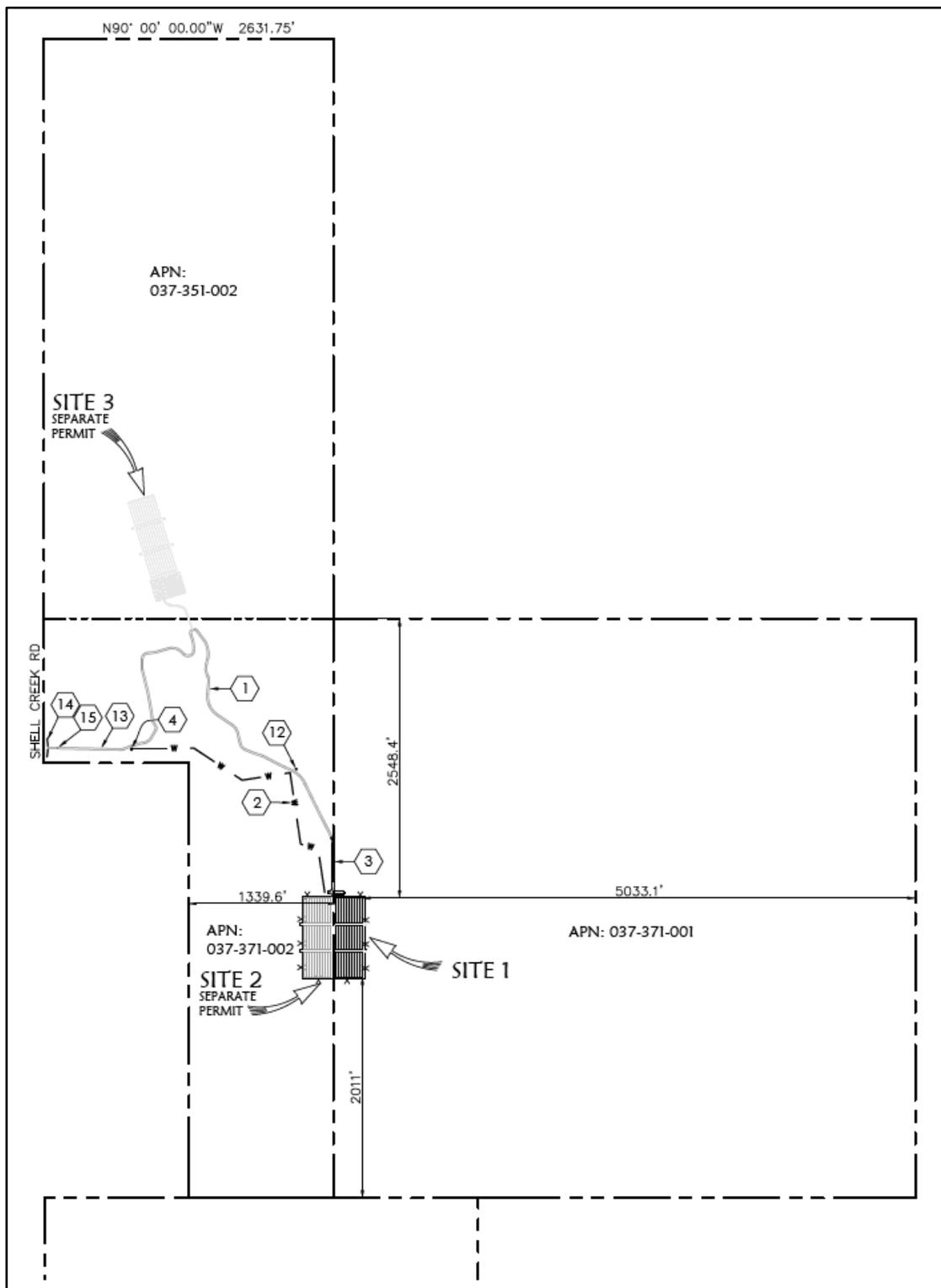
## Initial Study – Environmental Checklist

Figure 4 – Land Use Designations



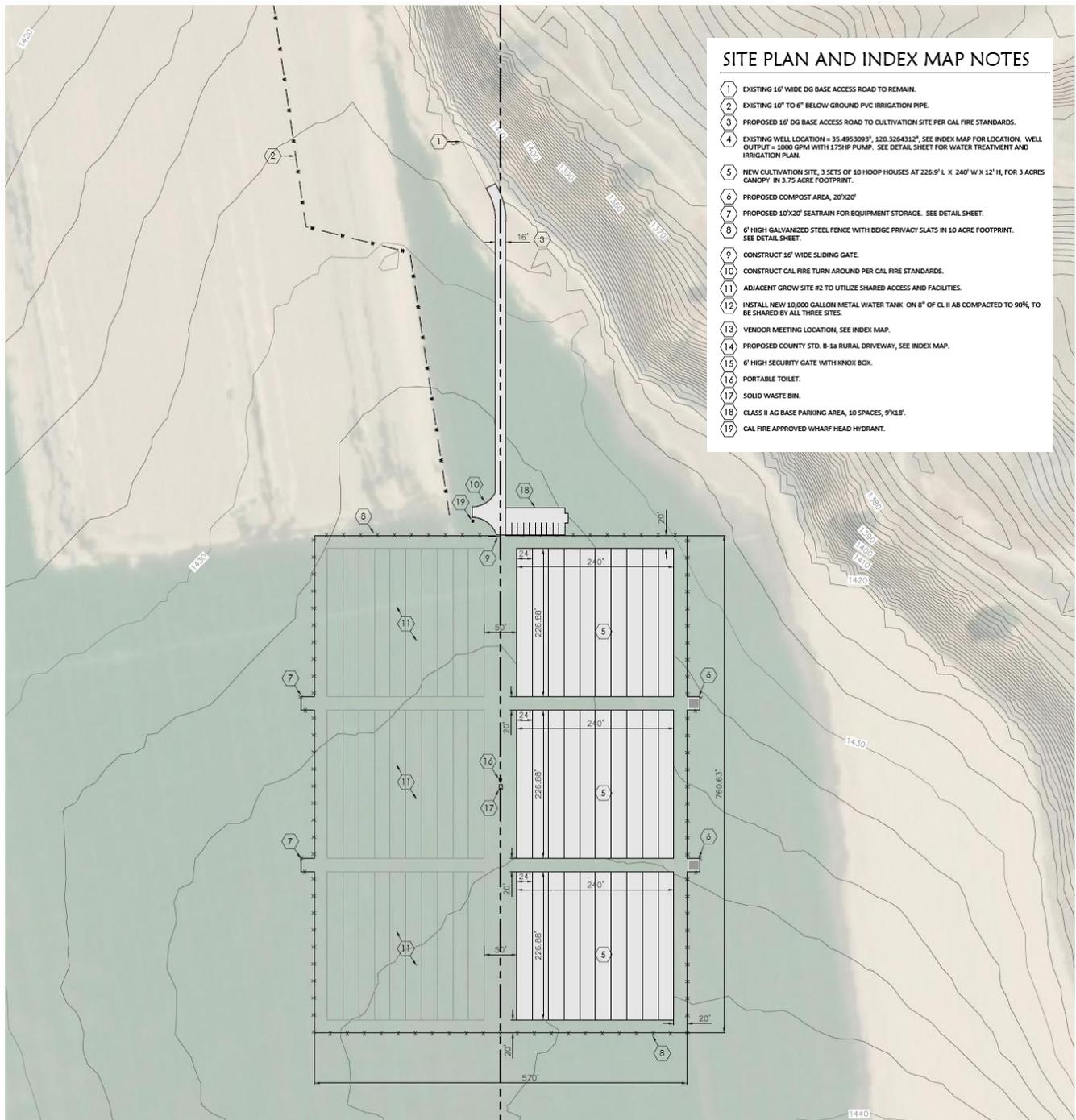
# Initial Study – Environmental Checklist

Figure 5 - Overall Site Plan



# Initial Study – Environmental Checklist

Figure 6 – Site Plan Details



## Initial Study – Environmental Checklist

Figure 7 – Hoop Structure Details

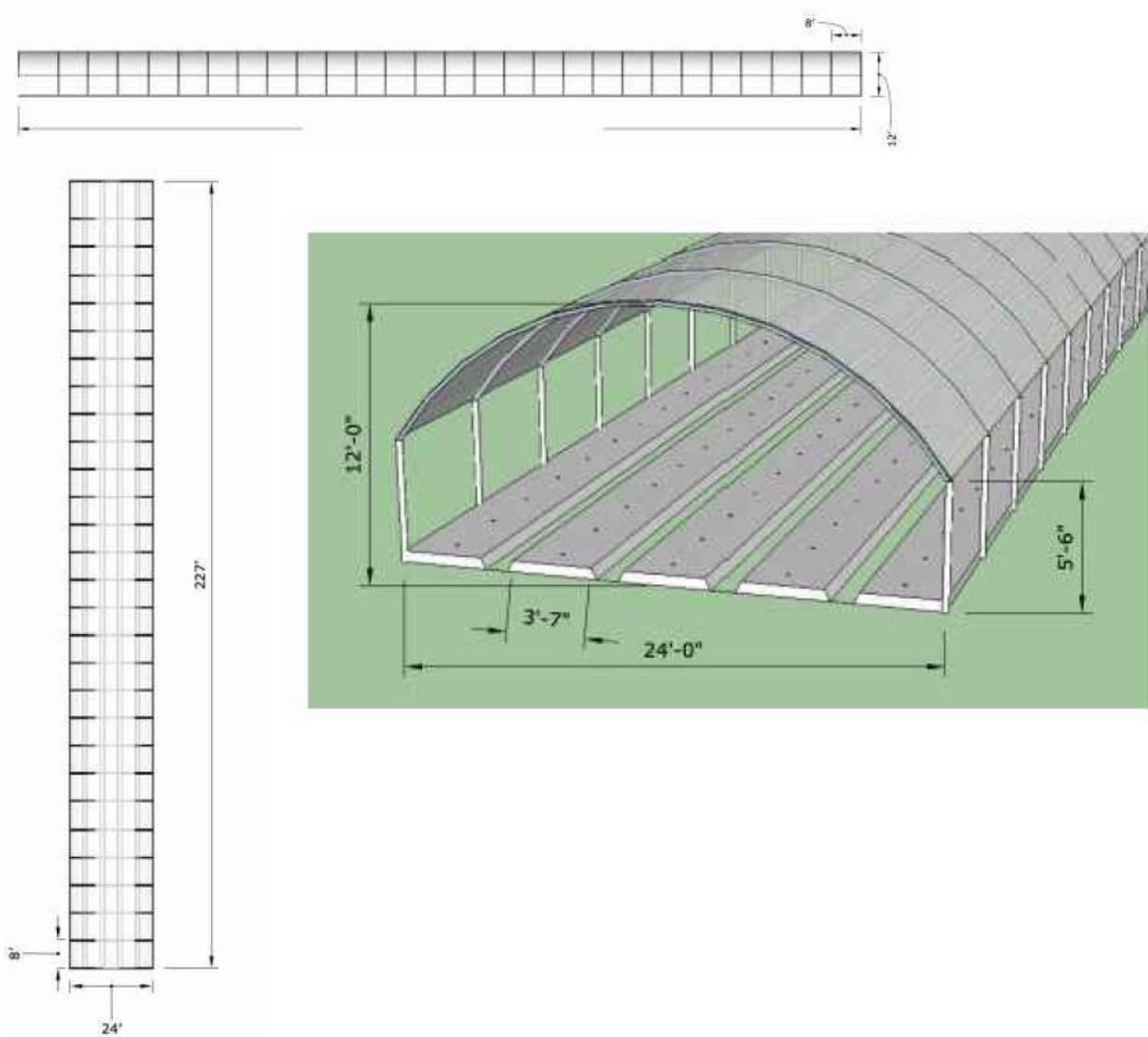
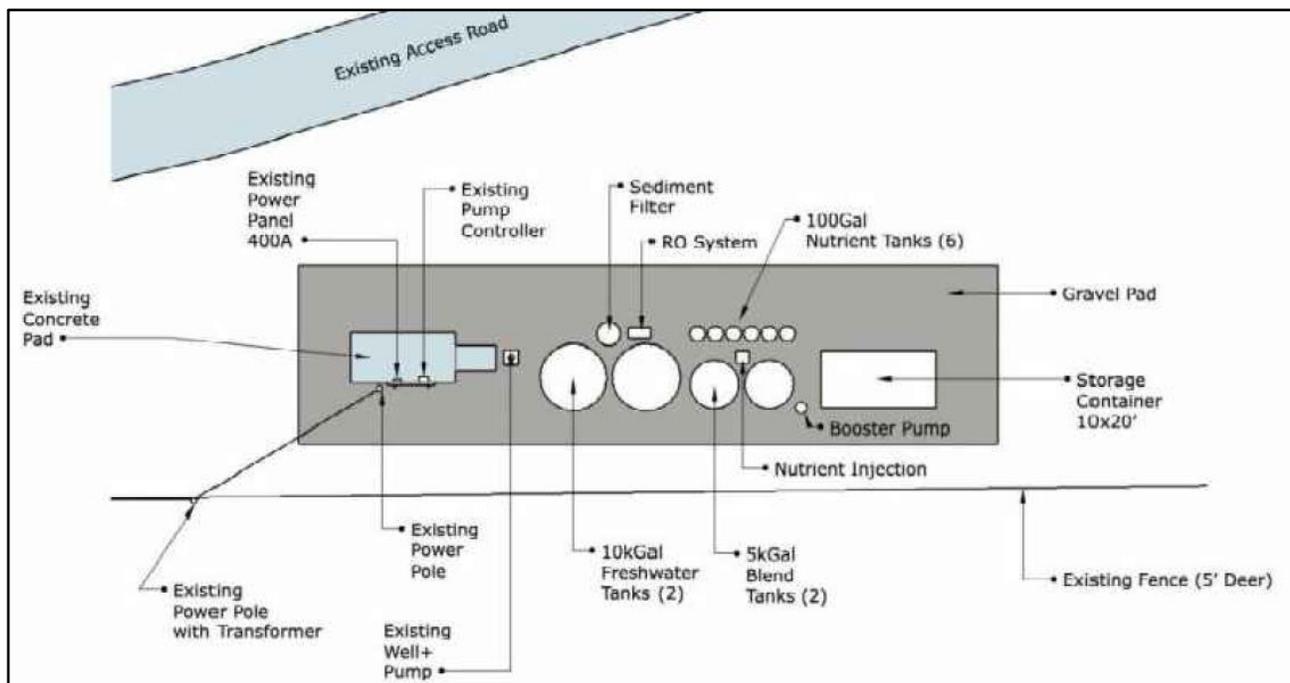


Figure 8 – Security Fencing and Equipment Storage



### Initial Study – Environmental Checklist

Figure 9 – Well, Water Storage and Water Treatment Systems



## Initial Study – Environmental Checklist

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**ASSESSOR PARCEL NUMBER(S):** 037-371-001

**Latitude:** 35° 48' 85" N      **Longitude:** 120° 31' 67" W      **SUPERVISORIAL DISTRICT #** 1

### B. Existing Setting

**Plan Area:** North County      **Sub:** Shandon-Carrizo      **Comm:** N/A

**Land Use Category:** Agriculture

**Combining Designation:** Flood Hazard Area

**Parcel Size:** 643.9 acres

**Topography:** Nearly level

**Vegetation:** Agriculture

**Existing Uses:** Agricultural Uses

#### Surrounding Land Use Categories and Uses:

**North:** Agriculture; Agricultural Uses

**East:** Agriculture; Agricultural Uses

**South:** Agriculture; Agricultural Uses

**West:** Agriculture; Agricultural Uses

### C. Environmental Analysis

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

## Initial Study – Environmental Checklist

### I. AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Except as provided in Public Resources Code Section 21099, would the project:</i>				
(a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Setting

CEQA establishes that it is the policy of the state to take all action necessary to provide people of the state “with... enjoyment of aesthetic, natural, scenic and historic environmental qualities” (Public Resources Code Section 21001(b)).

A scenic vista is generally defined as a high-quality view displaying good aesthetic and compositional values that can be seen from public viewpoints. Some scenic vistas are officially or informally designated by public agencies or other organizations. A substantial adverse effect on a scenic vista would occur if the project would significantly degrade the scenic landscape as viewed from public roads or other public areas. A proposed project’s potential effect on a scenic vista is largely dependent upon the degree to which it would complement or contrast with the natural setting, the degree to which it would be noticeable in the existing environment, and whether it detracts from or complements the scenic vista.

California’s Scenic Highway Program was created by the State Legislature in 1963 with the intention of protecting and enhancing the natural scenic beauty of California highways and adjacent corridors. There are several officially designated state scenic highways and several eligible state scenic highways within the county. State Route 1 is an Officially Designated State Scenic Highway and All-American Road from the City of San Luis Obispo to the northern San Luis Obispo County boundary. A portion of Nacimiento Lake Drive is an Officially

## Initial Study – Environmental Checklist

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

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

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

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

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

The project site is located on a 644-acre parcel located north of the State Route (SR) 58 on Shell Creek Road in a rural area of the county where the primary land use is agriculture (grazing and crop production) on parcels ranging in size from 200 acres to over 650 acres. The visual quality of the area is moderate; the alluvial bottom lands along Shell Creek Road support irrigated crops that extend to the low hills that line the valley. The hills are largely devoid of trees or other vegetation and there are very few structures or rural residences. Cannabis activities are proposed on a relatively level mesa situated above the floodplain of Shell Creek about 2,500 feet east of Shell Creek Road in an area that has historically been used for irrigated crop production.

The project site takes access from an unimproved access road that extends eastward from Shell Creek Road through the adjoining property to the west. Shell Creek Road is a rural collector that connects SR 58 to SR 46 to the north near the community of Shandon. Views from the roadway are expansive in the vicinity of the project site for travelers as they pass through the area. Traffic counts taken on Shell Creek Road in 2010 north of SR 58 revealed an afternoon peak hour volume of 19 and 121 average daily trips. The area proposed for outdoor cultivation is visible at a distance to northbound travelers on Shell Creek Road as they approach from the south (Figure 10).

## Initial Study – Environmental Checklist

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

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

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

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

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

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

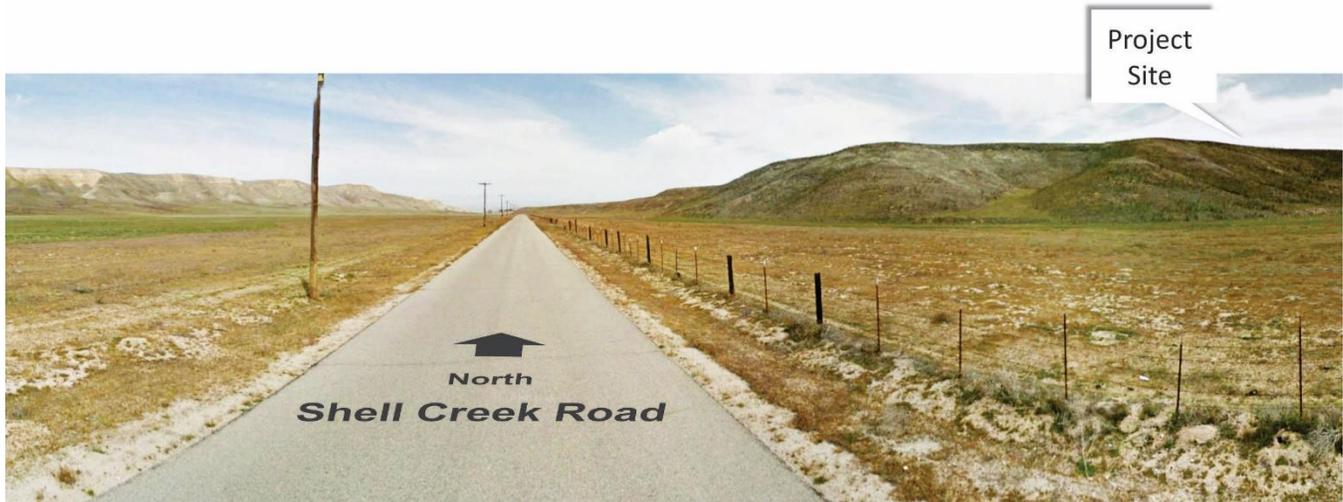
On January 16, 2019, the Office of Administrative Law (OAL) approved the California Department of Food and Agriculture's (CDFA's) cannabis cultivation regulations and the regulations went into effect immediately. These regulations have been set forth in Title 3, Division 8, Chapter 1 Article 4 of the 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.

Although no lighting other than security lighting is currently proposed for this project, state law sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8304 (c) states: All outdoor lighting used for security purposes shall be shielded and downward facing. Section 8304 (g) states: mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare.

## Initial Study – Environmental Checklist

Figure 10 -- Views of the Project Site from Shell Creek Road Looking North



### 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 accessed by an unpaved road off of Shell Creek Road which would serve as the primary public vantage for viewing the project site.

While the project vicinity has moderate scenic value and a 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 2021). In addition, Shell Creek Road is not a Suggested Scenic Corridor identified by Table VR-2 of the Conservation and Open Space Element. State Route 58, which is approximately 2.5 miles south of the project site is listed on Table VR-2; however, the project site is not visible from that roadway. 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 site is in a rural area. The project proposes up to a 3.75-acre cultivation area surrounded by six-foot-high chain-link security fence with opaque slats. The cultivation area will be adjacent to the

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cultivation area proposed on the adjacent parcel to the west (APN 037-371-002). The hoop structures will be 12 feet tall and constructed with a translucent covering that will be visible above the fence.

In assessing project impacts on visual resources, the following factors were considered:

- *The potential for, and frequency of, viewing by the general public.*

The aesthetic effects of a project are more likely to be significant if they are highly visible to large numbers of the public over an extended period of time. Changes to views that are seen by a limited number of people, or for only limited duration, may be found to be less than significant.

As discussed in the setting, Shell Creek Road carries about 19 vehicles during the afternoon peak hour, or about one vehicle every three minutes will pass by the project site. Traffic speeds on Shell Creek Road are about 55 miles per hour which means that travelers would pass by the project site in about 20 seconds, assuming the area where cannabis activities are proposed is visible for about 2,000 feet. Therefore, the potential and frequency to view components of the project from public vantage points along Shell Creek Road are relatively low.

- *The integrity and uniqueness of the existing scenic resource.*

The magnitude of change necessary to create a significant impact to visual resources is greater in a disturbed or non-unique environment than in a pristine or rare environment.

The visual character of the vicinity of the project site includes irrigated agricultural operations along the broad alluvial plain of Shell Creek. The hillsides in the vicinity of the project site support non-native annual grasses and sparse oak trees. Thus, the visual qualities of the areas where cannabis activities are proposed are not unique within the area north of SR 58 along Shell Creek Road.

Construction that results in 5.16 acres of site disturbance will not significantly disrupt the integrity of the viewshed.

- *The magnitude of the change.*

A project that is small in size, or will result in minimal physical changes to the environment, is less likely to cause a significant impact to scenic qualities, whereas a larger scale project may be more prominent. Aesthetic changes associated with an individual project may appear significant, but in the context of the entire region may be relatively minor. Changes to the visual character of the landscape where the change is minor may be found to be less than significant.

As discussed above, the area where cannabis activities are proposed supports non-native grasslands and crop production, elements that are common to the area and project site. Although the cultivation area is visible briefly from Shell Creek Road, it will be viewed at a distance (approximately one-half mile) and by a relatively small number of passing motorists. The visibility of the cultivation area will be partially mitigated by the following factors:

- The perimeter of the cannabis cultivation area will be surrounded by chain-link security fencing with opaque slats that will be at least six-feet-high.
- Plants will be enclosed in hoop structures on an elevated mesa. Accordingly, in compliance with LUO Section 22.40.050 D. 6, cannabis plants associated with cultivation will not be easily visible from offsite.

When considering the preceding factors within the context of the larger visual landscape, the project will have a *less than significant impact* on scenic vistas, scenic resources, including, but not limited to,

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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?*

Nighttime lighting in the area is minimal. The project is not proposing to introduce new sources of consistent lighting. Proposed security lighting will be fully shielded, downcast, and motion-activated, and would be consistent with LUO Sections 22.10.060 B through F to minimize light pollution.

### *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 will produce a new intermittent source of light and glare associated with the security lighting. However, this lighting will be shielded, directed downward, and motion-activated. Accordingly, potential impacts associated with light and glare will be less than significant. Impacts to aesthetic resources would be *less than significant*.

### *Mitigation*

None required.

### *Sources*

See Exhibit A.

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### II. AGRICULTURE AND FORESTRY RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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*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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Setting

The project site is located in a predominantly rural and agricultural area. The following area-specific elements relate to the property's importance for agricultural production.

Land use Category: Agriculture

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State Classification: Farmland of Statewide Importance

Historic/Existing Commercial Crops: Vegetables

In Agricultural Preserve? No

Under Williamson Act contract? Yes

The site is flat at the area of cultivation .

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 Grazing Land designation (CDOC 2016).

Chapter 6 of the County COSE identifies resource management goals, policies, and strategies to protect agricultural soils from conversion to urban and residential uses. Important Agricultural Soils within the County are identified in Table SL-2 of the COSE and 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 of Site 1 are described in detail below. The acreage and corresponding farmland classifications for all three reasonably foreseeable Vertical Integration sites are provided in Table 2.

*Map Unit: 102—Balcom-Nacimiento complex, 30 to 50 percent slopes*

Balcom

This component is on mountains, hills. The parent material consists of residuum weathered from soft calcareous sandstone or shale. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Shrink-swell potential is low. This soil is not flooded. It is not ponded. Nonirrigated land capability classification is 6e. This soil does not meet hydric criteria.

Nacimiento

This component is on hills, mountains. The parent material consists of residuum weathered from soft calcareous shale or sandstone. The natural drainage class is well drained. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. Nonirrigated land capability classification is 6e. Irrigated land capability classification is 6e. This soil does not meet hydric criteria.

*Map Unit: 301—Arbuckle sandy loam, 2 to 9 percent slopes*

Arbuckle

This component is on stream terraces. The parent material consists of alluvium derived from sandstone and shale. The natural drainage class is well drained. Shrink-swell potential is low. This soil is not flooded. It is not ponded. Nonirrigated land capability classification is 4e. Irrigated land capability classification is 3e. This soil does not meet hydric criteria.

*Map Unit: 303—Arbuckle sandy loam, 15 to 30 percent slopes*

Arbuckle

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This component is on stream terraces. The parent material consists of alluvium derived from sandstone and shale. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Shrink-swell potential is low. This soil is not flooded. It is not ponded. Nonirrigated land capability classification is 4e. Irrigated land capability classification is 4e. This soil does not meet hydric criteria.

*Map Unit: 304—Arbuckle sandy loam, 30 to 50 percent slopes*

Arbuckle

This component is on stream terraces. The parent material consists of alluvium derived from sandstone and shale. The natural drainage class is well drained. Shrink-swell potential is low. This soil is not flooded. It is not ponded. Nonirrigated land capability classification is 6e. This soil does not meet hydric criteria.

*Map Unit: 149—San Emigdio sandy loam, 0 to 2 percent slopes*

San emigdio

This component is on alluvial fans, flood plains. The parent material consists of alluvium derived from calcareous sedimentary rocks. The natural drainage class is well drained. Shrink-swell potential is low. This soil is not flooded. It is not ponded. Nonirrigated land capability classification is 4c. Irrigated land capability classification is 1 This soil does not meet hydric criteria.

*Map Unit: 150—San Emigdio sandy loam, 2 to 9 percent slopes*

San emigdio

This component is on alluvial fans, flood plains. The parent material consists of alluvium derived from calcareous sedimentary rocks. The natural drainage class is well drained. Shrink-swell potential is low. This soil is not flooded. It is not ponded. Non-irrigated land capability classification is 4e. Irrigated land capability classification is 2e. This soil does not meet hydric criteria.

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**Table 2 – Farmland Classifications of the COSE and Corresponding Acreages for Sites 1, 2 and 3**

Soil	COES Classification	Site 1 Acres	Site 2 Acres	Site 3 Acres	Acres Impacted
Arbuckle sandy loam, 2 to 9 percent slopes	Prime Farmland	39.40	73.09	0.00	10.40
Arbuckle sandy loam, 15 to 30 percent slopes	Other Productive Soils	185.00	2.41	275.00	0.00
Arbuckle sandy loam, 9 to 15 percent slopes	Not Classified	0.00	0.00	10.80	0.00
Arbuckle sandy loam, 30 to 50 percent slopes	Not Classified	68.29	62.67	122.76	0.00
Balcom Loam, 50 to 75percent slopes	Not Classified	5.82			
Balcom-Nacimiento complex, 15 to 30 percent slopes	Not Classified	226.70	0.00	35.28	0.00
Balcom-Nacimiento complex, 30 to 50 percent slopes	Not Classified	82.89	0.53	17.73	5.21
Elder sandy loam, 0 to 2 percent slopes	Prime Farmland	13.22	0.00	100.34	0.00
San Emigdio sandy loam, 0 to 2 percent slopes	Prime Farmland	0.00	41.29	42.51	0.00
San Emigdio sandy loam, 2 to 9 percent slopes	Other Productive Soils	6.81	14.24	18.85	0.00
Xerofluvents-Riverwash association, 0 to 2 percent slopes	Not Classified	0.00	0.00	11.81	0.00
<b>Total:</b>		<b>644.00</b>	<b>199.00</b>	<b>635.00</b>	<b>15.61</b>

Source: Classifications based on Table SL-2 of the County General Plan's Conservation/Open Space Element

Table 3 provides a summary of important farmland as classified by the FMMP for all three reasonably foreseeable sites. As shown in Table 3, the cumulative impact to farmland is 15.61 acres, which includes 10.74 acres of Farmland of Local Potential for Sites 1 and 2 and 5.21 acres of Grazing land associated with Site 3.

**Table 3 – FMMP Farmland Classifications and Acreages of Soils for Sites 1, 2 and 3**

FMMP Classification	Site 1 (acres)	Site 2 (acres)	Site 3 (Acres)	Total Acres Impacted
Farmland of Local Potential	61.04	106.23	55.93	10.40
Grazing	582.93	70.17	460.33	5.21
Prime	0.00	23.12	104.77	0.00
Unclassified	0.00	0.09	13.72	0.00
Farmland of Statewide Importance	0.00	0.00	0.00	0.00
<b>Total:</b>	<b>644.00</b>	<b>199.00</b>	<b>635.00</b>	<b>15.61</b>

Source: Farmland Mapping and Monitoring Program, 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 includes land within the Agriculture land use designation and is located within lands subject to a Williamson Act contract.

According to Public Resources Code Section 12220(g), forest land is defined as land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity,

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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 board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. The project site does not support any forest land or timberland.

### *Discussion*

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

#### Impacts to Farmland Mapped By the FMMP

The area of project disturbance for Site 1 is classified as Farmland of Local Potential by the FMMP. Therefore, the project together with reasonably foreseeable surrounding development, will have *no impact* on land classified as Prime Farmland, or Farmland of Statewide Importance pursuant to the FMMP (California Department of Conservation [DOC] 2016).

#### Impacts to Farmland Mapped By the COSE

As shown in Table 2, the project will result in the semi-permanent conversion of 5.16 acres of land classified as Prime Farmland by the COSE.

#### Cumulative Impacts

As shown in Tables 2 and 3, development of the project site together with the two reasonably foreseeable projects on surrounding properties (APNs 037-351-002 and 037-371-002) will result in the cumulative conversion of 10.53 acres of Farmland of Local Potential as mapped by the FMMP and 10.53 ACRES OF Prime Farmland as mapped by the COSE.

In addition, as discussed in Section X. Hydrology and Water Quality, the applicant proposes to achieve the required 1:1 water use offset for cannabis activities required within the Paso Robles Groundwater basin by permanently removing 1.14 acres of irrigated crops on the project site. The same water use offset strategy is proposed for Vertical Integration Sites 2 and 3 (DRC2020-00011 and DRC2020-00179, respectively). This analysis assumes that the areas to be taken out of cultivation currently support irrigated crops and contain Prime Farmland as mapped by the FMMP and COSE and will be a total of 3.42 acres ( $1.14 \times 3 = 3.42$  acres). Therefore, the total impact to Prime Farmland as mapped by the COSE associated with the project and reasonably foreseeable projects on surrounding properties is:  $10.53 + 3.42 = \underline{13.95}$  acres.

Project specific and cumulative impacts to Prime Farmland, Unique Farmland, or Farmland of Statewide Importance are considered less than significant because:

- None of the areas of disturbance associated with the three Vertical Integration cultivation sites will be located on Prime Farmland, Unique Farmland or Farmland of Statewide Importance as mapped by the FMMP and will preserve the underlying soils for a future agricultural use if the cannabis activities were to be removed. Likewise, the 3.42 acres taken out of irrigated cultivation to achieve the water use offset may be returned to conventional crop production at such time as the cannabis activities cease.
- Table 4 provides a summary of the changes in the acreage of important farmland in San Luis Obispo County from 2008 to 2016 (the most recent year for which data are available) as determined by the California Department of Conservation, Farmland Mapping and

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Monitoring Program. As shown in Table 4, over the eight-year period between 2008 and 2016 the County experienced a net decrease in the acreage of important farmland of about 13,349 acres, including a net decrease of 381 acres of Prime Farmland, or about 0.1% of the total Prime Farmland acreage in the county.

As shown in Table 4, the total combined acreage of Prime Farmland impacted by the project and the other two Vertical Integration projects (about 3.42 acres as mapped by the FMMP and about 13.95 acres as mapped by the COSE) is less than 0.003 percent of the Prime Farmland mapped by the FMMP in San Luis Obispo County in 2016.

**Table 4 – Acreage of Important Farmland in San Luis Obispo County, 2008 – 2016**

Land Use Category	2008	2010	2012	2014	2016	Net Change
Prime Farmland	41,569	41,319	40,860	40,990	41,188	-381
Farmland of Statewide Importance	21,109	21,132	20,884	21,908	22,697	1,588
Unique Farmland	38,777	39,950	39,979	43,225	45,175	6,398
Farmland of Local Importance	309,081	307,325	304,401	289,309	288,127	-20,954
<b>IMPORTANT FARMLAND SUBTOTAL</b>	<b>410,536</b>	<b>409,726</b>	<b>406,124</b>	<b>395,432</b>	<b>397,187</b>	<b>-13,349</b>
Grazing Land	1,183,042	1,181,015	1,183,035	1,189,777	1,189,168	+6,126
<b>AGRICULTURAL LAND TOTAL</b>	<b>1,593,578</b>	<b>1,590,741</b>	<b>1,589,159</b>	<b>1,585,209</b>	<b>1,586,355</b>	<b>-7,223</b>

Source: FMMP

- 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: The proposed cannabis activities are separated from the irrigated crop areas on the remainder of the site.

**AGP14: Agricultural Preserve Program.**

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

Discussion: The project site is subject to an active LCA contract and will continue to abide by the terms of the contract. According to the County's Rules and Procedures for Implementing the Land Conservation Act, outdoor cannabis cultivation is considered compatible with the terms of the LCA contract.

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### **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 about 25 miles from the nearest urban reserve and urban fringe.

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 land use category and does not propose a change in the land use designation. In addition, existing irrigated crop production will continue.

The project, together with cannabis activities proposed on adjacent properties, would result in the conversion of up to 13.95 acres of Prime Farmland to non-agricultural use. However, because of the reasons stated above, the impact would be *less than significant* and *less than cumulatively considerable*.

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

The project site is within the Agriculture land use category where cannabis activities are an allowable use. The project site is not located within an Agricultural Preserve Area but is under Williamson Act contract. The project was referred to the County of San Luis Obispo Department of Agriculture / Weights & Measures and was reviewed for ordinance and policy consistency. The recommended conditions of approval set forth in their letter of September 1, 2020, will be incorporated into the project conditions to ensure consistency with ordinance and policy.

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

The project site does not contain land which is zoned as forest land or timberland. Therefore, the project would not conflict with existing zoning for, or cause rezoning of, forest land or timberland. No impact would occur.

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

The project site and immediate vicinity does not contain forest land. Therefore, the project would not result in the loss of forest land or conversion of forest land to non-forest use. No impact would occur.

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- (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 agricultural operations including irrigated and 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 in threshold b) above, cannabis cultivation is an allowed use within the Agriculture land use category (LUO Section 22.06.030, 22.40.070). The cannabis activities would be located in an area where they would not impact ongoing agricultural activities on the remaining portions of the site; therefore, potential impacts would be less than significant.

### *Conclusion*

The project would result not result in the in conversion of prime farmland as mapped by the FMMP but would result in a less than significant impact to Prime Farmland as mapped by the COSE. The project will not convert 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. Based on the preceding discussion, potential impacts to agricultural resources would be *less than significant* and *less than cumulatively considerable* and no mitigation measures are necessary.

### *Mitigation*

None necessary

### *Sources*

Provided in Exhibit A.

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### III. AIR QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>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:</i>				
(a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Setting

The project site is located in the South Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (APCD). The APCD is in non-attainment for the 24-hour state standard for particulate matter (PM<sub>10</sub>) and the eight-hour state standard for ozone (O<sub>3</sub>) (APCD 2015). The APCD adopted the 2001 Clean Air Plan (CAP) in 2002, which sets forth strategies for achieving and maintaining Federal and State air pollution standards. The CAP provides a complete description of the air basin and the environmental and regulatory setting and is incorporated by reference. The CAP may be reviewed in its entirety by following this link: <https://www.slocleanair.org/rules-regulations/clean-air-plan.php>

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

Thresholds of Significance for Construction Activities. The APCD developed and updated their San Luis Obispo County CEQA Air Quality Handbook (2012) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. The Handbook includes screening criteria for project impacts (Table 2-2). According to the Handbook, a project with grading in excess of 4.0 acres and/or a project that will move 1,200 cubic yards of earth per day can exceed the construction thresholds for diesel particulate matter (PM<sub>10</sub>) and ozone precursors (ROG + NOx). The APCD has estimated that a project with operations that include an unpaved roadway of one mile in length carrying 6.0 round trips would likely exceed the 25 lbs/day PM<sub>10</sub> threshold.

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**Table 5 – Thresholds of Significance for Construction**

Pollutant	Threshold <sup>1</sup>		
	Daily	Quarterly Tier 1	Quarterly Tier 2
ROG+NOx (combined)	137 lbs	2.5 tons	6.3 tons
Diesel Particulate Matter	7 lbs	0.13 tons	0.32 tons
Fugitive Particulate Matter (PM <sub>10</sub> ), Dust <sup>2</sup>		2.5 tons	

Source: SLO County APCD CEQA Air Quality Handbook, page 2-2.

Notes:

1. Daily and quarterly emission thresholds are based on the California Health & Safety Code and the California Air Resources Board Carl Moyer Guidelines.
2. Any project with a grading area greater than 4.0 acres of worked area can exceed the 2.5-ton PM<sub>10</sub> quarterly threshold.

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

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

If a project has the potential to cause an odor or other nuisance problem which could impact a considerable number of people, then it may be significant. The nearest sensitive receptor is a single-family residence located approximately 0.9 mile south of the project site.

### Discussion

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

The applicable air quality plan is the APCD Clean Air Plan (APCD 2002). In order to be considered consistent with the CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP (APCD 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 not result in a significant increase in employees and therefore would not significantly affect the local area's jobs/housing balance.

Adopted transportation control measures include, but are not limited to, a voluntary commute options program, local and regional transit system improvements, bikeway enhancements, and telecommuting programs. Project employees would generally be performing manual tasks such as

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planting, harvesting, and monitoring the irrigation equipment; therefore, the project would not be a feasible candidate for participation in a telecommuting program. No regional transit system serves this area and therefore improvements to the transit system are not feasible. The project site is in a rural area, off an established bikeway system, and therefore bikeway enhancements are not feasible. Therefore, the project would not conflict with or obstruct implementation of the CAP and 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?*

As proposed, the project would result in the disturbance of approximately 5 acres for the proposed hoop houses, compost areas, and parking area. This would result in the creation of dust and short-term vehicle emissions during the construction phase, as well as long-term vehicle emissions associated with employee trips during operation. The project was referred to the San Luis County Air Pollution Control District; based on their referral response of February 4, 2020, the project as proposed is expected to generate emissions that fall below the thresholds of significance for construction and operation.

### Construction Emissions

Based on the project description, Vertical Integration Site 1 will have an area of disturbance of about 5.16 acres and will involve 107 cubic yards of cut and 83 cubic yards of fill which will be balanced on site. It is also reasonably foreseeable that the other two Vertical Integration projects (DRC2020-00011 and DRC2020-00179) will be constructed concurrently with the Site 1 project. Together, these construction activities will result in the creation of construction dust, as well as short-term construction vehicle emissions. Based on the SLOAPCD's CEQA Air Quality Handbook (2012) and Clarification Memorandum (2017), estimated construction-related emissions were calculated for each project and are shown in Table 6 below. As shown in Table 6, the cumulative construction related emissions are expected to exceed the general threshold for fugitive particulates triggering construction-related mitigation and are considered *less than significant with mitigation*.

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Table 6 -- Estimated Construction-Related Emissions

Pollutant	Site 1	Site 2	Site 3	Total Estimated Emissions	APCD Emissions Threshold	Mitigation Required?
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO <sub>x</sub> ) (combined)	2.15	2.12	6.49	<b>10.76 lbs./day</b>	137 lbs./day	No
	0.010	0.01	0.032	<b>0.053 tons per quarter<sup>1</sup></b>	2.5 tons/quarter	No
Diesel Particulate Matter (DPM)	0.09	0.09	0.28	<b>0.47 lbs. per day</b>	7 lbs./day	No
	0.0004	0.0004	0.0014	<b>0.002 tons per quarter<sup>2</sup></b>	0.13 tons/quarter	No
Fugitive Particulate Matter (PM <sub>10</sub> )	3.87	3.86	3.98	<b>11.70 tons per quarter<sup>3</sup></b>	2.5 tons/quarter	<b>Yes</b>

## Notes:

1. Based on 952 cubic yards of material moved (all three projects) and 0.113 pounds of combined ROG and NO<sub>x</sub> emissions per cubic yard of material moved and 10 construction days.
2. Based 952 cubic yards of material moved (all three projects) and 0.0049 pounds of diesel particulate emissions per cubic yard of material moved.
3. Based on 15.61 total acres of disturbance for all three sites and 0.75 tons of PM<sub>10</sub> generated per acre of disturbance per month and 10 days of construction.

Upon implementation of recommended mitigation measure AQ-1, PM<sub>10</sub> emissions would be reduced to below the SLOAPCD's daily and quarterly emissions thresholds and will be considered *less than significant with mitigation*.

Operation-Related Emissions. According to the trip generation study prepared for the project (OEG, Inc. 2020), the project is expected to generate up to 6 average daily motor vehicle trips during daily operations and up to 30 trips during peak seasonal operations. Assuming the reasonably foreseeable surrounding cannabis projects (DRC2020-00011 and DRC2020-00179) are operating concurrently, total daily trips could be as high as 30 to 90 trips. As discussed above, a project that generates more than 99 average daily motor vehicle trips will likely generate emissions that exceed the threshold of significance for ozone precursors and greenhouse gas emissions. Accordingly, project-specific and cumulative operational impacts are considered a *less than significant* and *less than cumulatively considerable*.

LUO Section 22.40.050.D.4 states that cannabis cultivation sites located on an unpaved road shall incorporate measures to mitigate the air pollution (i.e., dust) effects created by the use. In this case, motor vehicle access to the project site is provided by an unpaved private roadway that extends eastward from Shell Creek Road and serves the project site as well as the projects proposed on Vertical Integration Sites 2 and 3. The distance along the unpaved roadway from the cultivation area to the driveway on Shell Creek Road is about 0.52 miles. Therefore, the provisions of LUO 22.40.050.D.4 apply and mitigation measure AQ-2 is recommended to ensure dust suppression is applied to the unpaved roadway through the life of the project.

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(c) *Expose sensitive receptors to substantial pollutant concentrations?*

Sensitive receptors are people or other organisms that may have a significantly increased sensitivity to exposure to air pollution by virtue of their age and health (e.g., schools, day care centers, hospitals, nursing homes), regulatory status (e.g., federal or state listing as a sensitive or endangered species), or proximity to the source. The nearest sensitive receptor is located approximately 0.9 mile south of the project site. Although the residence may be occupied by sensitive receptors, the distance and prevailing winds would prevent exposure to diesel particulates and fugitive dust from construction activities. Therefore, potential impacts to sensitive receptors would be less than significant.

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

(e) *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 which can produce potentially objectionable odors during the flowering, harvest, drying, and processing stages. Although the project would not affect a substantial number of people, these odors could disperse through the air and be sensed by surrounding receptors. Accordingly, Section 22.40.050 of the LUO mandates the following:

*All cannabis cultivation shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite. All structures utilized for indoor cannabis cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.*

The project is located in an area designated for agricultural uses. Surrounding land uses include active agriculture, and undeveloped lands on parcels of similar size.

With regard to the effects of cannabis odors on air quality, there are no standards for odors under either the federal or State Clean Air Acts. Accordingly, there are no objective standards through which the adverse effects of odors may be assessed. Although odors do affect “air quality”, they are treated as a nuisance by the County and abated under the County’s nuisance abatement procedures.

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

The Project incorporates the following features to address odors:

- The outdoor cannabis cultivation would be sited in the south-central portion of the site, surrounded by 6-foot-tall fencing, and set back a minimum of 300 feet the property lines of parcels not under the same ownership.
- The proposed outdoor cultivation area is located approximately 0.9 mile north of the nearest sensitive receptor.
- Cultivation will take place within hoop structures.
- The Operations Plan required by LUO Section 22.40.040.A.3. sets forth operating procedures to be followed to help ensure odors associated with cannabis related activities do not leave the project site.

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- The project has been conditioned to operate in a manner that ensures odors associated with cannabis activities are contained on the project site.
- The project has been conditioned to participate in an ongoing cannabis monitoring program. Once implemented by the County, the project site will be inspected four times per year to ensure ongoing compliance with conditions of approval, including those relating to odor management.

Construction could generate odors from heavy diesel machinery, equipment, and/or materials. The generation of odors during the construction period would be temporary, would be consistent with odors commonly associated with construction, and would dissipate within a short distance from the active work area. The project 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. Emissions associated with the concurrent construction of reasonably foreseeable surrounding cannabis projects are expected to exceed the threshold for construction related dust emissions. Therefore, potential impacts to air quality would be *less than significant with mitigation*.

### Mitigation

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

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

**AQ-2 Ongoing and for the life of the project,** one or more of the following dust management strategies shall be implemented for project-related traffic using shared roadway access from Shell Creek Road:

- a. Limit the number of round trips using the roadway to three or fewer per day.

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- b. For the life of the project, maintain the unpaved road with a dust suppressant (See Technical Appendix 4.3 of the APCD's CEQA Handbook for a list of APCD-approved suppressants) such that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402).
- c. To improve the dust suppressant's long-term efficacy, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less.

### *Sources*

Provided in Exhibit A.

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### IV. BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Regulatory Setting

##### Federal Laws and Regulations

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Bald and Golden Eagle Protection Act. The Bald and Golden Eagle Protection Act (BGEPA) prohibits anyone, without a permit issued by the Secretary of the Interior, from taking (pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb) bald or golden eagles, including their parts, nests, or eggs. This includes substantially interfering with normal breeding, feeding, or sheltering behavior. Activities that may result in the take of a bald or golden eagle require permits; the three activities eligible for permits include to remove or relocate an eagle nest; to transport, exhibit, collect, or control eagles or eagle parts, and for incidental take of eagles.

Clean Water Act. The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The purpose of the CWA is to restore and maintain the chemical, physical, and biological integrity of all waters of the U.S. Permitting is required for filling waters of the U.S. (including wetlands). Permits may be issued on an individual basis or may be covered under approved nationwide permits.

Endangered Species Act. The federal Endangered Species Act (FESA) provides the legal framework for the listing and protection of species (and their habitats) identified as being endangered or threatened with extinction. “Critical Habitat” is a term within the FESA designed to guide actions by federal agencies and is defined as “an area occupied by a species listed as threatened or endangered within which are found physical or geographical features essential to the conservation of the species, or an area not currently occupied by the species which is itself essential to the conservation of the species.” Actions that jeopardize endangered or threatened species and/or critical habitat are considered a ‘take’ under the FESA. “Take” under federal definition means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

Projects that would result in “take” of any federally listed threatened or endangered species, or critical habitats, are required to obtain permits from the USFWS through either Section 7 (interagency consultation with a federal nexus) or Section 10 (Habitat Conservation Plan) of FESA, depending on the involvement by the federal government in permitting and/or funding of the project. Through Section 10, it is required to prepare a Habitat Conservation Plan (HCP) to be approved by the United States Fish and Wildlife Service (USFWS), which results in the issuance of an Incidental Take Permit (ITP). Through Section 7, which can only occur when a separate federal nexus in a project exists (prompting interagency consultation), a consultation by the various federal agencies involved can take place to determine appropriate actions to mitigate negative effects on endangered and threatened species and their habitat.

Migratory Bird Treaty Act. All migratory, non-game bird species that are native to the U.S. or its territories are protected under the federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13), as amended under the Migratory Bird Treaty Reform Act of 2004. MBTA makes it illegal to purposefully take (pursue, hunt, shoot, wound, kill, trap, capture, or collect) any migratory bird, or the parts, nests, or eggs of such a bird, except under the terms of a valid Federal permit. Migratory non-game native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA).

### *State Law and Regulations*

California Endangered Species Act. The California Endangered Species Act (CESA), similar to FESA, contains a process for listing of species and regulating potential impacts to listed species. State threatened and endangered species include both plants and wildlife, but do not include invertebrates. The designation “rare species” applies only to California native plants. State threatened and endangered plant species are regulated largely under the Native Plant Preservation Act in conjunction with the CESA. State threatened and endangered animal species are legally protected against “take.” The CESA authorizes the California

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Department of Fish and Wildlife (CDFW) to enter into a memorandum of agreement for take of listed species to issue an incidental take permit for a state-listed threatened and endangered species only if specific criteria are met.

Section 2080 of the CESA prohibits the take of species listed as threatened or endangered pursuant to the Act. Section 2081 allows CDFW to authorize take prohibited under Section 2080 provided that: 1) the taking is incidental to an otherwise lawful activity; 2) the taking will be minimized and fully mitigated; 3) the applicant ensures adequate funding for minimization and mitigation; and 4) the authorization will not jeopardize the continued existence of the listed species.

California Environmental Quality Act (CEQA). CEQA defines a “project” as any action undertaken from public or private entity that requires discretionary governmental review (a non-ministerial permissible action). All “projects” are required to undergo some level of environmental review pursuant to CEQA, unless an exemption applies. CEQA’s environmental review process includes an assessment of existing resources, broken up by categories (i.e., air quality, aesthetics, etc.), a catalog of potential impacts to those resources caused by the proposed project, and a quantifiable result determining the level of significance an impact would generate. The goal of environmental review under CEQA is to avoid or mitigate impacts that would lead to a “significant effect” on a given resource; section 15382 of the CEQA Guidelines defines a “significant effect” as *a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment, but may be considered in determining whether the physical change is significant.*

California Fish and Game Code (CFGC). The California Fish and Game Code (CFGC) is one of the 29 legal codes that form the general statutory law of California. A myriad of statutes regarding fish and game are specified in the CFGC; the following codes are specifically relevant to the proposed Project:

*California Native Plant Protection Act*. Sections 1900-1913 of the California Fish and Game Code contain the regulations of the Native Plant Protection Act of 1977. The intent of this act is to help conserve and protect rare and endangered plants in the state. The act allowed the CFGC to designate plants as rare or endangered.

*Lake and Streambed Alteration*. Section 1602 of the CFGC requires any person, state, or local governmental agency to provide advance written notification to CDFW prior to initiating any activity that would: 1) divert or obstruct the natural flow of, or substantially change or remove material from the bed, channel, or bank of any river, stream, or lake; or 2) result in the disposal or deposition of debris, waste, or other material into any river, stream, or lake. The state definition of “lakes, rivers, and streams” includes all rivers or streams that flow at least periodically or permanently through a well-defined bed or channel with banks that support fish or other aquatic life, and watercourses with surface or subsurface flows that support or have supported riparian vegetation.

*Nesting Birds*. Sections 3503, 3503.5 and 3513 of CFGC states that it is “unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto,” and “unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird” unless authorized.

Regional Water Quality Control Board. The Regional Water Quality Control Board (RWQCB) not only regulates impacts to water quality in federal waters of the U.S. under Section 401 of the Clean Water Act, but they also regulate any isolated waters that are impacted under the state Porter Cologne Act utilizing a Waste Discharge Requirement. Discharge of fill material into waters of the State not subject to the jurisdiction of the USACE

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pursuant to Section 401 of the Clean Water Act may require authorization pursuant to the Porter Cologne Act through application for waste discharge requirements or through waiver of waste discharge requirements.

The State Water Board has initiated a Cannabis Cultivation Program to establish principles and guidelines (requirements) for cannabis cultivation activities to protect water quality and instream flows. To implement the program, the Cannabis Cultivation General Order was adopted and provides for a permitting pathway for cultivators. The General Order provides criteria to evaluate the threat to water quality based on site conditions and waterway classification. More information about the State Water Board Cannabis Cultivation can be found at [http://www.waterboards.ca.gov/water\\_issues/programs/cannabis](http://www.waterboards.ca.gov/water_issues/programs/cannabis).

Lastly, Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations include 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, Regional Water Quality Control Boards, or California Department of Fish and Wildlife; and
- b. Comply 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.

### *Local Policies and Regulations*

San Luis Obispo County Land Use Ordinance. Through the adoption of Chapter 22.40 (Cannabis Activities) of the County Land Use Ordinance (LUO), certain commercial cannabis activities may have an impact on the environment, requiring discretionary approval of a County land use permit. The land use permit would establish conditions for the proposed cannabis operation that is consistent with strict State and Federal enforcement guidelines. Approval of a land use permit would entitle the use itself and would require separate associate permits such as grading and/or construction permits.

### *Special Status Species and Sensitive Habitat Regulations*

For the purposes of the Biological Report, special status species are those plants and animals listed, proposed for listing, or candidates for listing as threatened or endangered by the USFWS under the FESA; those listed or proposed for listing as rare, threatened, or endangered by the CDFW under the CESA; animals designated as "Species of Special Concern," "Fully Protected," or "Watch List" by the CDFW; and plants with a California Rare Plant Rank (CRPR) of 1, 2, 3, or 4. In the following sections, further details are provided to highlight the different guidelines and qualifications that are used to help identify special status species in this report.

### *California Natural Diversity Database (CNDDDB)*

"Special Plants" and "Special Animals" are broad terms used to refer to all the plant and animal taxa inventoried by the CNDDDB, regardless of their legal or protection status (CNDDDB 2020a and 2020b). The Special Plants list includes vascular plants, high priority bryophytes (mosses, liverworts, and hornworts), and lichens. The Special Animals list is also referred to by the California Department of Fish and Wildlife (CDFW) as the list of "species at risk" or "special status species."

According to the CNDDDB (2020a, 2020b), Special Plants and Animals lists include: taxa that are officially listed or proposed for listing by California or the Federal Government as Endangered, Threatened, or Rare; taxa which meet the criteria for listing, as described in Section 15380 of CEQA Guidelines; taxa deemed biologically rare, restricted in range, declining in abundance, or otherwise vulnerable; population(s) in California that may be marginal to the taxon's entire range but are threatened with extirpation in California; and/or taxa closely associated with a habitat that is declining in California at a significant rate. Separately, the Special Plants List

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includes taxa listed in the California Native Plant Society's Inventory of Rare and Endangered Plants of California, as well as taxa determined to be Sensitive Species by the Bureau of Land Management, U.S. Fish and Wildlife Service, or U.S. Forest Service. The Special Animals List distinctively includes taxa considered by the CDFW to be a Species of Special Concern (SSC) and taxa designated as a special status, sensitive, or declining species by other state or federal agencies.

### *Federal and State Endangered Species Listings*

The Federal and California Endangered Species Acts are the regulatory documents that govern the listing and protection of species, and their habitats, identified as being endangered or threatened with extinction (see Sections 1.5.1 and 1.5.2). Possible listing status under both Federal and California ESA includes Endangered and Threatened (FE, FT, CE, or CT). Species in the process of being listed are given the status of either Proposed Federally Endangered/Threatened, Candidate for California Endangered/Threatened (PE, PT, CCE, or CCT). The CESA has one additional status: Rare (CR).

### *Global and State Ranks*

Global and State Ranks reflect an assessment of the condition of the species (or habitats, see 1.6.6 below) across its entire range. Basic ranks assign a numerical value from 1 to 5, respectively for species with highest risk to most secure. Other ranking variations include rank ranges, rank qualifiers, and infraspecific taxon ranks. All Heritage Programs, such as the CNDDDB use the same ranking methodology, originally developed by The Nature Conservancy and now maintained and recently revised by NatureServe. Procedurally, state programs such as the CNDDDB develop the State ranks. The Global ranks are determined collaboratively among the Heritage Programs for the states/provinces containing the species. Rank definitions, where G represents Global and S represents State, are as follows:

- **G1/S1:** Critically imperiled globally/in state because of extreme rarity (5 or fewer populations).
- **G2/S2:** Imperiled globally/in state because of rarity (6 to 20 populations).
- **G3/S3:** Vulnerable; rare and local throughout range or in a special habitat or narrowly endemic (on the order of 21 to 100 populations).
- **G4/S4:** Apparently secure globally/in state; uncommon but not rare (of no immediate conservation concern).
- **G5/S5:** Secure; common, widespread, and abundant.
- **G#G#/S#S#:** Rank range - numerical range indicating uncertainty in the status of a species, (e.g., G2G3 more certain than G3, but less certain than G2).
- **G/S#?:** Inexact numeric rank
- **Q:** Questionable taxonomy - Taxonomic distinctiveness of this entity is questionable.
- **T#:** Infraspecific taxa (subspecies or varieties) - indicating an infraspecific taxon that has a lower numerical ranking (rarer) than the given global rank of species.

### *California Rare Plant Ranks*

Plant species are considered rare when their distribution is confined to localized areas, their habitat is threatened, they are declining in abundance, or they are threatened in a portion of their range.

The California Rare Plant Rank (CRPR) categories range from species with a low threat (4) to species that are presumed extinct (1A). All but a few species are endemic to California. All of them are judged to be vulnerable

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under present circumstances, or to have a high potential for becoming vulnerable. Threat ranks are assigned as decimal values to a CRPR to further define the level of threat to a given species. The rare plant ranks and threat levels are defined below.

- **1A:** Plants presumed extirpated in California and either rare or extinct elsewhere.
- **1B:** Plants rare, threatened, or endangered in California and elsewhere.
- **2A:** Plants presumed extirpated in California, but common elsewhere
- **2B:** Plants rare, threatened, or endangered in California, but more common elsewhere
- **4:** Plants of limited distribution - a watch list
- **0.1:** Seriously threatened in California (over 80% of occurrences threatened/high degree and immediacy of threat)
- **0.2:** Moderately threatened in California (20-80% occurrences threatened/moderate degree and immediacy of threat)
- **0.3:** Not very threatened in California (less than 20% of occurrences threatened/low degree and immediacy of threat or no current threats known)

### *California Department of Fish and Wildlife Animal Rank*

The California Department of Fish and Wildlife (CDFW) assigns one of three ranks to Special Animals: Watch List (WL), Species of Special Concern (SSC), or Fully Protected (FP). Unranked species are referred to by the term Special Animal (SA).

Animals listed as Watch List (WL) are taxa that were previously designated as SSC, but no longer merit that status, or taxa that which do not yet meet SSC criteria, but for which there is concern and a need for additional information to clarify status.

Animals listed as California Species of Special Concern (SSC) may or may not be listed under California or federal Endangered Species Acts. They are considered rare or declining in abundance in California. The Special Concern designation is intended to provide the CDFW biologists, land planners, and managers with lists of species that require special consideration during the planning process to avert continued population declines and potential costly listing under federal and state endangered species laws. For many species of birds, the primary emphasis is on the breeding population in California. For some species that do not breed in California but winter here, emphasis is on wintering range. The SSC designation thus may include a comment regarding the specific protection provided such as nesting or wintering.

Animals listed as Fully Protected (FP) are those species considered by CDFW as rare or faced with possible extinction. Most, but not all, have subsequently been listed under the CESA or FESA. Fully Protected species may not be taken or possessed at any time and no provision of the California Fish and Game code authorizes the issuance of permits or licenses to take any Fully Protected species.

### *Sensitive Habitats*

Sensitive Natural Community is a state-wide designation given by CDFW to specific vegetation associations of ecological importance. Sensitive Natural Communities rarity and ranking involves the knowledge of range and distribution of a given type of vegetation, and the proportion of occurrences that are of good ecological integrity (CDFW 2018a). Evaluation is conducted at both the Global (G) and State (S) levels, resulting in a rank ranging from 1 for very rare and threatened to 5 for demonstrably secure. Natural Communities with ranks

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of S1-S3 are considered Sensitive Natural Communities in California and may need to be addressed in the environmental review processes of CEQA and its equivalents.

### Environmental Setting

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

On-site Vegetation: Fallow Cropland, filaree, annual grasses, naked buckwheat, perennial wall rocket, vinegarweed, remnant cabbage and carrot

Name and distance from blue line creek(s): Unnamed drainage, on the property approximately 1,000 feet east of the proposed project area of disturbance.

Habitat(s): Fallow Cropland, Disturbed

Site's tree canopy coverage: None

A Biological Resources Assessment (BRA) was prepared in February of 2020 by Althouse and Meade, Inc. for the proposed project. The BRA covered a 130-acre portion (survey of three proposed sites and adjacent areas) located within portions of three parcels totaling approximately 1,478 acres. The BRA included a literature and data review including California Natural Diversity Database (CNDDDB) data search (CNDDDB; January 2020 data), the California Native Plant Society (CNPS) On-Line Inventory of Rare and Endangered Plants of California, and US Fish and Wildlife Service (USFWS) Critical Habitat. Two field surveys were conducted on foot on November 7, 2019 and January 4, 2020. Additionally, two spring botanical surveys were conducted on April 29 and May 19, 2020 by Althouse and Meade, Inc.

Habitat types include fallow cropland which occupies approximately 34.6 acres along a flat plateau approximately 100 feet in height. The access road runs along the northeast perimeter of the plateau. It terminates where it has become overgrown with filaree, annual grasses, and naked buckwheat along the fence line. Tillage lines are present in the fallow cropland habitat, as are introduced and native species, including perennial wall rocket, vinegarweed, and annual grass shoots. Remnant crops present onsite include cabbage and carrots. The remaining 0.6 acres of APN 037-371-001 is comprised of disturbed habitat where the access road connects to the existing dirt perimeter road. This area is defined by soil compaction and lack of vegetation. Although the site is located on the edge of an area identified as a vernal pool region (County of San Luis Obispo Land Use View online mapping application), vernal pools were not observed within the BRA survey area or on the subject parcel. An unnamed drainage is located on the property approximately 1,000 feet east of the proposed project area of disturbance, below the mesa.

### Special Status Plants

Special status plant species were not observed during the field surveys. Based on an analysis of known ecological requirements for the special status plant species reported from the region, and the observed habitat conditions, it was determined that 10 special status plant species have some potential to occur within the Study area:

- La Panza Mariposa Lily (*Calochortus simulans*)
- Hardham's Evening-Primrose (*Camissoniopsis hardhamiae*)
- Douglas' Spineflower (*Chorizanthe douglasii*)
- Straight-awned Spineflower (*Chorizanthe rectispina*)
- Paniculate Tarplant (*Deinandra paniculata*)

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- Kern Mallow (*Eremalche parryi* subsp. *kernensis*)
- Pale-yellow Layia (*Layia heterotricha*)
- California Spineflower (*Mucronea californica*)
- Large-Flowered Nemacladus (*Nemacladus secundiflorus* var. *secundiflorus*)
- Mason's Neststraw (*Stylocline masonii*)

Two spring botanical surveys were conducted on April 29 and May 19, 2020 in order to cover the spring blooming period for all special status annual plant species with the potential to occur within the vicinity of the subject parcel. Special status plants were not detected on the project site during the site surveys.

### Special Status Wildlife

Based on analysis of known ecological requirements for the special-status wildlife species it was determined that there is the potential for 12 special status animal species to occur within the study area:

- California glossy snake (*Arizona elegans occidentalis*)
- Burrowing owl (*Athene cunicularia*)
- Crotch's bumble bee (*Bombus crotchii*)
- Swainson's hawk (*Buteo swainsoni*)
- Northern harrier (*Circus cyaneus*)
- Prairie falcon (*Falco mexicanus*)
- Loggerhead shrike (*Lanius ludovicianus*)
- San Joaquin pocket mouse (*Perognathus inornatus inornatus*)
- Blainville's (coast) horned lizard (*Phrynosoma blainvillii*)
- Western spadefoot toad (*Spea hammondi*)
- American badger (*Taxidea taxus*)
- San Joaquin kit fox (*Vulpes macrotis mutica*; SJKF)

Wildlife species detected in the Study Area included two invertebrates, eight birds, and two mammals. Two special status bird species were observed on January 4, 2020. One was a male northern harrier in flight circling over the fallow cropland habitat. The other was a loggerhead shrike in flight and perched along the barbed wire fence delineating the Study Area from the drainage to the northeast. In addition to the observed presence of the northern harrier and loggerhead shrike, there is moderate potential for the presence of prairie falcon (*Falco mexicanus*) due to foraging habitat. There is also the moderate potential for the presence of American badger (*Taxidea taxus*) as occurrences are known in the vicinity. The Biological Resources Assessment (BRA) notes that denning within the study area is unlikely due to low prey base and few starter burrows.

The County has established procedures for the mitigation of potential impacts to San Joaquin kit fox (*Vulpes macrotis*). If the project site lies within the kit fox habitat area, and the parcel is 40 acres or more in size, a kit fox habitat evaluation is required. Given that the parcel is within the kit fox habitat area and is approximately 644 acres in size, a habitat evaluation was prepared by Althouse and Meade in accordance with the US Fish

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and Wildlife Service San Joaquin Kit Fox Survey Protocol for the Northern Range. Althouse and Meade determined that the project would affect one (1) acres of kit fox habitat (fallow ag fields) and proposed a score of 78. 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. Mitigation for the loss of kit fox habitat may be provided by one of the following:

1. Establishing a conservation easement on-site or offsite 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?*

Althouse and Meade used the terms “special status” to encompass all the identified categories above for the purposes of the BRA.

#### Special-Status Plants

A Spring Botanical Survey Addendum was prepared in August 2020 by Althouse and Meade, Inc., based on a suitably-timed spring season botanical survey completed on April 29 and May 19, 2020. Spring surveys were conducted on foot to compile a species list and search for potential special status plant species. All areas of the site were reviewed and suitable habitat for each rare plant species was visually examined. One hundred percent visual cover was achieved by meandering transects through focused areas of the Study Area where special status plant species have potential to occur.

Prior to the botanical survey, in April 2020, Althouse and Meade, Inc. conducted a data search of the California Natural Diversity Database (CNDDDB) and the California Native Plant Society (CNPS) On-line Inventory of Rare and Endangered Plants of California to determine what species have potential to occur near the Study Area (CDFW 2020a, CNPS 2020). Other database searches included online museum and herbarium specimen records for locality data San Luis Obispo County, as maintained by the Consortium of California Herbaria (CCH 2020). The data search area included the Camatta Ranch USGS 7.5-minute quadrangle and the 8 surrounding quadrangles (Camatta Canyon, Holland Canyon, La Panza, La Panza Ranch, Pozo Summit, Santa Margarita Lake, Shedd Canyon, and Wilson Corner).

To determine the appropriate bloom period, reference sites within a similar geographic range for La Panza mariposa lily (*Calochortus simulans*), Douglas’ spineflower (*Chorizanthe douglasii*), and California spineflower (*Mucronea californica*) were visited to determine phenological status for each species. La Panza mariposa lily was observed in flower at a reference site in Calf Canyon (approximately 3.6 miles southwest of the Study Area) and Douglas’ spineflower and California spineflower were observed in flower in the general vicinity along Shell Creek Road.

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Botanical surveys identified 106 species, subspecies, and varieties of vascular plant taxa in the Study Area. The comprehensive list includes 66 species native to California and 40 introduced (naturalized or planted) species. Native plant species account for approximately 62 percent of the Study Area flora; introduced species account for approximately 38 percent. No special status plant species were identified in the Study Area.

According to the Biological Report (A&M 2020) and recent review of database information (refer to Methods), sensitive plant species with the potential to occur on the project site were determined to have either a low (La Panza mariposa lily, Hardham's evening primrose, straight-awned spineflower, Kern mallow, pale-yellow layia, and Mason's neststraw), moderate (paniculate tarplant and large-flowered nemacladus), or high (Douglas' spineflower and California spineflower) potential to occur within the Study Area. Spring 2020 botanical surveys were timed according to confirmed bloom records at local reference sites for La Panza mariposa lily, Douglas' spineflower, and California spineflower. Bloom periods for other special status plant species with potential to occur were also incorporated during spring surveys. Though suitable soils and/or habitats for special status plants are present in portions of the Study Area, most of the site is relatively disturbed or recovering farmland that is not likely to support special status plants.

No special-status botanical species were documented on site during appropriately-timed spring surveys. Accordingly, project impacts to special status plant species are considered *less than significant*.

### Special Status Wildlife.

#### *Avian Species*

Burrowing owls have low potential to occur in the grassland and/or fallow cropland in the Study Area but may be present at the time of construction activities. Impacts to burrowing owl are considered *less than significant with mitigation*.

Swainson's hawk, northern harrier, loggerhead shrike, and prairie falcon have potential to forage in the grassland and resurging fallow cropland habitat in the Study Area. No nesting habitat is present in or near the Study Area for these species and impacts are considered less than significant. No further surveys for these species are recommended.

#### *Mammals*

The pallid bat could roost cavities in trees that are within, or adjacent to, areas where construction activities would occur and their roosting activities could be disrupted or the structures they use for roosting could be disturbed.

San Joaquin pocket mouse could occur in the proposed Project areas. Very few small rodent burrows were observed and were limited to the northeast portion of fallow cropland habitat within resurging grasses and filaree along the old perimeter road. Impacts to San Joaquin pocket mouse are considered *less than significant with mitigation*.

American badger could occur within the Project areas. Wildlife surveys in November 2019 and January 2020 did not identify any sign of badgers, however, potential habitat does occur within the Study Area. Therefore, potential impacts to American badger are considered *less than significant with mitigation*.

San Joaquin kit fox was not present in the Study Area during the November 2019 and January 2020 surveys. However, the Study Area is within the known range of San Joaquin kit fox and is considered suitable habitat by California Department of Fish and Wildlife (CDFW). The agricultural lands and annual grassland comprising most of the Study Area are considered potential habitat for San Joaquin

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kit fox. A San Joaquin Kit Fox Habitat Evaluation Form was submitted to CDFW on January 29, 2020 for review concluded that the Study Area is within a 3:1 mitigation area (provided in Appendix D of the BRA). Based on the proposed project, site plans, and estimated area of disturbance, CDFW has made a preliminary determination that the project earned a score of 73 on the evaluation and would impact 5 acres of kit fox habitat. This is a conservative estimate and is based on the preliminary site plans. A subsequent and final letter, which may include revised scoring and mitigation requirements, will be issued by CDFW after the CEQA document for the project is finalized. The impacted areas of kit fox habitat are subject to change during the construction permit process when the final site plans are prepared and submitted to the County. A reduction in the impacted acres would not result in additional impacts to kit fox habitat, and any increase to the estimated impacted acres of kit fox habitat could potentially require additional environmental analysis. Changes to the number of impacted acres will require coordination with CDFW. The project is required that all impacts be mitigated at a ratio of three (3) acres conserved for each acre impacted (3:1). Based on the proposed site plans and estimated area of disturbance, the total compensatory mitigation required for the project would be 15 acres, or three (3) times 5 acres impacted. The mitigation options outlined in mitigation measure BIO-3 are based on the initial determination by CDFW. Total required compensatory mitigation may change based on the final construction and/or grading plans submitted to the County for review and approval. The conservation easement acreage, in-lieu fee, and purchase credit calculations shall be based on the final number of impacted acres shown on the approved plans. Therefore, impacts to SJKF are considered *less than significant with mitigation*.

### *Amphibians and Reptiles*

Western spadefoot toad could potentially occur in the Study Area. Potential suitable pool habitat is not present in the Study Area however spadefoot toads could utilize the site during winter estivation in upland habitats. Therefore, potential impacts to western spadefoot are considered *less than significant with mitigation*.

Listed reptiles may inhabit dry grassland areas (glossy snake), or in sandy soil areas with exposed ground or scattered bushes (horned lizard). Therefore, potential impacts to listed reptiles and amphibians are considered *less than significant with mitigation*.

### *Special-status Insects*

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. CDFW's final evaluation report is expected in late December 2020.

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

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bumblebees are avoided and potential impacts to Crotch bumblebee would be *less than significance 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?*

There are no riparian resources within the areas of disturbance or nearby that would be impacted by any of the three reasonably foreseeable projects. Therefore, there would be *no impact* to riparian habitat or other sensitive natural communities.

- (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?*

There are no wetland or vernal pool resources within the areas of disturbance or nearby that would be impacted by any of the three reasonably foreseeable projects. Therefore, there would be no impact to state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.).

- (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?*

### *Wildlife Corridors*

Maintaining connectivity between areas of suitable habitat is critical for the survival and reproduction of plants and wildlife. Intact habitats benefit plants by ensuring proper dispersal of pollen and seeds, which sustains or grows the population and contributes to the genetic health of the species. Wildlife need contiguous habitats for the acquisition of food, access to mates and suitable habitat that supports reproduction, migration, and rest, and for the successful dispersal of young.

Large tracts of undeveloped land are present in the surrounding landscape. However, existing barriers to migration, particularly for wildlife, include public and private roadways, rural residences, and patches of agricultural operations in the region, which typically correlates with a high frequency of land manipulation, wildlife-exclusion fences, and pest management activities.

Shell Creek runs north-south west of the Study Area, and provides connectivity between the La Panza and Temblor Ranges. The drainage along the northeast boundary of the Study Area is an ephemeral tributary that could connect wildlife from the east Temblor Range with Shell Creek. Although it is reasonable to assume that wildlife movement may occur locally within the Study Area, the Study Area does not provide a throughway for wildlife species to off-site areas of habitat and therefore does not function as a significant regional corridor.

Security fencing around the project site could provide a barrier to the movement of SJKF and other small mammals. Therefore, potential impacts associated with wildlife movement are considered *less than significant with mitigation*.

### *Migratory Nesting Birds and Sensitive Avian Species*

In addition to those species protected by the state or federal government, all native avian species are protected by state and federal legislature, most notably the Migratory Bird Treaty Act (MBTA) and the CDFW Fish and Game code. Collectively, these and other international regulations make it unlawful to collect, sell, pursue, hunt, or kill native migratory birds, their eggs, nests, or any parts thereof. The laws

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were adopted to eliminate the commercial market for migratory bird feathers and parts, especially those of raptors and other birds of prey.

Avian species can be expected to occur within the project site during all seasons and throughout construction of the proposed project. The potential for encounter and to disrupt these species is highest during their nesting season (generally February 1 through September 15, as early as January for raptors) when nests are likely to be active, and eggs and young are present.

With the recommended mitigation measures 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?*

Impacts to, or removal of, mature oak trees (i.e., greater than six inches in diameter at breast height [DBH]) or oak woodland habitat is evaluated under CEQA. As a CEQA Lead Agency, the County of San Luis Obispo currently applies a 4:1 mitigation ratio for removed trees and a 2:1 mitigation ratio for impacted trees.

There are no significant stands of native trees on any of the three project sites. Therefore, there would be *no impacts* associated with conflict with local ordinances or policies protecting biological resources.

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

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

### *Conclusion*

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

### *Mitigation*

**BIO-1 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

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site visits or other monitoring events.

**BIO-2 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., San Joaquin pocket mouse) 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.

**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 **15 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

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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 **\$37,500** (5 acres impacted x 3 mitigation acres per acre impacted x \$2,500 per acre).

- c. Purchase **15** 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 **\$37,500** (5 acres impacted x 3 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.

The mitigation options identified above are based on a preliminary evaluation by CDFW on the project’s anticipated acres of impact to SJKF habitat. The project has a required mitigation ratio of three (3) acres conserved for each acre impacted (3:1). Total required compensatory mitigation may change based on the final number of impacted acres shown on the construction and/or grading plans submitted to the County for review.

**BIO-4 SJKF Protection Measures. 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.

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

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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.

- 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.
- 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.
- No deliberate feeding of wildlife shall be allowed.
- 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.
- Trash will be disposed of into containers rather than stockpiling on site prior to removal.
- 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.
- 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.
- Permanent fences shall allow for SJKF 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.
- 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.
- 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-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

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

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

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- BIO-7 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:
- Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;
  - All facilities 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;
  - 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
  - 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-8 Pallid Bat and Bat Roost Avoidance.** A qualified biologist shall conduct a survey before any grading or removal of trees, particularly trees 12 inches in diameter or greater at 4.5 feet above grade with loose bark or other cavities within 48 hours prior to removal of trees. If no active roosts are found, no further action shall be required. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing surveys.
- If active maternity roosts or hibernacula are found, the structure or tree occupied by the roost shall be fully avoided and not removed or otherwise impacted by project activities during the maternity season. A minimum 100-foot ESA avoidance buffer shall be demarcated by highly visible orange construction fencing around active maternity roosts. No construction equipment, vehicles, or personnel shall enter the ESA without clear permission from the qualified biologist. ESA fencing shall be maintained in good condition for the duration of the maternity season. The roost shall be removed only after the maternity season has ended, and shall be removed under the direction of a qualified biologist.
  - If active non-maternity bat roosts (e.g., day roosts, hibernacula) are found in trees scheduled to be removed, the individuals shall be safely evicted (e.g., through installation of one-way doors) under the direction of a qualified bat biologist in consultation with the CDFW. In situations requiring one-way doors, a minimum of one week shall pass after doors are installed to allow all bats to leave the roost. Temperatures need to be sufficiently warm for bats to exit the roost, because bats do not typically leave their roost daily during winter months in coastal California. Eviction shall be scheduled to allow bats to leave during nighttime hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight.
- BIO-9 Pre-construction survey for American badgers.** A qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.

## Initial Study – Environmental Checklist

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

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

**BIO-10 Pre-construction survey for Special-status Reptiles and Amphibians.** A qualified biologist shall conduct a pre-construction survey for western spadefoot, glossy snake, and coast horned lizard immediately prior to initial project activities (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal including tree 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 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 shall be repeated. A monitoring report summarizing results of the monitoring shall be submitted to the County Department of Planning and Building within one week of completing monitoring work for this species.

**BIO-11 Pre-construction surveys for Crotch Bumblebee (CBB).** 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 Planning and Building in consultation with CDFW. The Management Plan shall include at least the following:

## Initial Study – Environmental Checklist

- i. Avoidance measures to include a minimum 50-foot 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-12 Pre-construction Survey for Burrowing Owl (BUOW). Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** 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-13 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

## Initial Study – Environmental Checklist

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avoided until they have successfully fledged, or the nest is no longer deemed active.

- A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- If special-status avian species (aside from the burrowing owl 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.
- The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

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

**BIO-14 Annual Surveys.** Annual Pre-activity Survey for SJKF, Special-status Small Mammals, and Burrow Mapping Applicant or project proponent must hire a qualified biologist to complete an annual pre-activity survey for SJKF and special-status small mammal species (e.g., giant kangaroo rat and Nelson's [San Joaquin] antelope squirrel) 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 small mammal species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active SJKF and special-status mammal burrows within the grow site areas plus a 50-foot buffer for small mammals and 200-foot buffer for SJKF. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of the burrows is not feasible, the County shall be contacted for further guidance. The County will contact the appropriate resource agencies. If a SJKF den is found within 200 feet of the disturbance area, then the County must be contacted for further guidance. The County will contact the appropriate resource agencies.

**BIO-15 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

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or related material or equipment is to remain, the permittee and/or property owner shall prepare a plan and description of the non-cannabis continued use of such material or equipment on the site. The property owner shall be responsible for execution of the restoration plan that will re-establish the previous natural conditions of the site, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the County.

### *Sources*

Provided in Exhibit A.

## Initial Study – Environmental Checklist

### V. CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### 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:

- A resource listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR).
- 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

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### Discussion

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

A Phase I Archaeological Surface Survey Report was prepared for the project site and the areas of disturbance on the adjoining properties where cannabis activities are proposed (Robert L. Hoover and David N. Hoover, 2019) and included 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, the project site does not contain, nor is it located near, any historic resources identified in the National Register of Historic Places or California Register of Historic Resources. The project site does not contain a site under the Historic Site (H) combining designation 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 result in no impacts associated with an adverse change in the significance of a historical resources.

- (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 (Robert L. Hoover and David N. Hoover, 2019) and included a surface survey and a records search using the Central Coast Information Center (CCIC) of the California Historical Resources Information System and a full-coverage pedestrian survey was performed.

The purpose of the Phase 1 Archaeological survey was to determine the likely presence or absence of cultural resources with the project area in a timely and cost-effective manner. All visible ground surfaces were examined on foot by walking systematically in parallel transects, with special attention to erosional exposure or the back dirt from rodent burrows. Surface visibility was excellent in the large southern portion of the project area, as the ground had been cultivated in the not too distant past. There was sparse low growth, resulting in excellent surface visibility. The northern portion of the project area contained more ground cover and required more careful inspection, but surface visibility was still moderately good. Evidence of artificially modified chipped or ground stone artifacts, recent marine shells, animal bones, greasy ashy soil, etc., as well as stone tool quarries or bedrock mortars are the kinds of things that might be encountered in this region.

A records search of the files of the Regional Archaeological Information Center in Santa Barbara was requested to determine if any research had been done previously in the area. The project area and its immediate vicinity were included in the search, including historic and well as prehistoric resources. The Information Center is one of a number coordinated from the Office of Historic Preservation in Sacramento that maintains comprehensive records of most cultural resources in the state. A copy of this report will be filed with them at the conclusion of work, in a format consistent with the Guidelines for Cultural Resource Management Reports (OHP 1989) recommended by the Office of Historic Preservation.

Neither the field survey nor the records search indicated the presence of any cultural resources within the project area or within a zone of one-fourth mile surrounding. The mesa top of the larger southern growing area contained occasional pieces of chert, but none of these showed any evidence of working by humans. It is the opinion of the archaeologists that the project will not impact any cultural resources.

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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 area proposed for cannabis activities. In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code Section 7050.5 and LUO 22.10.040 (Archaeological Resources) require that no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. With adherence to State Health and Safety Code Section 7050.5 and County LUO, impacts related to the unanticipated disturbance of archaeological resources and human remains would be reduced to less than significant; therefore, potential impacts would be *less than significant*.

### *Conclusion*

No historical resources are known or expected to occur within or adjacent to the areas proposed for cannabis activities. Adherence with County LUO standards and State Health and Safety Code procedures would reduce potential impacts. Accordingly, impacts related to a substantial adverse change in the significance of archaeological resources would be *less than significant*.

### *Mitigation*

None required.

### *Sources*

Provided in Exhibit A.

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### VI. ENERGY

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<i>Would the project:</i>				
(a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### 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

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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 (NHTSA), 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<sub>2</sub>) 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).

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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<sub>x</sub>) and particulate matter (PM) from off-road diesel vehicles operating within California through the implementation of standards including, but not limited to, limits on idling, reporting, and labeling of off-road vehicles, limitations on use of old engines, and performance requirements.

### *Energy Use in Cannabis Operations*

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

The total energy demand of a cannabis operation depends heavily on the type of cultivation, manufacturing, location of the project, and the types of equipment required. Outdoor cultivation involves minimal equipment and has relatively low energy demands, while indoor cultivation involves more equipment that tends to have much higher energy demands (e.g., high-intensity light fixtures, climate control systems) (County of Santa Barbara 2017). 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<sub>2</sub>) 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 incorporate a range of measures to 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).

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### *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 activities, 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 would not have the potential to result in adverse environmental impacts through its use of diesel fuel for construction equipment. In addition, project contractors save costs by avoiding the wasteful, inefficient, or unnecessary consumption of energy resources, such as idling. Therefore, potentially significant environmental impacts associated with the consumption of energy resources during construction would be avoided and project construction activities would not result in a conflict with a state or local plan for renewable energy or energy efficiency. Therefore, project construction impacts associated with energy use would be *less than significant*.

### Project Operations

*Electricity and Natural Gas Use.* Based on an analysis of cannabis cultivation operations throughout the county, it is assumed that cannabis cultivation projects typically use an insignificant amount of natural gas which is typically associated with cooking appliances and space heating. Accordingly, this assessment of impacts is based on electricity use. There are no occupied buildings and no accessory structures on the project site; therefore, existing energy demand is minimal.

The project's operational electricity needs would be met by a connection to PG&E infrastructure.

The CBC 2019 Building Energy Efficiency Standards include mandatory energy efficiency standards. Unoccupied structures, such as greenhouses used for indoor cultivation activities, are exempt from CBC standards and therefore would not be subject to state-mandated energy efficiency design requirements or practices. As a result, these uses have the potential to result in wasteful, inefficient, or unnecessary energy consumption. The project does not include the construction of buildings, or indoor cannabis activities such as processing, drying, or nursery.

The project includes the establishment of 3 acres of outdoor cannabis cultivation. In addition, it is reasonable to assume that the two other Vertical Integration cultivation projects (DRC2020-00011 and DRC2020-000179) will be constructed and operated concurrently. The project application materials provide an estimate of total electricity demand associated with the project of 19,000 kWhr per year which is intended to serve all three projects. Table 7 provides a summary of total energy use for the three projects.

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**Table 7 -- Total Energy Demand for Vertical Integration Sites 1, 2 and 3**

Source	Demand Factor	Electricity Demand
Single family residence	8,090 kWhr/dwelling/year <sup>1</sup>	6,000 kWhr/year
1,080 sq.ft. accessory building	5.35 kWhr/sq.ft./year <sup>1</sup>	5,778 kWhr/year
Well pump	75 Horsepower pump running 180 days @ 105.5 kWhr/day	19,000 kWhr/year
<b>Total:</b>		<b>30,778 kWh/year</b>

Sources:

1. CalEEMOD v. 2016

Energy use associated with the existing residence and accessory building on the neighboring property to the north where DRC2020-00179 is proposed constitutes the baseline energy demand; these buildings will not be used as part of the proposed cannabis operations. The electric well pump is expected to incorporate current building efficiencies for appliances is not expected to use energy in a wasteful, unnecessary, or inefficient manner. Therefore, project impacts associated with electricity use are considered *less than significant* and *less than 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 3 full time and 30 seasonal employees. 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.

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*. and *less than cumulatively considerable*.

### Conclusion

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

### Mitigation

None are required.

### Sources

Provided in Exhibit A.

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### VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Initial Study – Environmental Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### 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 4 miles to the east; the San Andres fault zone is located about 14 miles to the east.

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 landslide risk potential and low to moderate liquefaction potential.

The project site is underlain by nonmarine (continental) sedimentary rocks (Pleistocene) - Older alluvium, lake, playa, and terrace deposits. This type of underlying geologic material is considered to have low 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 4 miles to the east of the project site based on the County Land Use View mapping tool. No structures for human occupation are proposed as part of the project.

## Initial Study – Environmental Checklist

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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 buildings 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 in an area with low potential for liquefaction. In addition, the project would be required to comply with CBC seismic requirements to address the site's potential for seismic-related ground failure including liquefaction; therefore, the potential impacts would be *less than significant*.

(a-iv) *Landslides?*

The portion of the project site where cannabis activities are proposed is nearly level and, 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 5.16 acres of site disturbance and would require 107 cubic yards (CY) of cut and 83 cy of fill. During site preparation and grading/leveling activities, there would be a potential for erosion to occur. Section 22.51.120 of the LUO requires any project that would 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 to prepare and implement a sedimentation and erosion control plan. LUO Section 22.51.120 includes requirements for specific erosion control materials and states that Best Management Practices (BMPs) shall be employed to control sedimentation and erosion. These mandatory BMPs are set forth in LUO Section 22.52.150 B. and C. Compliance with these mandatory BMPs will ensure water quality is protected.

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 is not located in an area of historical or current land subsidence (USGS 2019) and is located in an area with low potential for liquefaction risk. 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 proposed for cannabis-related activities is underlain by soils of the Arbuckle sandy loam complex, 2 – 9 percent slopes. This soil does not have high shrink-swell potential (USDA 2020). No buildings are proposed; however, all new construction will 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 waste water disposal systems where sewers are not available for the disposal of waste water?*

The project will not include the construction of a new septic system. Therefore, potential impacts associated with having soils incapable of adequately supporting the use of septic tanks would be *less than significant*.

- (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 nonmarine (continental) sedimentary rocks (Pleistocene) - Older alluvium, lake, playa, and terrace deposits. 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).

Based on the project description, the project will not require excavations, cut or fill, or extensive grading that would impact previously undiscovered paleontological resources. Potential impacts to paleontological resources would be *less than significant*.

### Conclusion

Potential impacts to paleontological resources would be less than significant.

### Mitigation

None are required.

### Sources

Provided in Exhibit A.

## Initial Study – Environmental Checklist

### VIII. GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### Setting

Greenhouse gasses (GHGs) are any gases that absorb infrared radiation in the atmosphere. The primary GHGs emitted into the atmosphere as a result of human activities are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), 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<sub>2</sub>) 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.

## Initial Study – Environmental Checklist

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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 that were incorporated into their 2012 CEQA Air Quality Handbook. The Handbook recommended applying a 1,150 MTCO<sub>2e</sub> per year Bright Line Threshold for commercial and residential projects and included a list of general land uses and estimated sizes or capacities of uses expected to exceed this threshold. According to the SLOAPCD, this threshold was based on a 'gap analysis' and was used for CEQA compliance evaluations to demonstrate consistency with the state's GHG emission reduction goals associated with the Global Warming Solutions Act (AB32) and the 2008 Climate Change Scoping Plan which have a target year of 2020. However, in 2015, the California Supreme Court issued an opinion in the case of *Center for Biological Diversity vs California Department of Fish and Wildlife* ("Newhall Ranch") that determined that AB 32 based thresholds derived from a gap analysis are invalid for projects with a planning horizon beyond 2020. Since the bright-line and service population GHG thresholds in the Handbook are AB 32 based, and project horizons are now beyond 2020 and the SLOAPCD no longer recommends the use of these thresholds for 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 which demonstrated that no-net GHG increase was feasible and defensible. Although a desirable goal, the application of this threshold may not be appropriate for a small project where it can be clearly shown that it will not generate significant GHG emissions (ie, di minimus: too trivial or minor to merit consideration).
- Lead Agency Adopted Defensible GHG CEQA Thresholds: Under this approach, a lead agency may establish SB 32-based local operational thresholds:

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

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

- *GHG Bright-line and Efficiency Thresholds*

## Initial Study – Environmental Checklist

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

As discussed above, SB 32 requires the state to reduce GHG levels by 40 percent below 1990 levels by the year 2030. According to the California Greenhouse Gas Emissions for 2000 to 2017, Trends of Emissions and Other Indicators published by the California Air Resources Board, emissions of GHG statewide in 2017 were 424 million MMTCO<sub>2e</sub>, which was 7 million MTCO<sub>2e</sub> below the 2020 GHG target of 431 MMTCO<sub>2e</sub> 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<sup>1</sup>. Therefore, application of the 1,150 MTCO<sub>2e</sub> 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<sub>2e</sub> per year Bright Line Threshold was based on the assumption that a project with the potential to emit less than 1,150 MTCO<sub>2e</sub> per year would result in impacts that are less than significant and less than cumulatively considerable impact and would be consistent with state and local GHG reduction goals.

Since SB 32 requires the state to reduce GHG levels by 40 percent below 1990 levels by the year 2030, the application of an interim "bright line" SB32-based working threshold that is 40 percent below the 1,150 MMTCO<sub>2e</sub> Bright Line threshold ( $1,150 \times 0.6 = 690$  MMTCO<sub>2e</sub>) would be expected to produce comparable GHG reductions "in the spirit of" the targets established by SB32. Therefore, for the purpose of evaluating the significance of GHG emissions for a project after 2020, emissions estimated to be less than 690 MMTCO<sub>2e</sub> per year GHG are considered *de minimus* (too trivial or minor to merit consideration), and will have a less than significant impact that is less than cumulatively considerable and consistent with state and local GHG reduction goals.

### Discussion

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

The California Energy Emissions Model (CalEEMod) was utilized to estimate the project's projected annual carbon dioxide equivalent emissions in metric tons (MTCO<sub>2e</sub>; Table 8). The estimated emissions were then compared with the interim threshold of 690 MMTCO<sub>2e</sub> per year to determine significance.

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

## Initial Study – Environmental Checklist

**Table 8 – Existing and Projected Operational GHG Emissions**

Project Component	Quantity	Emissions Rate (Annual MTCO <sub>2</sub> e/sf)		Estimated Projected Annual CO <sub>2</sub> Emissions (MT/year) Without Mitigation <sup>1</sup>
		Construction	Operation	
Crop Production	100 acres	n/a	0.0000199	86.68
<b>Total:</b>				<b>86.68</b>
Outdoor Cultivation	3 acres	--	0.0000199	2.60
<b>Net Change (Increase)</b>				<b>2.60</b>

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

Notes:

1. CalEEMOD CalEEMOD version 2016.3.2

As shown in Table 8, project-related GHG emissions will be well below the 690 MTCO<sub>2</sub>e interim threshold. It is also reasonable to assume that outdoor cannabis cultivation activities proposed on adjacent properties under the same ownership (DRC2020-00179 and DRC2020-00011) will be constructed and operating concurrently. Therefore, the cumulative generation of GHG from all three projects would be: 2.60 x 3 = 7.8 MTCO<sub>2</sub>e. As stated above, a project estimated to generate less than 690 MTCO<sub>2</sub>e GHG is assumed to have a less than significant adverse impact that is not cumulatively considerable and consistent with the GHG reduction objectives of AB32 and SB32.

Therefore, potential impacts associated with GHG emissions would be *less than significant and less than cumulatively considerable*.

- (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 which in turn may conflict with state and local plans for energy efficiency.

2011 EnergyWise Plan (EWP). As discussed above, the County of San Luis Obispo EnergyWise plan (EWP), adopted in 2011, serves as the County’s GHG reduction strategy. The GHG-reducing policy provisions contained in the EWP were prepared for the purpose of complying with the requirements of AB 32 and achieving the goals of the AB 32 Scoping Plan, which have a horizon year of 2020. The policy provisions are divided into community-wide measures and measures aimed at reducing GHG emissions associated with County operations. The GHG reduction measures contained in the EWP are generally programmatic and intended to be implemented at the community level. Measure No. 7. encourages energy efficient new development and provides incentives for new development to exceed Cal Green energy efficiency standards. The following is a summary of project consistency with the relevant supporting actions identified in Measure No. 7 for promoting energy efficiency in new development.

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Supporting Action	Project Consistency
Require the use of energy-efficient equipment in all new development, including but not limited to Energy Star appliances, high-energy efficiency equipment, heat recovery equipment, and building energy management systems.	The well pump will incorporate current energy efficiency requirements.
Encourage new projects to provide ample daylight within the structure through the use of lighting shelves, exterior fins, skylights, atriums, courtyards, or other features to enhance natural light penetration.	No new habitable structures are proposed.
Minimize the use of dark materials on roofs by requiring roofs to achieve a minimum solar reflectivity index (SRI) of 10 for high-slope roofs and 64 for low-slope roofs (CALGreen 5.1 Planning and Design).	
Minimize heat gain from surface parking lots.	Parking for proposed cannabis activities is not paved.
Use light-colored aggregate in new road construction and repaving projects adjacent to existing cities and in some of the communities north of the Cuesta Grade.	All roadways will contain an all-weather aggregate surface.

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

The project consists of a commercial enterprise located in a predominantly agricultural area.

As discussed in Section III. Air Quality, the project does not include development of retail or commercial uses that would be open to the public, therefore, land use planning strategies such as mixed-use development and planning compact communities are generally not applicable. The project would result in the establishment of activities that are agricultural in nature and would employ up to 3 full-time regular employees and 30 seasonal employees. The project would likely draw from the local labor pool and would not require a significant number of employees and therefore would not significantly affect the local area's jobs/housing balance.

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

## Initial Study – Environmental Checklist

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*reductions* by 2020 and maintain and continue reductions beyond 2020. AB 32 requires CARB to update the Scoping Plan at least every five years.

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

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

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

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

### *Conclusion*

GHG emissions would be *less than significant and less than cumulatively considerable* and consistent with plans adopted to reduce GHG emissions.

### *Mitigation*

None are required.

### *Sources*

Provided in Exhibit A.

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### IX. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Initial Study – Environmental Checklist

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### *Setting*

The Hazardous Waste and Substances Site List (Cortese List), which is a list of hazardous materials sites compiled pursuant to California Government Code (CGC) Section 65962.5, is a planning document used by the state, local agencies, and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. The project would not be located in an area of known hazardous material contamination and is not on a site listed on the Cortese List (State Water Resources Control Board [SWRCB] 2021; California Department of Toxic Substance Control [DTSC] 2021).

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

The California Health and Safety Code provides regulations pertaining to the abatement of fire-related hazards and requires that local jurisdictions enforce the CBC, which provides standards for fire resistive building and roofing materials, and other fire-related construction methods. The Safety Element of the County of San Luis Obispo General Plan provides a Fire Hazard Zones Map that indicates unincorporated areas in the county within moderate, high, and very high fire hazard severity zones. The project would be located within the State Responsibility Area in a high fire hazard severity zone. Based on the Safety Element map of response times, 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 would be not located within an Airport Review Area and there are no active public or private landing strips within the immediate project vicinity.

### *Discussion*

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

Construction activities may involve the use of oils, fuels, and solvents. In the event of a leak or spill, persons, soil, and vegetation down-slope from the site may be affected. The use, storage, and transport of hazardous materials is regulated by DTSC (22 Cal. Code of Regulations Section 66001, et seq.). The use of hazardous materials on the project site for construction and maintenance is required to be in compliance with local, state, and federal regulations. In addition, compliance with best management practices (BMPs) for the use and storage of hazardous materials would also address impacts. These BMPs may include, but are not limited to, the following:

- Determining whether a product constitutes a hazardous material in accordance with federal and state regulations;
- Properly characterizing the physical properties, reactivity, fire and explosion hazards of the various materials;
- Using storage containers that are appropriate for the quantity and characteristics of the materials;
- Properly labeling of containers and maintaining a complete and up to date inventory;
- Ongoing inspection and maintenance of containers in good condition;
- Proper storage of incompatible, ignitable and/or reactive wastes;

## Initial Study – Environmental Checklist

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Project operations would involve the intermittent use of small amounts of hazardous materials such as fertilizer and pesticides that are not expected to be acutely hazardous. In accordance with LUO Section 22.40.050.C.3. all applications for cannabis cultivation must include a list of all pesticides, fertilizers and any other hazardous materials expected to be used, along with a storage and hazardous response plan which are included in the project description at the beginning of this Initial Study. In addition, all approved cannabis cultivation operations employing the use of pesticides must obtain the appropriate pesticide use permitting from the Department of Agriculture / Weights and Measures. Accordingly, pesticide and fertilizer usage will be conducted according to the County of San Luis Obispo Department of Agriculture by obtaining an Operator Identification Number and complying with all application, reporting, and use requirements. Fertilizers and pesticides will be stored in a separate, locked searain storage container.

The project will be conditioned to comply with all applicable fire protection standards as determined by CAL FIRE, including, but not limited to, preparation of a fire safety plan. Compliance with the Uniform Fire Code and the recommendations of CalFIRE will ensure that 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 have been recommended to reduce potential impacts associated with upset or accident conditions during project construction.

Proposed outdoor cultivation activities would 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.

Through required compliance with these standards, potential operational hazards associated with the use of ethanol onsite would be effectively minimized. 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 15 miles west 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.

## Initial Study – Environmental Checklist

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- (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 approximately 24 miles northwest 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 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. The project will be conditioned to implement building and site improvements in accordance with the Fire Code, as detailed in the referral response letter dated February 26, 2020, including, but not limited to implementation of a fire safety plan. Therefore, potential impacts associated with exposure of people or structures to significant risk involving wildland fires would be *less than significant*.

### Conclusion

The project includes the use of potentially hazardous materials during construction and operation. Mitigation measures have been identified below to reduce potential impacts associated with routine transport, use, and disposal of these materials, as well as potential hazards associated with upset and accident conditions and wildland fire risk. Upon implementation of measures HAZ-1 and 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.

## Initial Study – Environmental Checklist

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**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
<i>Would the project:</i>				
(a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Initial Study – Environmental Checklist

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

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

Per the County's Stormwater Program, the 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.

Project water demand would be served by an existing groundwater well. Two, 10,000-gallon water tanks will be installed on the adjacent parcel to the west for storage. A well pump test performed in 2015 revealed that the well can produce 1,000 gallons per minute and the water level recovered in about 30 minutes.

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.

## Initial Study – Environmental Checklist

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The project is within the Paso Robles Groundwater Basin which has been assigned a Level of Severity III by the County Resource Management System; the project is outside the Area of Severe Decline. Therefore, a water demand offset of 1:1 is required for the proposed cannabis use.

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.

### *Discussion*

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

The project will involve 107 cubic yards cy of cut and 83 cy of fill over an area of about 5.16 acres. Accordingly, a sedimentation and erosion control plan will be required to minimize the potential for soil erosion, which 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 includes requirements for specific erosion control materials, setbacks from creeks, and siltation. In addition, the project is located outside of a stormwater management area (MS4) and proposes a disturbance area greater than 1.0 acre, therefore, the project will 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. By maintaining a minimum setback 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?*

The project water demand would be served by an existing groundwater well located on the adjacent parcel to the west; two, 10,000-gallon water tanks will be installed next to the well head for storage. A well pump test performed in 2015 revealed that the well can produce 1,000 gallons per minute and the water level recovered in about 30 minutes.

While a consensus of water demand values for cannabis cultivation has not yet been established by published analyses, an application rate of 0.03 gal/sf canopy/day for outdoor cannabis cultivation has been used consistently in San Luis Obispo County. These values were in turn derived from the *Santa Cruz County Draft Environmental Impact Report (EIR) for the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program (August 2017)*.

To satisfy LUO requirements, the project description includes a water offset study prepared by Wallace Group, Inc., 2020. Baseline and future water demand are summarized in Table 9.

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Table 9 – Projected Water Demand<sup>1</sup>

Use	Water Demand Factor	Quantity/Area	Days/Year	Gallons Per Year	Ace-Feet per Year
Outdoor Cultivation	0.03 <sup>2</sup>	130,680 sq.ft.	180	705,672	2.17
Domestic Consumption	10 gallons per day per capita	3	180	5,400	0.01
		30	14	4,200	0.01
<b>Demand Associated With Cannabis Activities:</b>				<b>715,272</b>	<b>2.19</b>

Notes:

1. Source: Wallace Group January, 2020
2. Gallons/day/sq.ft

The study provides an estimate of existing and projected water demand for outdoor cultivation. Based on the estimate provided in Table 9, a water use offset of 2.19 AFY is required. It is also reasonable to assume that cannabis cultivation projects proposed on adjacent properties (DRC2020-00011 and DRC2020-000179) will be constructed and operated concurrently with the subject project. Together, the cumulative demand for all three projects would be:  $2.19 \times 3 = 6.57$  AFY. Each project is required to achieve the 1:1 water use offset.

Mitigation measure W-1 is recommended which requires the implementation of water use reduction/efficiency measures within the Paso Robles Groundwater Basin equal to the projected water demand associated with cannabis activities. In this case, the applicant proposes to remove existing irrigated crops on a property (or properties) under their ownership. The water demand study provided for the project includes evidence of ongoing historical water demand associated with irrigated crop cultivation on this site which is summarized as follows:

Table 10 -- Historic Water Use on APN 037-371-001

Year	2015	2016	2017	2018	2019
<b>Crop</b>	87 acres carrots	87 acres carrots	87 acres lettuce/spinach	87 acres lettuce/spinach	No irrigation
<b>Estimated Water Demand</b>	165.3 AFY	165.3 AFY	165.3 AFY	165.3 AFY	0

Source: Application materials

Notes:

1. Based on 1.9 AFY per acre of irrigated crop per year as described in the San Luis Obispo County Off-site Agricultural Offset Clearance Ordinance, Table 3.

As shown on Table 10 average irrigated water use on APN 037-371-002 over this five year period is about 132.24 AFY. Assuming 1.9 AFY per acre of historic water demand, the total acreage to be removed from production to achieve the required 1:1 offset for all three projects would be:

$6.57 \text{ AFY} \text{ divided by } 1.9 \text{ AFY/Acre} = 3.45 \text{ Acres}$

By offsetting project demand within the basin as required by mitigation measures W-1 and W-2, there will no net increase in water demand and project impacts are considered *less than significant with mitigation* and *less than cumulatively considerable with mitigation*.

## Initial Study – Environmental Checklist

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In addition, water use is required to be metered and this data will be provided to the County every three months (quarterly). Should the metered water demand exceed the permitted quantity for any of the three Vertical Integration projects (a total of 6.57 AFY), the permittee will be required to undertake corrective measures to bring water demand back to within the permitted amount. In addition, the project will be conditioned to apply Best Management Practices for water conservation to maintain water use at or below the water analysis projections as described in the applicant's Water Management Plan. Such BMPs include, but are not limited to, the following:

- The use of drip irrigation systems and mulch to conserve water and soil moisture. Watering to occur when evaporation losses are lowest;
- Ongoing monitoring and maintenance of the water supply system; and/or
- Installation of float valves on tanks to prevent tanks from overflowing.

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

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

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

The project would result in approximately 5.16 acres of site disturbance and 107 cubic yards (CY) of cut and 83 cy of fill. A sedimentation and erosion control must be prepared 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 does not propose any structures for human occupation but would result in an increase in impervious surface area on the project site as a result of the installation of hoop structures with plastic covers.

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 preliminary grading, drainage, and erosion control plan prepared for the project also identifies 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*.

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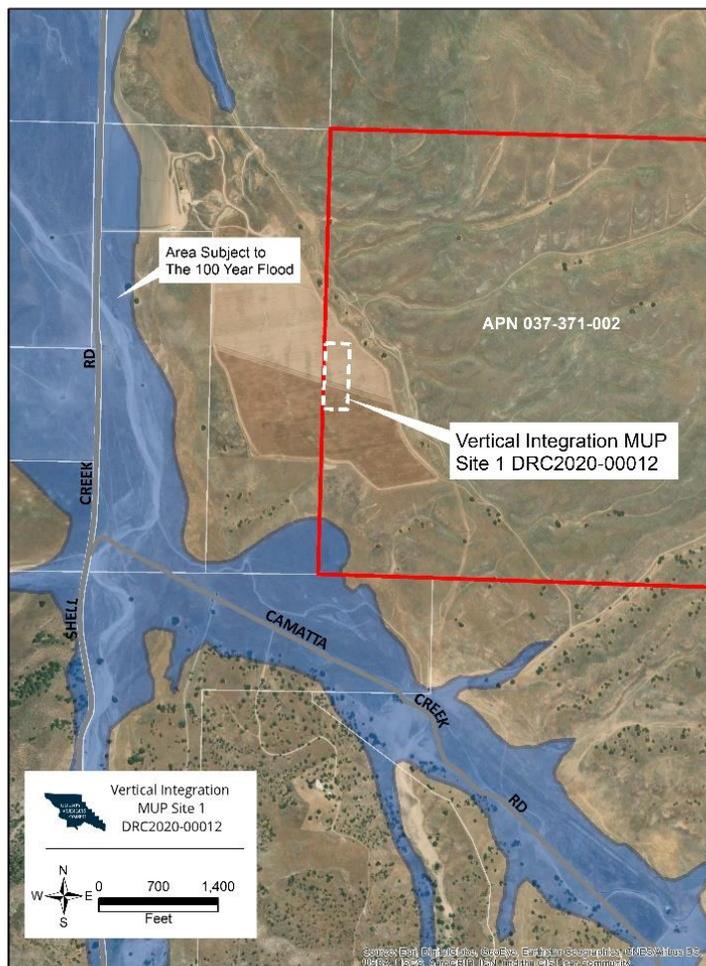
- (c-iii) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

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. Based on required compliance with applicable state and County drainage and stormwater control regulations, the project's impacts associated with increased surface runoff resulting in exceedance of the capacity of existing or planned drainage systems or provide substantial additional sources of polluted runoff would be *less than significant*.

- (c-iv) *Impede or redirect flood flows?*

Based on the County Flood Hazard Map, a portion of the project site is located within a 100-year flood zone (Figure 11). However, the proposed cultivation area lies outside the areas subject to the 100-year flood. The project would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. Therefore, *no impacts would occur*.

**Figure 11 -- Project Site In Relation to the 100-Year Floodplain**



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

Based on the Safety Element Flood Hazard Map, a portion of the project site is located within a 100-year flood zone (County of San Luis Obispo 2013). However, the proposed cultivation area lies outside the areas subject to the 100-year flood. 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 2021). 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?*

Groundwater management plans are being prepared for portions of the Paso Robles Groundwater Basin; however, no draft plans have been published as of March 2021. As discussed in the setting, the project is required to comply with relevant permitting of the RWQCB. Therefore, potential impacts associated with conflict or obstruction of a water quality control plan or sustainable groundwater management plan would be *less than significant*.

### Conclusion

With implementation of the recommended mitigation measures W-1 and W-2 for water use offset, the project will result in less than significant impacts associated with water supply, water quality and hydrology.

### 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 a water demand offset of **2.19 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

## Initial Study – Environmental Checklist

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

- 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 (evapotranspiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.
  - 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 2.19 AFY.

### Sources

See Exhibit A.

## Initial Study – Environmental Checklist

### XI. LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### 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 currently undeveloped.

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

#### Discussion

(a) *Physically divide an established community?*

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

## Initial Study – Environmental Checklist

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

### *Conclusion*

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

### *Mitigation*

Implement mitigation measures AQ-1 and AQ-2, BIO-1 through BIO-15, HAZ-1 and HAZ-2, and W-1 and W-2.

### *Sources*

Provided in Exhibit A.

## Initial Study – Environmental Checklist

### XII. MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 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

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### *Discussion*

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

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

- (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* to mineral resources.

### *Conclusion*

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

### *Mitigation*

None necessary.

### *Sources*

See Exhibit A.

## Initial Study – Environmental Checklist

### XIII. NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project result in:</i>				
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 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

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- 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 11 -- Maximum allowable exterior noise level standards<sup>(1)</sup>**

Sound Levels	Daytime 7 a.m. to 10 p.m.	Nighttime <sup>(2)</sup>
Hourly Equivalent Sound Level (L <sub>eq</sub> , dB)	50	45
Maximum level, dB	70	65

<sup>1</sup> When the receiving noise-sensitive land use is outdoor sports and recreation, the noise level standards are increased by 10 db.

<sup>2</sup> Applies only to uses that operate or are occupied during nighttime hours.

The existing ambient noise environment is characterized by marginal traffic on Shell Creek Road and connecting roadways, as well as noise associated with ongoing agricultural operations on the project site and surrounding properties. The nearest sensitive receptor is an offsite residence located approximately 0.9 mile to the south.

### Discussion

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

**Construction Impacts.** 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.

According to the 2005 Federal Highway Administration’s Roadway Construction Noise Mode Database, noise associated with heavy construction equipment can range from about 73 to 101 dBA for non-impact equipment. Noise levels 50 feet from stationary equipment can range from 68 to 88 dBA, with. Table 12 provides an estimate of noise generated by temporary construction activities that may be used for the project.

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Table 12 -- Estimate of Noise From Construction Equipment

Equipment	Quantity	dBA at 50 Feet <sup>1</sup>	Estimated Noise Levels At The Nearest Property Line For Property Not Under Common Ownership (2,300 feet) <sup>3</sup>
Backhoe	1	78	45
Dozer	1	82	48
Excavator	1	81	48
Dump Truck	1	76	42
Generator	1	81	48
Pickup Truck	2	75	41
<b>Total:</b>	<b>7</b>	<b>87<sup>2</sup></b>	<b>54</b>

Notes:

1. Source: Federal Highway Administration's Roadway Construction Noise Mode Database.
2. Assumes all equipment are operating concurrently.

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. Regardless, as shown in Table 12, construction related noise would be less than the maximum hourly daytime levels allowed by the County's noise standards at the nearest offsite property line.

Operational Impacts. The project does not propose the construction of, or use of, new buildings for any indoor cannabis-related activities. Operational noise will be limited to truck traffic and hand-held maintenance equipment that produces noise comparable to the existing baseline conditions associated with ongoing crop production. Therefore, operational noise will be below than County standards and impacts would be *less than significant*.

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

(b) *Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?*

The project does not propose pile driving, or other high impact activities that would generate substantial ground-borne noise or ground-borne vibration during construction. Construction equipment has the potential to generate minor ground-borne 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 ground-borne noise or vibration. Therefore, impacts related to exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels would be *less than significant*.

## Initial Study – Environmental Checklist

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- (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 Paso Robles Airport located approximately 25 miles to the northwest. 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 levels will be less than the standards set forth in the LUO and are considered less than significant. No other potentially significant impacts were identified, and no mitigation measures are necessary.

### *Mitigation*

None are required.

### *Sources*

Provided in Exhibit A.

## Initial Study – Environmental Checklist

### XIV. POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### 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.

#### 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 3 full-time employees and up to 30 additional part-time/temporary employees during harvest times. Workers would likely be sourced from the local labor pool and would not require new or additional housing as a result of the proposed project. 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 new 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. Therefore, the project would not directly or indirectly induce substantial growth and impacts would be *less than significant*.

## Initial Study – Environmental Checklist

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- (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*

Provided in Exhibit A.

## Initial Study – Environmental Checklist

### 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### 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 #31, located approximately 5 miles north of the project site in the community of Shandon. 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

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

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

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

### *Discussion*

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

#### *Fire protection?*

The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and California PRC, which include 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 (if fire sprinklers are required). 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

## Initial Study – Environmental Checklist

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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 are necessary.

### *Sources*

See Exhibit A.

## Initial Study – Environmental Checklist

### 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### 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 3 full-time employees and up to 30 additional part-time/temporary employees during harvest times. Workers would likely be sourced from the local labor pool and would not result in increased demand on existing or planned recreational facilities in the county. The project is not proposed in a location that

## Initial Study – Environmental Checklist

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would affect any existing trail, park, recreational facility, coastal access, and/or natural area. The project would not result in 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 are necessary.

### *Sources*

See Exhibit A.

## Initial Study – Environmental Checklist

### XVII. TRANSPORTATION

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

#### Setting

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

The County has established Level of Service (LOS) "C" or better for rural roadways. The project site was previously used for crop cultivation, and is not currently under production. As such, it generates a very low volume of traffic. The project site takes access from Shell Creek Road, a rural collector that provides the primary vehicular access to ranches in the area. Traffic counts taken on Shell Creek Road in 2010 north of SR58 revealed an afternoon peak hour volume of 19, and 121 average daily trips. 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). A privately maintained dirt road will be used to access the project site that extends eastward from Shell Creek Road. A project referral package was sent to the County Public Works Department and no traffic-related concerns were identified.

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

## Initial Study – Environmental Checklist

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

The County's Framework for Planning (Inland) includes the Land Use and Circulation Elements of the County of San Luis Obispo General Plan. The Framework establishes goals and strategies to meet pedestrian circulation needs by providing usable and attractive sidewalks, pathways, and trails to establish maximum access and connectivity between land use designations. Due to the remote location of the project site, there are no pedestrian, bicycle, or public transit facilities serving 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. As described in the project's traffic study prepared by OEG, 2020, the proposed project is estimated to generate a total of 6 average daily trips and 0 peak hour trips on a typical weekday (see Table 13).

**Table 13 -- Project Trip Generation**

Project Component	Area	Trip Rate <sup>1</sup>	Total Average Daily Trips
Outdoor Cultivation (Typical)	3.0 Acres	2.0 trips per acre	6
<b>Total Average Daily Trips – Typical Operations</b>			<b>6</b>
<b>PM Peak Hour Trips</b>			<b>0</b>

Notes:

- Orosz Engineering Group, January 20, 2020.

As shown in Table 13, the project will generate about 6 average daily trips and no peak hour trips. Assuming all three Vertical Integration Projects are approved and operating concurrently, there could be as many as 18 average daily trips on a typical workday and between 30 – 90 trips during the 5 day planting and harvesting seasons. The project would not noticeably impact traffic operations on Shell Creek Road, would not reduce levels of service on nearby roads, conflict with adopted policies, plans or programs for transportation, and would not cause congestion on the local circulatory network. Since the project would not generate foot or bicycle traffic, or generate public transit demand, and since no public transit facilities, pedestrian or bicycle facilities exist in the area, the project would have no impact on levels of service/conditions for these facilities.

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".

## Initial Study – Environmental Checklist

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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*.

No significant traffic impacts were identified, and no mitigation measures above what are already required by existing regulations are necessary.

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

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

The project is not expected to generate a significant increase in construction-related or operational traffic trips or VMT because:

- According to the trip generation study prepared for the project by Orosz Engineering Group, January 20, 2020, the proposed project is estimated to generate a total of 6 ADT and 0 PM peak hour trips on a typical weekday.
- Assuming all three Vertical Integration Projects are approved and operating concurrently, there could be as many as 18 average daily trips on a typical workday and between 30 – 90 trips during the 5 day planting and harvesting seasons which is less than the 110 ADT threshold identified by the 2018 Technical Advisory.
- The project would be subject to standard development impact fees to offset the relative impacts on surrounding roadways. Therefore, potential impacts would be *less than significant*.

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

The County of San Luis Obispo Public Works Department has stopping sight distance standards for driveways and intersections on County roads (2019). These standards exceed Caltrans and Federal guidelines. As vehicle travel speeds increase, the stopping sight distance increases. Based on a site visit by OEG Staff, the stopping sight distance was evaluated for the project access location on Shell Creek Road.

The proposed primary access on Shell Creek Road is located approximately 2.6 miles northerly of State Highway 58. Based on a field survey, the available stopping sight distance was found to be over 700 feet looking to both the north and south on Shell Creek Road.

This section of Shell Creek Road is straight and level. The traffic volumes along this section of roadway are very low (less than 500 vehicles per day). The 85th percentile vehicle speeds along Shell Creek Road near the site access were estimated to be 55 MPH in both directions based on these conditions. Based on the travel speeds on Shell Creek Road, the required stopping sight distance is 605 feet to meet the County Standards. The actual stopping sight distance available and required stopping sight distances are summarized in the following table:

## Initial Study – Environmental Checklist

**Table 14 -- Actual Stopping Distance for Proposed Shell Creek Road Driveway**

Location	Approach Speed	Required Stopping Distance per County Standards	Actual Stopping Distance	Meets County Standard?
Shell Creek Road Driveway – Looking to Driver’s Left	55 MPH	Minimum of 605 Feet	700+ feet	Exceeds
Shell Creek Road Driveway – Looking to Driver’s Left	55 MPH	Minimum of 605 Feet	700+ feet	Exceeds

As shown in Table 14, there available stopping distance (700+ feet) exceeds the County’s 2019 A5-a stopping distance requirements for both northbound and southbound directions. The project will be conditioned to improve the access driveway to meet the County’s B-1a standard for private driveway access. 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.

## Initial Study – Environmental Checklist

### XVIII. TRIBAL CULTURAL RESOURCES

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### 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:
  - o Included or determined to be eligible for inclusion in the CRHR; or
  - o Included in a local register of historical resources as defined in subdivision (k) of California PRC Section 5020.1; or
  - o 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).

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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 specific 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 the Salinan Tribe of Monterey and San Luis Obispo Counties, *titvu titvu yak tiłhini* Northern Chumash, and Northern Chumash Tribal Council.

### *Discussion*

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

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

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.*

As discussed in Section V. Cultural Resources, the Phase I survey of the project site revealed no evidence of cultural resources in the areas of disturbance. Impacts associated with potential inadvertent discovery would be minimized through compliance with existing standards and regulations (LUO 22.10.040), would reduce potential impacts to *less than significant*.

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### *Conclusion*

Cultural resources are not 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 with mitigation*.

### *Mitigation*

None are required.

### *Sources*

Provided in Exhibit A.

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### XIX. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### 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

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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 an existing well for water and portable restrooms. 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, as conditioned, would not result in a substantial increase in demand on water, wastewater, or stormwater collection, treatment, or disposal 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 outdoor cultivation activities, together with the water demand associated with cannabis activities proposed on adjacent properties, would result in approximately 6.57 acre-feet of water demand per year, served by an existing groundwater well. Since the project is located within the Paso Robles Groundwater Basin and has been assigned a Level of Severity III, a 1:1 water demand offset is required. The project proposes to meet the required offset by removing 3.45 acres of irrigated crops from the project site or in combination with crops grown on other properties under the same ownership. By meeting the required offset as required by Mitigation Measures W-1 and W-2, no net increase in water demand will occur and 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 restroom. 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 southeast. The landfill has a remaining capacity of approximately four million cubic yards as of 2019. 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*.

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- (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. Therefore, potential impacts to utilities and service systems would be *less than significant with mitigation*.

### *Mitigation*

Implement mitigation measures W-1 and W-2.

### *Sources*

See Exhibit A.

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### XX. WILDFIRE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>				
(a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### 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 CALFIRE based on the presence of fire-prone vegetation, climate, topography, assets at risk (e.g., high population centers), and a fire protection agency's ability to provide service to the area (CAL FIRE 2007). FHSZs throughout the county have been designated as "Very High," "High," or "Moderate." In San Luis Obispo County, most of the area that has been designated as a "Very High Fire Hazard Severity Zone" is located in the Santa Lucia Mountains, which extend parallel to the coast along the entire length of San Luis Obispo County. The project would be located within the State Responsibility Area and a "High" fire hazard severity zone, and based on CAL FIRE's referral response letter, 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;

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- 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 not located within an area that would be inundated in the event of a dam failure. 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*.

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- (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 site is located within a State Responsibility Area and, 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 Shell Creek Road driveway and the access road to accommodate emergency vehicle access, vegetation clearing or trimming, and installation of water storage tanks for fire protection. The project will be conditioned to comply with all applicable fire protection standards as determined by CAL FIRE, including, but not limited to, preparation of a fire safety plan and the applicant will be required to comply with the requirements of the plan for the life of the project. Compliance with the Uniform Fire Code and the recommendations of CalFIRE will ensure that potential impacts associated with slope, prevailing winds, and other factors will be less than significant.

The cannabis activities would be located on moderate to relatively slight 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.

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?*

Cannabis activities would be located on moderate to 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 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 the construction of building or 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*.

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### *Conclusion*

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

### *Mitigation*

None necessary.

### *Sources*

See Exhibit A.

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### 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*Setting*

*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,

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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

Table 15 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 (March 2021). 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 12 shows the project site along with other approved and proposed cannabis project sites within 5 miles of the proposed project site.

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Table 15 -- Summary of Cannabis Facility Applications for Unincorporated  
San Luis Obispo County<sup>1</sup>

Proposed Cannabis Activity Type	Total Number of Proposed Cannabis Activities <sup>1,2</sup>	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
<b>Total</b>	<b>303</b>	<b>367.3</b>	<b>87</b>

1. As of March, 2021

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

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

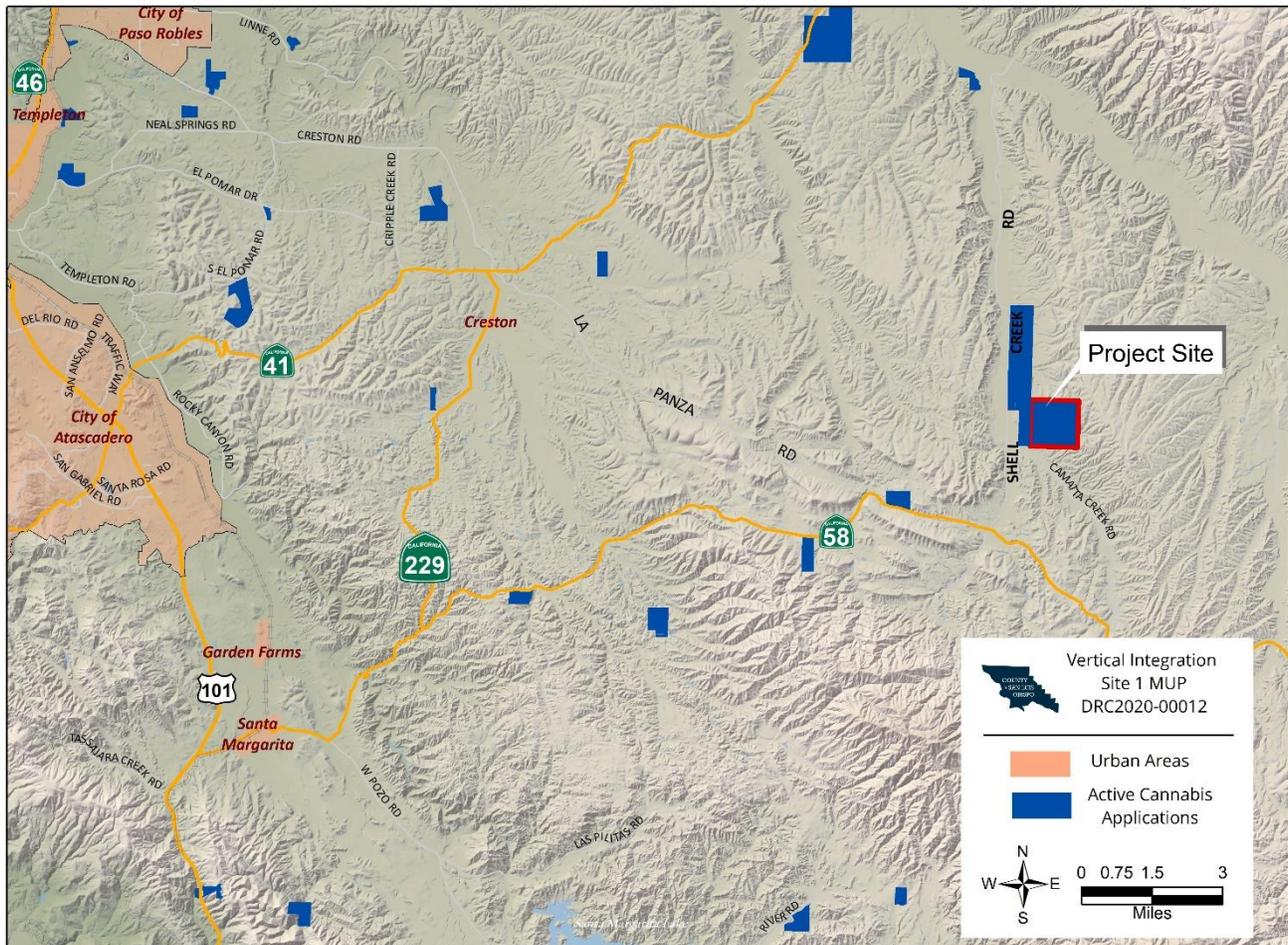
*All 114 applications for cultivation sites would be approved and developed;*

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

- a. 3 acres of outdoor cultivation;
- b. 0.5 acres of indoor cultivation;
- c. 19,000 square feet of ancillary nursery;
- d. A total of 6 full-time employees;
- e. A total of 25 average daily motor vehicle trips; and
- f. All sites would be served by a well and septic leach field.

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Figure 12 -- 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. The project site is located in an area with two other potential cannabis facilities on adjacent properties under the same ownership. These projects are identical in scope to the Site 1 project and will be located in an area where they would be minimally visible from public vantage points.

Therefore, 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

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 with the existing Williamson Act contract. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation

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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, together with emissions associated with construction activities on reasonably foreseeable surrounding development, would have the potential to exceed SLOAPCD thresholds of significance for construction emissions, resulting in a potentially cumulatively considerable contribution to the county's non-attainment status under state air quality standards for fugitive dust. With implementation of recommended mitigation measures AQ-1 and AQ-2, project construction, operational, and cumulative impacts would be less than significant.

The analysis provided in Section III, Air Quality, concludes that the project's potential other emissions (such as those leading to odor) would be less than significant based on the distance of proposed odor-emitting uses from the project property lines and proposed odor control technology to be implemented within proposed structures.

Therefore, based on the mitigation measures identified to reduce potential project impacts and LUO odor control requirements, 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. With implementation of measures BIO-1 through BIO-15, potential impacts to biological resources would be less than significant.

Based on the mitigation measures identified to reduce potential project impacts, 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.

### Cultural Resources

The analysis provided in Section V. Cultural Resources concludes that project development would not result in significant impacts to cultural resources and project related impacts are considered less than significant.

Therefore, when considered with the potential impacts of other reasonably foreseeable development in the area, project impacts associated with cultural 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 could result in an annual energy demand of 19,000 kWhr per year.

Table 16 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.

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**Table 16 -- Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects**

Proposed Land Use	Total Electricity Demand from Proposed Cannabis Cultivation Projects <sup>1</sup> (Kilowatt-Hours/Year)	Total Electricity Demand (Gigawatt Hours/Year)	Electricity Consumption in San Luis Obispo County in 2018 <sup>2</sup> (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			
<b>Total</b>	<b>323,215,200</b>	<b>323.2</b>	<b>1,765.9</b>	<b>2,089</b>	<b>18%</b>

<sup>1</sup>Source: CalEEMOD 2016 v.3.2. Assumes 114 cultivation projects with 0.5 acre of mixed-light cannabis canopy.

<sup>2</sup>Source: California Energy Commission 2019.

Table 16 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 17 shows the percent increase in the projected 2030 demand for these bundled sources of electricity throughout PG&E’s service area for, assuming all 114 cultivation projects are developed with 22,000 square feet of mixed-light cultivation and approved.

**Table 17 -- Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects Compared With Projected PG&E 2030 Available Service Load**

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

<sup>1</sup>Source: CalEEMOD 2016 v.3.2. Assumes 114 cultivation projects with 3.5 acres of cannabis canopy.

<sup>2</sup>Source: Pacific Gas and Electric 2018, Integrated Resource Plan.

The project’s contribution to the overall increased demand for electricity would not have the potential to result in potentially cumulatively considerable environmental impacts the wasteful, inefficient, and unnecessary use of energy. It is also important to note that while many proposed cannabis cultivation projects would result in new permitted facilities, a portion of these facilities are being proposed in existing buildings previously used for unpermitted cannabis cultivation activities or other uses. Therefore, the estimated increases in energy demand provided in Tables 16 and 17 are assumed to be overestimations.

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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 volume and depth of proposed earthwork and potential sensitivity of the underlying geologic formation, the project's potential impacts to previously unknown paleontological resources would be less than significant.

Therefore, cumulative impacts associated with geology and soils would be *less than cumulatively considerable*.

### Greenhouse Gas Emissions

As discussed in Section VI, Energy, the project is estimated to generate approximately 2.60 metric tons of CO<sub>2</sub>. It is also reasonable to assume that outdoor cannabis cultivation activities proposed on adjacent properties under the same ownership (DRC2020-00011 and DRC2020-000179) will be constructed and operational concurrently. Therefore, the cumulative generation of GHG from all three projects would be: 2.60 x 3 = 7.8 MTCO<sub>2</sub>e. As stated above, a project estimated to generate less than 690 MMTCO<sub>2</sub>e GHG is assumed to have a less than significant adverse impact that is not cumulatively considerable and consistent with the GHG reduction objectives of AB32 and SB32.

Therefore, 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 may include the use of potentially hazardous materials that could result in potential hazards through routine transport, use, and disposal as well as under upset or accident conditions. Mitigation measures HAZ-1 and HAZ-2 have been identified to reduce potential impacts by restricting the location of equipment maintenance, refueling and other potentially hazardous activities, and identifying the appropriate response protocol for immediate cleanup of any spills.

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, the project is within the Paso Robles Groundwater Basin which has been assigned a Level of Severity III by the County Resource Management System; the project is outside the Area of Severe Decline. Therefore, a water demand of 1:1 is required for the proposed cannabis use. To satisfy LUO requirements, the project description includes a water offset study prepared by Wallace Group, Inc. Baseline and future water demand are summarized in Table 9.

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The study provides an estimate of existing and projected water demand for outdoor cultivation. Based on the estimate provided in Section X., a water use offset of 2.19 AFY is required. It is also reasonable to assume that cannabis cultivation projects proposed on adjacent properties (DRC2020-00011 and DRC2020-00179) will be constructed and operated concurrently with the subject project. Together, the cumulative demand for all three projects would be:  $2.19 \times 3 = 6.57$  AFY. Each project is required to achieve the 1:1 water use offset. To achieve the offset for all three projects, the applicant proposes to remove existing irrigated crops on properties under their ownership on APN 037-371-002.

By offsetting project demand within the basin as required by Mitigation Measures W-1 and W-2, there will no net increase in water demand and project impacts are considered *less than significant with mitigation* and *less than cumulatively considerable*.

In addition, all proposed cannabis cultivation projects located in the county would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. All potentially hazardous materials (e.g., pesticides, fertilizers, etc.) proposed to be utilized for these projects would be required to comply with the applicable storage, refilling, and dispensing County Department of Environmental Health standards. All cannabis cultivation projects within the county would also be required to comply with applicable riparian, wetland, and other waterway setbacks established by the Regional Water Quality Control Board.

### Noise

As discussed in Section XIII, Noise, project related noise associated with construction activities and outdoor cultivation would be less than significant.

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*.

## Initial Study – Environmental Checklist

### 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. Therefore, the project’s potential traffic impacts would be *less than cumulatively considerable*.

County Fire/CAL FIRE requirements will be enforced as conditions of approval.

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 18 provides an estimate of total average daily trips (ADT) and PM peak hour trips associated with buildout of the 114 currently proposed cannabis cultivation projects.

**Table 18 -- 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
<b>Total</b>				<b>2,090</b>	<b>538.6</b>	<b>57,262</b>

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

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

The most recent estimate of total VMT for the county is from 2013, at which time total VMT per day was estimated to be 7,862,000 VMT. Assuming a 1% annual growth in VMT during the intervening 6 years, the current daily total is estimated to be around 8,333,720 VMT. Accordingly, the VMT associated with proposed cannabis cultivation projects throughout the county is estimated to result in a 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. According to the analysis provided in Section XVII, Transportation, Development of reasonably foreseeable projects on adjacent properties would increase total trip generation from the project to about 18 trips per day

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which is not expected to lower the level of services on Shell Creek Road or SR 58. Moreover, each new 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:

- 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 AQ-1 and AQ-2, HAZ-1 and HAZ-2, and 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.

### *Mitigation*

Provided in Exhibit A.

### *Sources*

See Exhibit A.

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### 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
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input checked="" type="checkbox"/>	County Environmental Health Services	In File**
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	In File**
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	In File**
<input checked="" type="checkbox"/>	County Sheriff's Department	None
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	None
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Fish and Wildlife	In File**
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	In File**
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Services District	Not Applicable
<input checked="" type="checkbox"/>	Other <u>Shandon Community Advisory Council</u>	In File**
<input checked="" type="checkbox"/>	Other AB52 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 Planning and Building Department.

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Project File for the Subject Application  | <input type="checkbox"/> Design Plan  |
| <input checked="" type="checkbox"/> <b>County Documents</b>   | <input type="checkbox"/> Specific Plan  |
| <input type="checkbox"/> Coastal Plan Policies  | <input type="checkbox"/> Annual Resource Summary Report   |
| <input checked="" type="checkbox"/> Framework for Planning (Coastal/Inland)   | <input type="checkbox"/> Circulation Study  |
| <input checked="" type="checkbox"/> General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements: | <input checked="" type="checkbox"/> <b>Other Documents</b>  |
| <input checked="" type="checkbox"/> Agriculture Element   | <input checked="" type="checkbox"/> Clean Air Plan/APCD Handbook                                      |
| <input checked="" type="checkbox"/> Conservation & Open Space Element   | <input checked="" type="checkbox"/> Regional Transportation Plan                                      |
| <input type="checkbox"/> Economic Element   | <input checked="" type="checkbox"/> Uniform Fire Code   |
| <input checked="" type="checkbox"/> Housing Element   | <input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)       |
| <input checked="" type="checkbox"/> Noise Element   | <input type="checkbox"/> Archaeological Resources Map   |
| <input checked="" type="checkbox"/> Parks & Recreation Element/Project List   | <input type="checkbox"/> Area of Critical Concerns Map  |
| <input checked="" type="checkbox"/> Safety Element  | <input type="checkbox"/> Special Biological Importance Map  |
| <input checked="" type="checkbox"/> Land Use Ordinance (Inland/Coastal)   | <input type="checkbox"/> CA Natural Species Diversity Database  |
| <input checked="" type="checkbox"/> Building and Construction Ordinance   | <input checked="" type="checkbox"/> Fire Hazard Severity Map  |
| <input checked="" type="checkbox"/> Public Facilities Fee Ordinance   | <input checked="" type="checkbox"/> Flood Hazard Maps   |
| <input type="checkbox"/> Real Property Division Ordinance   | <input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County |
| <input type="checkbox"/> Affordable Housing Fund  | <input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)       |
| <input type="checkbox"/> Airport Land Use Plan  | <input type="checkbox"/> Other  |
| <input checked="" type="checkbox"/> Energy Wise Plan  |   |
| <input checked="" type="checkbox"/> North County Area Plan/Shandon-Carrizo SA   |   |

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

Provided in Exhibit A.

The project application materials are incorporated by reference in their entirety and available for review at the Department of Planning and Building, 976 Osos Street, Suite 200, San Luis Obispo. In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

### Project-Specific Studies

- Wallace Group, January 27, 2020 Water Use Evaluation for Proposed Cannabis Cultivation on APN 037-371-002
- Althouse And Meade, Inc. Biological And Environmental Services, February 2020, Biological Report for Rich Properties Camatta Creek Road
- Althouse And Meade, Inc. Biological And Environmental Services, August, 2020, Spring Botanical Survey Addendum for Rich Properties, San Luis Obispo County
- Robert Hoover and David Hoover, 2019, Phase I Archaeological Evaluation, Shell Creek Property
- Filipponi amd Thompson Drilling, Inc., Well Test Report 9110 Camatta Creek Road, November 2015
- Orosz Engineering Group, January 2020, Trip Generation and Sight Distance Analysis, APN 037-351-002

### Other County References

California Department of Conservation (CDOC). 2015. CGS Information Warehouse: Regulatory Maps <http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps> accessed August 2018

San Luis Obispo County. 1999. General Plan Safety Element. <https://www.slocounty.ca.gov/getattachment/893b6c58-7550-4113-911c-3ef46d22b7c8/Safety-Element.aspx> accessed August 2018

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.

CalEEMOD version 2016.3.2

California Department of Conservation (CDOC). 2015. Fault Activity Map of California. Available at < <http://maps.conservation.ca.gov/cgs/fam/>>.

\_\_\_\_\_. 2016. California Important Farmland Finder. Available at: <<https://maps.conservation.ca.gov/DLRP/CIFF/>>.

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

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- California Department of Forestry and Fire Protection (CAL FIRE). 2007. "Draft Fire Hazard Severity Zones in Local Responsibility Areas." Available at <[http://frap.fire.ca.gov/webdata/maps/san\\_luis\\_obispo/fhszl06\\_1\\_map.40.pdf](http://frap.fire.ca.gov/webdata/maps/san_luis_obispo/fhszl06_1_map.40.pdf)>
- California Department of Toxic Substances Control (DTSC). 2019. EnviroStor. Available at <<https://www.envirostor.dtsc.ca.gov/public/>>
- California Department of Transportation (Caltrans). 2019. California Scenic Highways Mapping Tool. Available at: <<https://www.arcgis.com/home/webmap/viewer.html?useExisting=1&layers=f0259b1ad0fe4093a5604c9b838a486a>>.
- California Geological Survey (CGS). 2015. CGS Information Warehouse: Mineral Land Classification. Available at <<https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>>
- County of San Luis Obispo. 2016. 2015/2016 County Bikeways Plan. July 6<sup>th</sup>, 2016.
- County of Santa Barbara. 2017. Final Environmental Impact Report (EIR) for the Cannabis Land Use Ordinance and Licensing Program. December 2017.
- \_\_\_\_\_. 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.
- Diblee, Thomas W., Jr. 2004. Geologic Map of the Creston & Shedd Canyon Quadrangles, San Luis Obispo County, California. National Geologic Map Database. Available at: <[https://ngmdb.usgs.gov/Prodesc/proddesc\\_71748.htm](https://ngmdb.usgs.gov/Prodesc/proddesc_71748.htm)>.
- GEI Consultants, 2014, San Luis Obispo County 2014 Integrated Regional Water Management Plan
- Occupational Health and Safety Administration Technical Manual, Section III, Chapter 5 part II.B.6.
- 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](https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page)>.
- 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/>>
- \_\_\_\_\_. 2019. Estella Substation and Paso Robles Area Reinforcement Project Paleontological Resources Technical Report for the Templeton Route Alternatives, San Luis Obispo County, California. Available at: <<https://www.cpuc.ca.gov/environment/info/horizonh2o/estrella/docs/Templeton%20Route%20Alts%20PRTR.pdf>>.

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- U.S. Department of Agriculture (USDA). 1983. Soil Survey of San Luis Obispo County, California, Paso Robles Area. U.S. Department of Agriculture, Soil Conservation Service. May 1983. Available at: [https://www.nrcs.usda.gov/Internet/FSE\\_MANUSCRIPTS/california/sanluisCA1983/sanluisCA1983.pdf](https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/california/sanluisCA1983/sanluisCA1983.pdf)
- U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS). 2017. Web Soil Survey. Available at <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx> 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](https://ca.water.usgs.gov/land_subsidence/california-subsidence-areas.html)
- CALFED Bay-Delta Program. 2000. *Water Use Efficiency Program Plan*. Final Programmatic EIS/EIR Technical Appendix.
- CALFED Bay-Delta Program. 2006. *Water Use Efficiency Comprehensive Evaluation*. CALFED Bay-Delta Program Water Use Efficiency Element.
- H. Cooley, J. Christian-Smith, and P.H. Gleick. 2009. *Sustaining California Agriculture in an Uncertain Future*. Pacific Institute.

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### Exhibit B - Mitigation Summary Table

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

#### Air Quality

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

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

**AQ-2 Ongoing and for the life of the project,** one or more of the following dust management strategies shall be implemented for project-related traffic using shared roadway access from Shell Creek Road:

- a. Limit the number of round trips using the roadway to three or fewer per day.
- b. For the life of the project, maintain the unpaved road with a dust suppressant (See Technical Appendix 4.3 of the APCD's CEQA Handbook for a list of APCD-approved suppressants) such that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402).
- c. To improve the dust suppressant's long-term efficacy, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less.

#### Biological Resources

**BIO-1 Environmental Awareness Training** – Prior to major construction activities (e.g., site mobilization,

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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 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., San Joaquin pocket mouse) 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.

**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:

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- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of **15 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 **\$37,500** (5 acres impacted x 3 mitigation acres per acre impacted x \$2,500 per acre).

- c. Purchase **15** 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 **\$37,500** (5 acres impacted x 3 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.

The mitigation options identified above are based on a preliminary evaluation by CDFW on the project’s anticipated acres of impact to SJKF habitat. The project has a required mitigation ratio of three (3) acres conserved for each acre impacted (3:1). Total require compensatory mitigation may change based on the final number of impacted acres shown on the construction and/or grading plans submitted to the County for review.

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**BIO-4 SJKF Protection Measures. 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.

- 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.
- 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.
- All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.
- 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.
- 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.
- 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.
- No deliberate feeding of wildlife shall be allowed.
- 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.
- Trash will be disposed of into containers rather than stockpiling on site prior to removal.
- 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.
- 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.
- Permanent fences shall allow for SJKF 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.

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

- The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.
- Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.

## Initial Study – Environmental Checklist

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- Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).
- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
- Washing of concrete, paint, equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.
- Equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.
- Any temporary construction lighting shall avoid nighttime illumination of suitable habitat features (i.e. drainages, riparian corridor, sensitive species habitat). Temporary construction lighting shall be kept to the minimum amount necessary and shall be directed toward active work areas and away from open spaces and/or drainages.

**BIO-7 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:

- Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;
- All facilities 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;
- 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
- 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-8 Pallid Bat and Bat Roost Avoidance.** A qualified biologist shall conduct a survey before any grading or removal of trees, particularly trees 12 inches in diameter or greater at 4.5 feet above grade with loose bark or other cavities within 48 hours prior to removal of trees. If no active roosts are found, no further action shall be required. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing surveys.

- If active maternity roosts or hibernacula are found, the structure or tree occupied by the roost shall be fully avoided and not removed or otherwise impacted by project activities during the maternity season. A minimum 100-foot ESA avoidance buffer shall be demarcated by highly visible orange construction fencing around active maternity roosts. No construction equipment, vehicles, or personnel shall enter the ESA without clear permission from the qualified biologist. ESA fencing shall be maintained in good condition for the duration of the maternity season. The

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roost shall be removed only after the maternity season has ended, and shall be removed under the direction of a qualified biologist.

- If active non-maternity bat roosts (e.g., day roosts, hibernacula) are found in trees scheduled to be removed, the individuals shall be safely evicted (e.g., through installation of one-way doors) under the direction of a qualified bat biologist in consultation with the CDFW. In situations requiring one-way doors, a minimum of one week shall pass after doors are installed to allow all bats to leave the roost. Temperatures need to be sufficiently warm for bats to exit the roost, because bats do not typically leave their roost daily during winter months in coastal California. Eviction shall be scheduled to allow bats to leave during nighttime hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight.

**BIO-9 Pre-construction survey for American badgers.** A qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.

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

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

**BIO-10 Pre-construction survey for Special-status Reptiles and Amphibians.** A qualified biologist shall conduct a pre-construction survey for western spadefoot, glossy snake, and coast horned lizard immediately prior to initial project activities (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal including tree 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 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 shall be repeated. A monitoring report summarizing results of the monitoring shall be submitted to the

## Initial Study – Environmental Checklist

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County Department of Planning and Building within one week of completing monitoring work for this species.

**BIO-11 Pre-construction surveys for Crotch Bumblebee (CBB).** 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 Planning and Building in consultation with CDFW. The Management Plan shall include at least the following:
  - i. Avoidance measures to include a minimum 50-foot 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-12 Pre-construction Survey for Burrowing Owl (BUOW).** Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, 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:

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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-13 Pre-construction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

- A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- If special-status avian species (aside from the burrowing owl 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.
- The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

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

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- BIO-14 Annual Surveys.** Annual Pre-activity Survey for SJKF, Special-status Small Mammals, and Burrow Mapping Applicant or project proponent must hire a qualified biologist to complete an annual pre-activity survey for SJKF and special-status small mammal species (e.g., giant kangaroo rat and Nelson’s [San Joaquin] antelope squirrel) 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 small mammal species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active SJKF and special-status mammal burrows within the grow site areas plus a 50-foot buffer for small mammals and 200-foot buffer for SJKF. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of the burrows is not feasible, the County shall be contacted for further guidance. The County will contact the appropriate resource agencies. If a SJKF den is found within 200 feet of the disturbance area, then the County must be contacted for further guidance. The County will contact the appropriate resource agencies.
- BIO-15 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.

### 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:

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- 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 a water demand offset of **2.19 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:
    - 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 (evapotranspiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.
    - 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.

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- 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 2.19 AFY.

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### Appendix A

California Department of Food and Agriculture (CDFA), 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 Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. 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:

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(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.

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

State Water Resources Control Board (SWRCB). 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 Regional Water Quality Control Board program for water quality protection.

California Department of Fish and Wildlife (CDFW)

*Lake or Streambed Alteration*. Pursuant to Division 2, Chapter 6, §§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, which 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. A 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 (CESA)*. The 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.

Federal Endangered Species Act (FESA). 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 US Fish and Wildlife Service (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.

DATE: JUNE 11, 2021

**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM  
VERTICAL INTEGRATION CORPORATION – SITE 1 (APN 037-371-001)  
MINOR USE PERMIT (DRC2020-00012)**

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

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

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

**AIR QUALITY (AQ)**

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

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

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

**AQ-2 Ongoing and for the life of the project,** one or more of the following dust management strategies shall be implemented for project-related traffic using shared roadway access from Shell Creek Road:

1. Limit the number of round trips using the roadway to three or fewer per day.
2. For the life of the project, maintain the unpaved road with a dust suppressant (See Technical Appendix 4.3 of the APCD's CEQA Handbook for a list of APCD-approved suppressants) such that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402).
3. To improve the dust suppressant's long-term efficacy, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less.

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

## **BIOLOGICAL RESOURCES (BIO)**

**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:** Required prior to initiation of site disturbance and/or construction. Compliance will be verified by the County Department of Planning and Building.

**BIO-2 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., San Joaquin pocket mouse) 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.

**Monitoring:** Required no more than two weeks prior to the start of initial project activities. Compliance will be verified 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 **15 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 **\$37,500** (5 acres impacted x 3 mitigation acres per acre impacted x \$2,500 per acre).

- c. Purchase **15** 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 **\$37,500** (5 acres impacted x 3 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.

The mitigation options identified above are based on a preliminary evaluation by CDFW on the project's anticipated acres of impact to SJKF habitat. The project has a required mitigation ratio of three (3) acres conserved for each acre impacted (3:1). Total required compensatory mitigation may change based on the final number of

impacted acres shown on the construction and/or grading plans submitted to the County for review.

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

**BIO-4 San Joaquin Kit Fox Protection Measures. 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.

- 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.
- 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.
- All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.
- 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.
- 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.
- 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.
- No deliberate feeding of wildlife shall be allowed.

- 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.
- Trash will be disposed of into containers rather than stockpiling on site prior to removal.
- 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.
- 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.
- Permanent fences shall allow for SJKF 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.
- 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.
- If potential SJKF dens are identified on site during the pre-construction survey, a qualified biologist shall be on site immediately prior to the initiation of project activities to inspect the site and dens for SJKF activity. If a potential den appears to be active or there is sign of SJKF activity on site and within the above-recommended buffers, no work can begin.

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

**BIO-6 Site Maintenance and General Operations** - The following measures are required to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

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

- Equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.
- Any temporary construction lighting shall avoid nighttime illumination of suitable habitat features (i.e. drainages, riparian corridor, sensitive species habitat). Temporary construction lighting shall be kept to the minimum amount necessary and shall be directed toward active work areas and away from open spaces and/or drainages.

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

#### **BIO-7 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:

- Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;
- All facilities 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;
- 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
- 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:** Required submittal and approval by County Department of Planning and Building prior to the initiation of site disturbance activities.

**BIO-8 Pallid Bat and Bat Roost Avoidance.** A qualified biologist shall conduct a survey before any grading or removal of trees, particularly trees 12 inches in diameter or greater at 4.5 feet above grade with loose bark or other cavities within 48 hours prior to removal of trees. If no active roosts are found, no further action shall be required. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing surveys.

- If active maternity roosts or hibernacula are found, the structure or tree occupied by the roost shall be fully avoided and not removed or otherwise impacted by project activities during the maternity season. A minimum 100-foot ESA avoidance buffer shall be demarcated by highly visible orange construction fencing around active maternity roosts. No construction equipment, vehicles, or personnel shall enter the ESA without clear permission from the qualified biologist. ESA fencing shall be maintained in good condition for the duration of the maternity season. The roost shall be removed only after the maternity season has ended, and shall be removed under the direction of a qualified biologist.
- If active non-maternity bat roosts (e.g., day roosts, hibernacula) are found in trees scheduled to be removed, the individuals shall be safely evicted (e.g., through installation of one-way doors) under the direction of a qualified bat biologist in consultation with the CDFW. In situations requiring one-way doors, a minimum of one week shall pass after doors are installed to allow all bats to leave the roost. Temperatures need to be sufficiently warm for bats to exit the roost, because bats do not typically leave their roost daily during winter months in coastal California. Eviction shall be scheduled to allow bats to leave during nighttime hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight.

**Monitoring:** Required prior to any grading or removal of trees particularly trees 12 inches in diameter or greater at 4.5 feet above grade with loose bark or other cavities within 48 hours prior to removal of trees. Compliance will be verified by the County Department of Planning and Building.

**BIO-9 Pre-construction survey for American badgers.** A qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.

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

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

**Monitoring:** Required no less than 14 days and no more than 30 days prior to the start of initial project activities. Survey to be repeated if more than 30 days have passed between construction phases. Compliance will be verified by the County Department of Planning and Building.

**BIO-10 Pre-construction survey for Special-status Reptiles and Amphibians.** A qualified biologist shall conduct a pre-construction survey for western spadefoot, glossy snake, and coast horned lizard immediately prior to initial project activities (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal including tree 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 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 shall be repeated. A monitoring report summarizing results of the monitoring shall be submitted to the County Department of Planning and Building within one week of completing monitoring work for this species.

**Monitoring:** Required prior to the initial project activities (i.e., morning of the commencement of the project activities) and during initial ground disturbing activities. Compliance will be verified by the County Department of Planning and Building.

**BIO-11 Pre-construction surveys for Crotch Bumblebee (CBB).** 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 Planning and Building in consultation with CDFW. The Management Plan shall include at least the following:
  - i. Avoidance measures to include a minimum 50-foot 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:** Required prior to initiation of site disturbance and/or construction. Compliance will be verified by the County Department of Planning and Building.

**BIO-12 Pre-construction Survey for Burrowing Owl (BUOW).** Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, 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:** Required within 14 days prior to initial site disturbance activities if work is proposed within 150 meters of BUOW habitat. Compliance will be verified by the County Department of Planning and Building.

**BIO-13 Pre-construction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

- A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- If special-status avian species (aside from the burrowing owl 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.
- The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

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

**Monitoring:** Required one week prior to initial site disturbance activities if work is proposed between February 1 and September 15. Survey to be repeated if more than two weeks have between construction phases. Compliance will be verified by the County Department of Planning and Building.

**BR-14 Annual Surveys.** Annual Pre-activity Survey for SJKF, Special-status Small Mammals, and Burrow Mapping Applicant or project proponent must hire a qualified biologist to complete an annual pre-activity survey for SJKF and special-status small mammal species (e.g., giant kangaroo rat and Nelson's [San

Joaquin] antelope squirrel) 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 small mammal species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active SJKF and special-status mammal burrows within the grow site areas plus a 50-foot buffer for small mammals and 200-foot buffer for SJKF. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of the burrows is not feasible, the County shall be contacted for further guidance. The County will contact the appropriate resource agencies. If a SJKF den is found within 200 feet of the disturbance area, then the County must be contacted for further guidance. The County will contact the appropriate resource agencies.

**Monitoring:** Required no more than 14 days prior to the start of initial ground disturbance associated with outdoor grow sites. Compliance will be verified by the County Department of Planning and Building.

**BR-15 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:** Required upon termination of project operations. Compliance will be verified by the County Department of Planning and Building.

## **HAZARDS AND HAZARDOUS MATERIALS (HAZ)**

**HAZ-1 Equipment Maintenance and Refueling.** During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and

maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

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

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

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

## **HYDROLOGY AND WATER QUALITY (W)**

**W-1 Prior to issuance of building permits (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 a water demand offset of **2.19 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:

- 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.

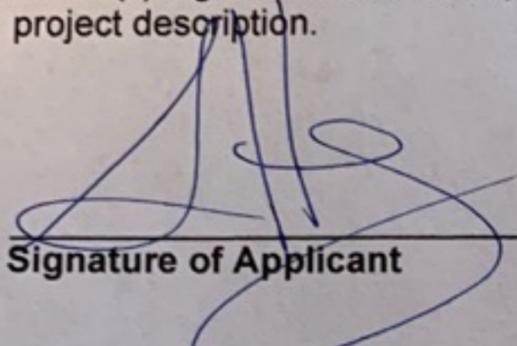
**Monitoring:** Required prior to issuance of building permits (or prior to occupancy if no building permits are required. Compliance will be verified by the County Department of Planning and Building.

**W-2** At the time of quarterly monitoring inspection, the applicant shall provide to the Department of Planning and Building for review, evidence that the water efficiency improvements associated with the approved Water Conservation Program remain in full effect and are continuing to achieve the required water demand offset associated with the approved cannabis activities of 2.19 AFY.

JUNE 11, 2021

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

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



Signature of Applicant

Steven Herring  
Name (Print)

6/14/21  
Date