

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County Planning Commission _____ 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



Big Foot Valley, LLC Conditional Use Permit ED21-00184/DRC2018-00234

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.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Public Services
<input type="checkbox"/> Agriculture & Forestry Resources	<input checked="" type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Hydrology & Water Quality	<input type="checkbox"/> Transportation
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Land Use & Planning	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Mineral Resources	<input checked="" type="checkbox"/> Utilities & Service Systems
<input type="checkbox"/> Energy	<input type="checkbox"/> Noise	<input type="checkbox"/> Wildfire
<input checked="" type="checkbox"/> Geology & Soils	<input type="checkbox"/> Population & Housing	<input checked="" type="checkbox"/> Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

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

- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Brandi Cummings, SWCA Environmental Consultants		10/7/2021
Prepared by (Print)	Signature	Date
David Moran		9/10/2021
Reviewed by (Print)	Signature	Date
	For Steve McMasters, Principal Environmental Specialist	

Initial Study – Environmental Checklist

Project Environmental Analysis

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

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

A. Project

DESCRIPTION: Request by **Big Foot Valley, LLC** for a Conditional Use Permit (DRC2018-00234) to allow for the phased establishment of outdoor cannabis cultivation, outdoor ancillary nursery, ancillary processing activities, and ancillary transport. Phase 1 would include up to one acre of outdoor cultivation canopy within two separate cultivation areas, up to 3,000 square feet (sf) of outdoor ancillary nursery canopy, and establishment of ancillary transport. Phase 1 site improvements would include construction of a new driveway entrance off Highway 58 (SR 58), permitting and partial revegetation of the previous as-built driveway, relocation of six existing 190-watt solar panels, establishment of a 625-sf composting area, vegetation removal along the east boundary of the cultivation area for fire defensibility, installation of fencing around both cultivation areas, and installation of a portable restroom. Four existing 2,500-gallon water storage tanks, eight 9-foot by 18-foot parking spaces, a 30' by 100' hoop house, and an existing 200 square foot (sf) pesticide/fertilizer storage shed would also be used for cannabis operations. Phase 2 would include establishment of ancillary processing within an existing 2,403 sf barn. Phase 2 site improvements would include the realignment of a segment of the existing driveway, construction of one new Americans with Disabilities Act (ADA)-compliant 9-foot by 18-foot paved parking space, and installation of a 10,000-gallon steel fire suppression water storage tank. The project includes a request to modify the fencing standards set forth in Land Use Ordinance (LUO) Section 22.10.080 to allow eight-foot-tall fixed-knot deer fencing with three-strand barbed wire around the perimeter of each outdoor cultivation area and no fencing around the processing building. The project would result in approximately 4.3 acres of site disturbance on the 88.49-acre parcel, including 3,500 cubic yards (cy) of cut and 1,800 cy of fill (5,300 cy of combined earthwork with 1,700 cy to be spread onsite). The project would require the removal of two oak trees within Cultivation Area #1. The project site is located at 5145 Calf Canyon Hwy, approximately 6 miles northeast of the community of Santa Margarita within the Rural Lands land use designation in the Las Pilitas sub-area of the North County Planning Area.

Outdoor Cultivation

Outdoor cultivation would be planted in above ground pots in two separately fenced cultivation areas located within the southwestern portion of the project site. Combined, the two cultivation areas would encompass 54,450 sf (1.25 acres) with a cultivation canopy of 43,560 sf (1 acre).

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Cultivation Area #1 would be 33,310 sf in size with a 26,648-sf canopy. A portion of Cultivation Area #1 has previously been used for outdoor cannabis cultivation, registered with the County as CCM2016-00182, and ceased in 2020. Six existing ground-mounted 190-watt solar panels are located within the proposed bounds of Cultivation Area #1 near the barn and would be relocated to allow for cultivation in this area. Additionally, two oak trees and chaparral vegetation are within the proposed bounds of Cultivation Area #1 and would be removed, along with a 5-foot-wide swath of vegetation on the east side of the cultivation area, to provide a buffer for fire protection purposes. The ancillary nursery, discussed below, would be located within Cultivation Area #1.

Cultivation Area #2 would be 21,140 sf with a 16,912-acre canopy. A 5-foot-wide swath of vegetation on the east side of the cultivation area would be removed to provide a buffer for fire protection purposes.

Water for irrigation would be supplied by an existing on-site well and four existing 2,500-gallon plastic water storage tanks located on the hillside would be used for storage. Outdoor cultivation activities would produce one harvest per year, which would occur in the month of October. Both cultivation areas would be setback at least 300 feet from the property lines, in accordance with LUO requirements.

Ancillary Nursery

The outdoor ancillary nursery would be established during Phase 1 and would be located within an existing 3,000 sf hoop house. The hoop house is located in an area previously used for the outdoor cultivation of cannabis and would be moved approximately 50 feet north from the existing location to Cultivation Area #1. Seeds and/or immature plants would be purchased from a licensed cultivator and would be propagated within the proposed nursery for onsite use. Once plants within the nursery are mature, they would be moved to one of the outdoor cultivation areas. The ancillary nursery would be setback at least 300 from all property lines, in accordance with LUO requirements.

Ancillary Processing and Transportation

During Phase 1, establishment of ancillary transport of cannabis product grown onsite would occur. Ancillary transport includes exporting harvested product to a licensed facility located offsite for further processing and distribution. Product would be packaged into totes for transportation.

During Phase 2, the existing 2,403 sf barn would be converted to allow for processing of cannabis grown onsite. No manufacturing (extraction) is proposed. During Phase 1 all cannabis would be taken offsite for processing and distribution.

Driveway Improvements

The project site is accessed from SR 58 via an existing unimproved driveway. Phase 1 of the project would include relocation and reconstruction of the driveway approach further to the east in order to meet Caltrans sight distance requirements. The new driveway approach would connect to the existing driveway onsite and would result in approximately 40,560 sf of site disturbance and 17,424 sf of revegetation area. The existing driveway has a pending as-built permit (PMTG2017-01444), which would be resolved during Phase 1.

During Phase 2, a portion of the driveway would be realigned to meet California Department of Forestry and Fire Protection (CAL FIRE) and County Fire standards for turn radius and road width. Realigned portions of the driveway, including the driveway approach and other existing portions of the driveway that are not necessary for the project would be revegetated. Phase 2 driveway improvements would result in approximately 63,440 sf of site disturbance, including revegetation.

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Utilities

As previously described, water for irrigation would be supplied by an existing on-site well and four existing 2,500-gallon water storage tanks located on a hillside northeast of the cultivation areas. The existing well produces 6 gallons per minute (gpm) based on a well pump test conducted in July of 2017. All irrigation distribution pipes and storage would be placed on the ground (no excavations) and would be located within previously disturbed areas onsite. In addition, a 10,000-gallon steel fire suppression water storage tank would be installed during Phase 2. The proposed operation estimates a total maximum annual water demand of 0.99 acre-feet per year (AFY) or 323,960 gallons per year, based on historical water use. There are six existing ground-mounted 190-watt solar panels onsite that would be moved to a new location onsite. The well is powered by six solar panels (producing 190 watt/hour each) and the existing barn is powered by an additional six ground-mounted panels (producing 255 watt/hour each). The total annual estimated energy use for the cannabis operation is 11,180 kWh.

Security

The cannabis cultivation areas will be contained within secure eight-foot-tall fixed-knot deer fencing with three-strand 14-gauge barbed wire. The main gates in the fencing will be one and one half-inch frame with non-climb panel welded to the frame. The front (north) property line is secured with existing three-strand barbed wire fencing, and a new gate would be installed at the new driveway approach.

The proposed security plan includes placement of several cameras at key locations throughout the property to ensure that unauthorized access does not occur. The main entrance gate and the access gates to each cultivation area will have remote messaging systems that send an alarm to the emergency contact list when triggered. The site will operate in full compliance with State licensing requirements for track and trace and adhere to all required security protocols. The project does not propose any outdoor lighting, including for security lighting.

Odor Management

The proposed project is compliant with all required setbacks from property lines which were established with the intent to naturally mitigate nuisance odors from cannabis cultivation activities (LUO 22.40.050.D.8). The processing building would be equipped with odor mitigation technology in the form of carbon filters. The distance to the nearest off-site residence is approximately 1,029 feet away to the southwest from the cannabis activities. Prevailing wind primarily comes from the south travelling toward Calf Canyon Highway (SR 58). The surrounding area is intermixed with very low residential densities dispersed among hills. In the event an odor nuisance complaint is raised during operations on the site, the applicant will coordinate with the County to implement additional odor management controls.

Parking

The project site currently provides eight 9' x 18' unimproved vehicle parking spots. The parking area is located in an existing dirt area adjacent to the existing barn and where one new paved ADA-compliant parking space would be added during Phase 2, adjacent to the processing building.

Employees

The proposed hours of operation would be six days per week from 8:00 a.m. to 6:00 p.m. The project would employ one full-time employee and one part-time employee and an additional six to seven additional employees during harvest. Harvesting would take place over six days in the month of October and would occur for the same hours of operation as typical operations. Offsite product transport is anticipated after each harvest and would include the use of one passenger van or utility vehicle accessing the site over the course

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of one week. Existing cannabis operations onsite result in two round trips per day. Implementation of the project would create four commercial deliveries per year for soil and other farm supplies.

Setbacks

Outdoor cannabis cultivation must be setback a minimum of 300 feet from all property lines and public rights of way (LUO Section 22.40.050 (D)(3)(b)). In this case, the cultivation areas would be setback 300 feet from the southern property line, 637 feet from the western property line, 768 feet from the northern property line, and 1,366 feet from the eastern property line. The nearest public right of way is SR 58, which is located approximately 768 feet north of the proposed cannabis activities.

Pesticide and Fertilizer

The applicant has obtained an Operator Identification Number (40-20-4022879) for application of pesticides and fertilizers at the site. The project would be required to comply with all application, reporting, and use requirements according to the County of San Luis Obispo Department of Agriculture. All materials will be stored within an existing 10' x 20' storage shed located outside of the barn. The following products will be used for soil and pest control: Capsaicin, cinnamon, garlic and garlic oil, citric acid, geraniol, horticultural oils (petroleum oils), insecticidal soaps (potassium salts of fatty acids), iron phosphate, bean oil, potassium bicarbonate, potassium sorbate, sesame and sesame oil, sodium bicarbonate, soybean oil, sulfur, thyme oil, cloves and clove oil, cottonseed oil, peppermint and peppermint oil, potassium silicate, rosemary and rosemary oil, castor oil. Soil amendments will include the following products: vermiculite, perlite, rice hulls, oyster shells, bat guano, sphagnum moss, earthworm castings, kelp meal, granite dust.

Requested Modifications:

The project includes a request to modify the fencing standards set forth in LUO Section 22.10.080 to allow eight-foot fixed knot woven wire deer fencing with three-strand barbed wire around the perimeter of each outdoor cultivation area.

Baseline Conditions:

The project is located in a rural area east of the community of Santa Margarita, California. The project site is located on two legal parcels that make up an 88.49-acre project area. Existing uses consist of a barn and outdoor areas (approximately 37,000 sf) that were previously used for outdoor cannabis cultivation activities under CCM2016-00182 and were removed in 2020. Existing onsite structures and improvements include eight 9' x 18' parking spaces, a 200-sf pesticide/fertilizer storage shed, four 2,500-gallon plastic water storage tanks, and an existing 2,403 sf barn with restroom associated with previous cannabis cultivation operations onsite. In addition, an access driveway was previously constructed onsite and would need to be upgraded as part of the proposed project.

The project site is located along SR 58 in an area consisting of parcels ranging from three to twenty acres sparsely developed with very low residential density. The average slope of the project area is 28 percent, with steeper slopes occurring outside the project site areas. There are various ephemeral and blue-line drainages that transect the project area, including two (Drainage A and Drainage B) that are Jurisdictional Non-Wetland Waters of the State and one small jurisdictional wetland. Habitats within the project area include chamise chaparral, blue oak woodland, and ruderal/developed.

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B. Existing Setting

ASSESSOR PARCEL NUMBER(S): 070-174-012, 070-174-022

Latitude: 35° 26' 00.64 " N **Longitude:** 120° 30' 44.65" W **SUPERVISORIAL DISTRICT #** 1

Plan Area: North County **Sub:** Las Pilitas **Comm:** Rural

Land Use Category: Rural Lands

Combining Designation: None

Parcel Size: 88.49acres

Topography: Gently sloping to moderately sloping

Vegetation: Grasses Chaparral Oak woodland

Existing Uses: Cannabis Cultivaton (through 2020); Commercial barn;

Surrounding Land Use Categories and Uses:

North: Rural Lands; scattered residential structures rural **East:** Rural Lands; scattered residential structures rural

South: Rural Lands; scattered residential structures rural **West:** Rural Lands; scattered residential structures rural

Other Public Agencies Whose Approval is Required

Permit Type/Action	Agency
State Cultivation Licenses	California Department of Food and Agriculture – CalCannabis
Lake and Streambed Alteration Agreement (LSAA)	California Department of Fish and Wildlife (CDFW)
Section 401 of the Clean Water Act (CWA)	Regional Water Quality Control Board (RWQCB)
Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities, Order No. WQ-2017-0023-DWQ (General Order)	Regional Water Quality Control Board (RWQCB)
Safety Plan Approval and Final Inspection	California Department of Forestry (CalFire)

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

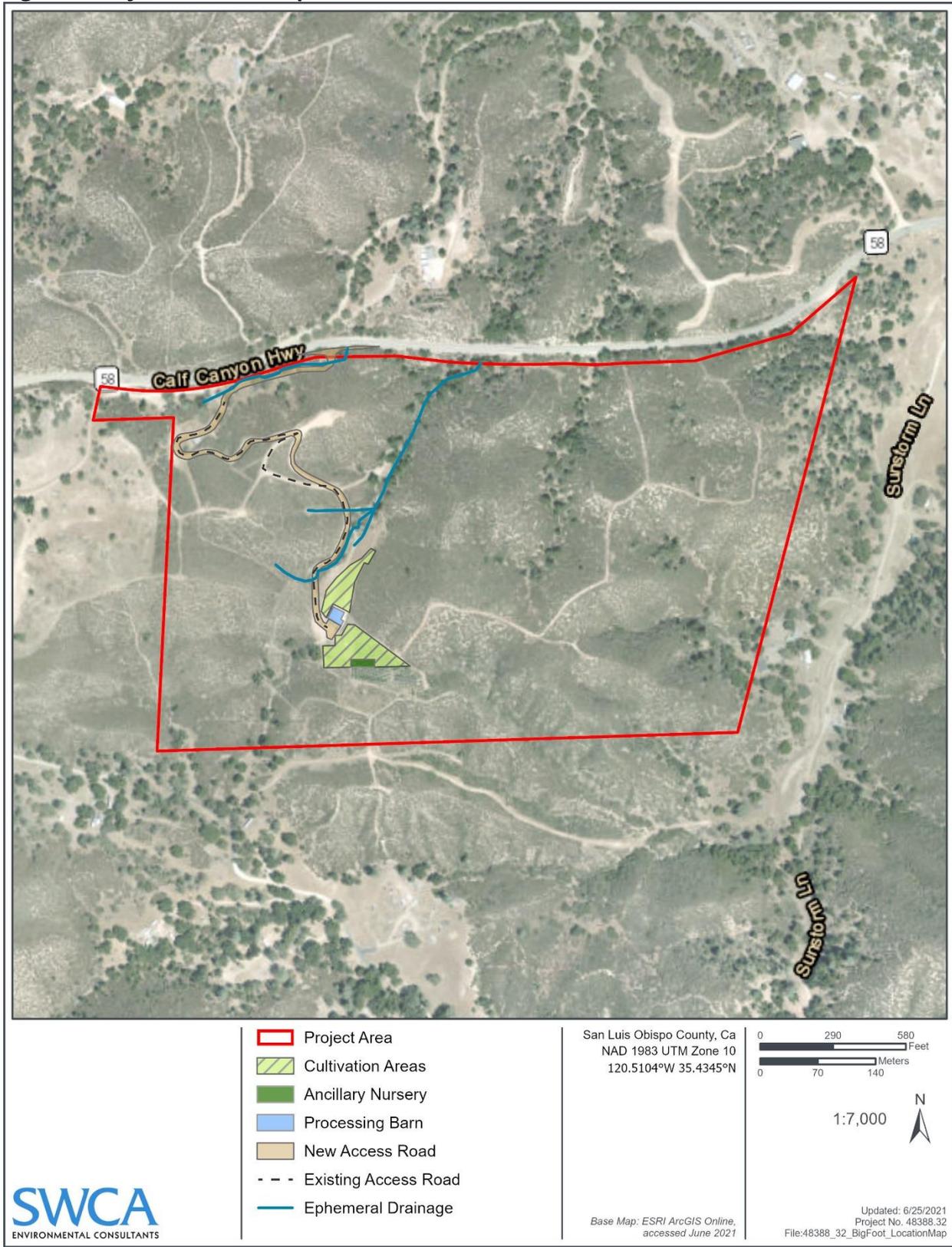
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Figure 1. Project Vicinity Map



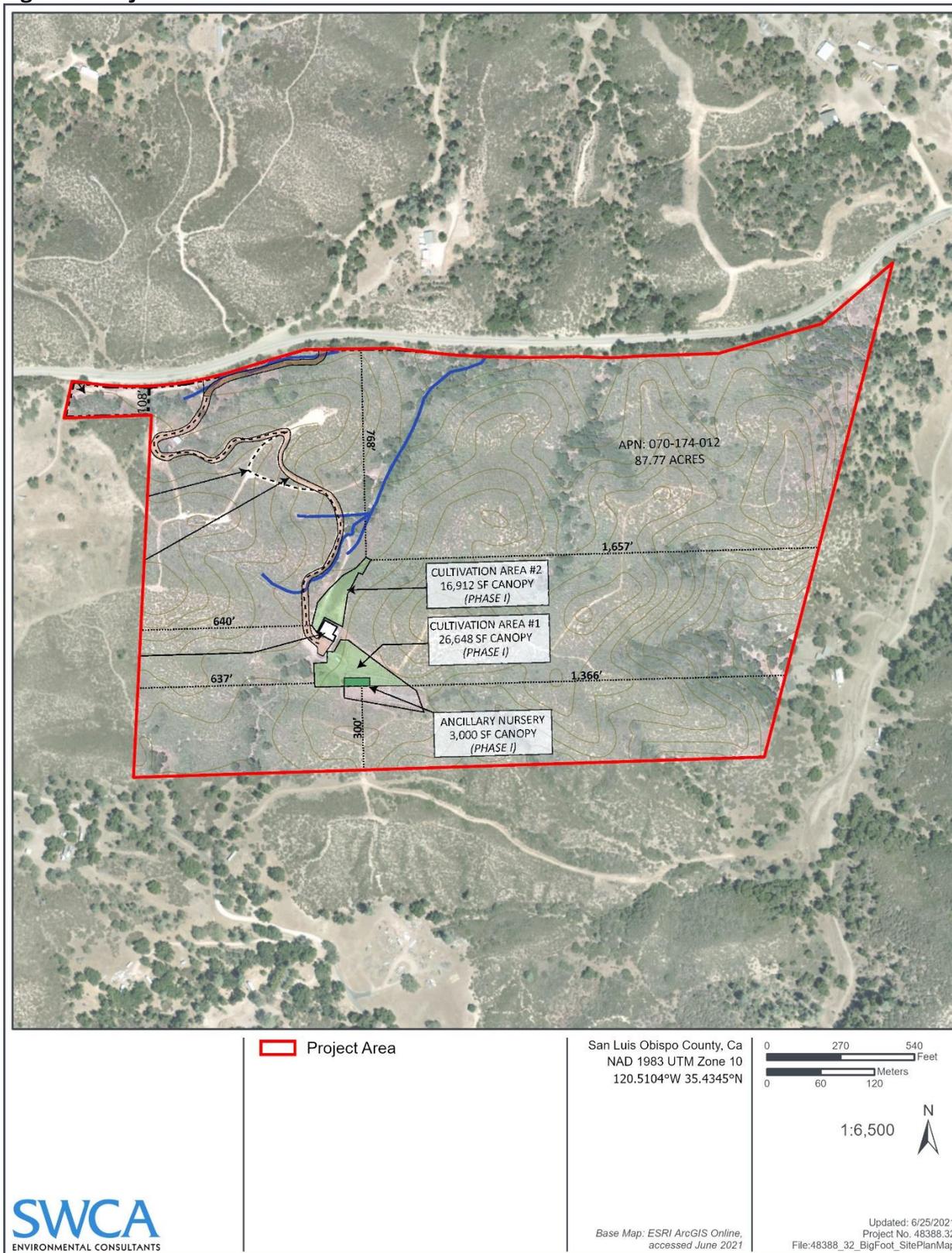
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Figure 2. Project Location Map



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Figure 3. Project Site Plan.



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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.

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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

Scenic Vistas under the California Environmental Quality Act

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

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

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California Scenic Highway Program

The California 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. A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. Officially designated Scenic Highways within San Luis Obispo County include State Route 1 (SR1). In addition, portions of US Highway 101 (HWY 101), State Route 46 (SR 46), and State Route 41 (SR 41), are designated as *eligible* for State Scenic Highway status. The project is not located within the viewshed of a State designated or eligible scenic highway (Caltrans 2019).

County Conservation and Open Space Element

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.

In addition, SR 58 from Santa Margarita to the Kern County line is identified as a Suggested Scenic Corridor by Table VR-2 of the COSE.

County of San Luis Obispo Land Use Ordinance

The LUO defines a Sensitive Resource Area (SRA) combining designation that applies to areas having high environmental quality and special ecological or educational significance. These designated areas are considered visual resources by the County, and the LUO establishes specific standards for projects located within these areas. These standards include, but are not limited to, setback 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. The project site is not located within an SRA designated by the County.

Countywide Design Guidelines

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

California Department of Food and Agriculture Regulations

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On January 16, 2019, the Office of Administrative Law (OAL) approved the California Department of Food and Agriculture (CDFA) 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 (CCR) 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.”

Project Visual Setting and Baseline Conditions

The project is located in a rural area near the community of Santa Margarita, California. The project site is located on two legal parcels that make up an 88.49-acre project site. Existing onsite structures include a 200-sf pesticide/fertilizer storage area, four 2,500-gallon plastic water storage tanks, ground-mounted solar panels, and a 2,403-sf barn. In addition, an access driveway was previously constructed onsite. Previous cannabis cultivation operations ended in 2020 and the site is currently unused. Natural features on the site include an unnamed blue line creek, slight to moderately sloping topography, and generally consists of native and non-native grassland, shrubs, and trees. Discussion

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

The project site is located in a rural area accessed by a driveway off SR 58 (Calf Canyon Highway), which serves as the primary public key viewing area of the project site. 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 is not located within an identified scenic vista, visually sensitive area, scenic corridor, or an area of high scenic quality that would be seen from key public; therefore, the project would not have a substantial adverse effect on a scenic vista and there would be *no impact*.

(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 within the viewshed of a designated or eligible state scenic highway (Caltrans 2019). Therefore, implementation of the project would not substantially damage scenic resources within the viewshed of a state scenic highway and *no impact* would occur.

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

The project site is located in a non-urbanized area and currently contains development associated with previous cannabis cultivation. The project site is accessed by an existing driveway that connects to SR 58. The driveway was initially constructed without a permit and requires improvements for consistency with County, CAL FIRE, and Caltrans requirements.

Proposed project components would be located approximately 0.2 miles south of SR 58, the primary public viewing point of the project site. Due to the distance from the highway and intervening topography and vegetation, proposed cannabis activities and improvements, other than the driveway approach, would not be visible from nearby public viewing areas. Construction activities associated with the reconstruction and relocation of the driveway and access road on Calf Canyon Highway (SR

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58) would be visible to travelers on the highway. However, those views would be temporary in nature and would not result in substantial permanent adverse change to the existing visual character of the site. Implementation of the project would not result in the degradation of the existing visual character or quality of public views of the site and its surroundings; therefore, impacts would be *less than significant*.

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

Construction activity would occur during daylight hours and would not contribute to nighttime lighting within the vicinity of the project. In addition, the project does not include installation of outdoor lighting, including security lighting, that would contribute to long-term nighttime lighting or glare in the vicinity of the project. Therefore, the project would not create a new source of substantial light or glare and *no impact* would occur.

Conclusion

The project is not located within view of a scenic vista and would not result in a substantial change to scenic resources in the area. The project would be consistent with existing policies and standards in the County LUO and COSE related to the protection of scenic resources. The project would not result in a new source of substantial light or glare. Therefore, potential impacts to aesthetic resources would be less than significant, and no mitigation measures are necessary.

Mitigation

No mitigation is necessary.

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II. AGRICULTURE AND FORESTRY RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><i>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:</i></p>				
(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 type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The California Department of Conservation (CDOC) Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and current land use. For environmental review purposes under CEQA, the FMMP categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland,

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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. According to Table SL-2 of the County’s Conservation and Open Space Element (COSE), soils at the project site are not considered Prime Farmland, Farmland of Statewide importance, other productive soils, or highly productive rangeland soils by the County.

Based on the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) web soil survey (NRCS 2020), soil type(s) and characteristics on the subject property in the project area are not classified as Prime Farmland. The following soil types are present within the project area:

- Cieneba coarse sandy loam, 30 to 75 percent slopes, MLRA 15 – This somewhat excessively drained soil has a high runoff class and a depth to restrictive feature of 6 to 20 inches to paralithic bedrock. The soil profile consists of coarse sandy loam. This soil type is not designated as prime farmland.
- Cieneba-Andregg complex, 30 to 75 percent slopes – This somewhat excessively drained soil has a very high runoff class and a depth to restrictive feature of 12 to 20 inches to paralithic bedrock. The soil profile consists of coarse sandy loam. This soil type is not designated as prime farmland.
- Vista-Cieneba complex 15 to 30 percent slopes – This well drained soil has a high runoff class and a depth to restrictive feature of 20 to 40 inches to paralithic bedrock. The soil profile consists of coarse sandy loam. This soil is not considered prime farmland.

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

According to California Public Resources Code (PRC) Section 12220(g), forest land is defined as land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. Timberland is defined as land, other than land owned by the federal government and land designated by the State Board of Forestry and Fire Protection as experimental forest land, that 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.

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

The project site does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the FMMP. The project site underlain by soils classified as other land (DOC 2016). Therefore, the project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses and *no impacts* would occur.

In addition, Table SL-2 of the COSE identifies important farmlands in the County. None of the soils in the area of disturbance are identified as important farmland.

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

The current land use designation of the project site is Rural Lands (RL), and the property is not currently under the Williamson Contract. Therefore, the project would not conflict with the existing land use designation, or a Williamson Act contract and *no impact* would occur.

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

The project site is currently under the RL land use designation and the project would be consistent with the zoning designation. The project site does not include land use designations or zoning for forest land or timberland; *no impacts would occur*.

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

As discussed above, the project site is currently under the RL land use designation and does not include land use designations or zoning for forest land. *No impacts would occur*. Additionally, Mitigation Measure BIO-6 identifies tree protection measures to be implemented during construction activities and Mitigation Measure BIO-7 requires any trees that are removed to be mitigated through replanting, a conservation or open space easement, or an in-lieu fee program.

(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 property is generally surrounded by scattered residential uses and rural undeveloped land. There are no surrounding agricultural uses that could be temporarily affected by noise and dust generated during the construction phase of the project. Soils at the site are not designated as Prime Farmland or other important soils by the County's COSE. Therefore, implementation of the project would not result in the conversion of agricultural use to non-agricultural use. Additionally, there is no dedicated forest land within the vicinity of the proposed project that could be disturbed by implementation of the project. Therefore, *no impacts would occur*.

Conclusion

The project site is not subject to a Williamson Act contract and is not within the agricultural or forest land use designations. The project site is not underlain by soils that are State designated or locally designated as Prime Farmland. The project would not result in potentially significant impacts associated with the conversion of farmland or timberland to non-agricultural uses or non-forest uses and would not conflict with agricultural zoning. Therefore, there would be no impacts to agricultural and forest resources.

Mitigation

No mitigation measures are necessary.

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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

San Luis Obispo County Clean Air Plan

The San Luis Obispo County Air Pollution Control District (SLOAPCD) San Luis Obispo County 2001 Clean Air Plan (2001 CAP) is a comprehensive planning document intended to evaluate long-term air pollutant emissions and cumulative effects and provide guidance to the SLOAPCD and other local agencies on how to attain and maintain the state standards for ozone and particulate matter 10 micrometers or less in diameter (PM₁₀). The CAP presents a detailed description of the sources and pollutants that impact the jurisdiction’s attainment of state standards, future air quality impacts to be expected under current growth trends, and an appropriate control strategy for reducing ozone precursor emissions, thereby improving air quality. In order to be considered consistent with the San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP.

SLOAPCD Criteria Pollutant Thresholds

The SLOAPCD has developed and updated their CEQA Air Quality Handbook (2012; most recently updated with a November 2017 Clarification Memorandum) to help local agencies evaluate project-specific impacts and determine if air quality mitigation measures are needed, or if potentially significant impacts could result. This handbook includes established thresholds for both short-term construction emissions and long-term operational emissions.

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

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fueled scrapers, loaders, bulldozers, haul trucks, compressors, generators, and other heavy equipment. The SLOAPCD has established thresholds of significance for each of these contaminants.

Operational impacts are focused primarily on the indirect emissions (i.e., motor vehicles) associated with residential, commercial, and industrial development. Certain types of projects can also include components that generate direct emissions, such as power plants, gasoline stations, dry cleaners, and refineries (referred to as stationary source emissions). General screening criteria are used by the SLOAPCD to determine the type and scope of air quality assessment required for a particular project (Table 1-1 in the SLOAPCD CEQA Air Quality Handbook). These criteria are based on project size in an urban setting and are designed to identify those projects with the potential to exceed the SLOAPCD's significance thresholds. A more refined analysis of air quality impacts specific to a given project is necessary for projects that exceed the screening criteria below or are within 10% of exceeding the screening criteria.

The SLOAPCD has also estimated the number of vehicular round trips on an unpaved roadway necessary to exceed the 25 pounds per day (lbs/day) threshold of significance for the emission of particulate matter (PM₁₀). According to the SLOAPCD estimates, an unpaved roadway of one mile in length carrying 6.0 round trips would likely exceed the 25 lbs/day PM₁₀ threshold.

Sensitive Receptors

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants, such as the elderly, children, people with asthma or other respiratory illnesses, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. Some land uses are considered more sensitive to changes in air quality than others due to the population that occupies the uses and the activities involved. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residences. The nearest sensitive receptor is an off-site residence located 1,029 feet (0.19 mile) southwest of the proposed project as measured from the cannabis activities (293 feet from the property line).

Naturally Occurring Asbestos

Naturally Occurring Asbestos (NOA) is identified as a toxic air contaminant by the California Air Resources Board (CARB). Serpentine and other ultramafic rocks are fairly common throughout San Luis Obispo County and may contain NOA. If these areas are disturbed during construction, NOA-containing particles can be released into the air and have an adverse impact on local air quality and human health. The project site is not located in an area identified as containing NOA by the SLOAPCD (SLOAPCD 2021).

Developmental Burning

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

Discussion

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

In order to be considered consistent with the 2001 San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies that are

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outlined in the CAP (SLOAPCD 2012). Adopted land use planning strategies include, but are not limited to, planning compact communities with higher densities, providing for mixed land use, and balancing jobs and housing. The project does not include development of retail or commercial uses that would be open to the public; therefore, land use planning strategies such as mixed-use development and planning compact communities are generally not applicable. The project would result in the establishment of activities that are agricultural in nature and would employ up to one full-time and one part-time regular employee and an additional six to seven employees during harvest periods. The project would not result in a significant increase in employees and therefore would not significantly affect the local area's jobs/housing balance.

Adopted transportation control measures include, but are not limited to, a voluntary commute options program, local and regional transit system improvements, bikeway enhancements, and telecommuting programs. The voluntary commute options program targets employers in the county with more than 20 employees; because the project would employ up to a maximum of 6 full-time regular employees, this program would generally not be applicable to the project. The project would not conflict with regional plans for transit system or bikeway improvements. Project employees would generally be performing manual tasks, such as planting, harvesting, and monitoring the irrigation equipment; therefore, the project would not be a feasible candidate for participation in a telecommuting program.

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

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

The county is currently designated as non-attainment for ozone and PM₁₀ under state ambient air quality standards. Construction and operation of the project would result in emissions of ozone precursors, including reactive organic gases (ROG), nitrogen oxides (NO_x), and fugitive dust emissions (PM₁₀) (California Air Resources Board [CARB] 2021).

Construction Emissions

As proposed, the project would result in approximately 183,224 square feet (4.21 acres) of site disturbance including 3,500 cubic yards (cy) of cut and 1,800 cy of fill (5,300 cy of cut and fill combined) for land preparation and improvements to the as-built road. This would result in the creation of construction dust, as well as short-term vehicle emissions. Based on the SLOAPCD's CEQA Air Quality Handbook (2012) and Clarification Memorandum (2017), estimated construction-related emissions were calculated and are shown in **Table 1** below.

Table 1. Proposed Project Estimated Construction Emissions

Pollutant	Total Estimated Project Emissions	SLOAPCD Emissions Thresholds	Mitigation Required?
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO _x) (combined)	59.89 lbs. ¹	137 lbs./day	No
	0.299 tons ¹	2.5 tons/quarter	No
Diesel Particulate Matter (DPM)	2.60 lbs. ²	7 lbs./day	No
	0.012 tons ²	0.13 tons/quarter	No

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Fugitive Particulate Matter (PM ₁₀)	3.22 tons ³	2.5 tons/quarter	Yes
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Notes:

1. Based on 5,300 cubic yards of material moved and 0.113 pounds of combined ROG and NOx emissions per cubic yard of material moved and 10 construction days.
2. Based 5,300 cubic yards of material moved and 0.0049 pounds of diesel particulate emissions per cubic yard of material moved.
3. Based on 4.3 acres of disturbance and 0.75 tons of PM10 generated per acre of disturbance per month and 10 days of construction.

Construction of the project is not anticipated to exceed SLOAPCD thresholds for criteria pollutants as shown in **Table 1**. According to the SLOAPCD’s *CEQA Air Quality Handbook* (2012), any project with a grading area greater than 4.0 acres of worked area has the potential to exceed the 2.5-ton PM₁₀ threshold of significance. Therefore, Mitigation Measure AQ-1 has been included to reduce potential impacts related to construction emissions and impacts would be *less than significant with mitigation*.

Operation-Related Emissions

Long-term emissions from the proposed project include employee vehicle trips to and from the project site. The project would employ one full-time and one part-time employee and would require approximately six to seven additional employees during harvest. Additionally, the project would result in four additional commercial deliveries per year for soil and farm supplies. Based on trip generation rates applied by the Department of Public Works, the project is expected to generate up to 1 average daily trips during typical operations and 15 average daily motor vehicle trips during peak operations. As discussed in the SLOAPCD CEQA Handbook, a project that generates less than 970 average daily motor vehicle trips will likely generate emissions that fall below the threshold of significance for ozone precursors.

LUO Section 22.40.050.D.4 states that Cannabis cultivation sites located on an unpaved public or private road as defined in Title 20 of the County Code shall incorporate measures to mitigate the air pollution (i.e. dust) effects created by the use. The project site fronts SR 58 which is a paved, State maintained roadway. Therefore, the provisions of LUO 22.40.050.D.4 do not apply. However, as discussed in the project description, the project will be accessed by way of an existing unpaved all-weather driveway extending to the south from Calf Canyon Highway Road. The SLOAPCD has 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 particulate matter (PM10). 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 PM10 threshold. Assuming a road length of 0.4 miles and 1 average daily trip, typical daily operation of both projects will not likely exceed the 25 lbs/day operational threshold of significance for the emission of particulate matter (PM10).

The project is not anticipated to generate operational dust emissions that would exceed SLOAPCD thresholds. In addition, implementation of dust control measures would further ensure that project operation would not generate a substantial amount of dust emissions; therefore, impacts would be *less than significant*.

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

The project has the potential to generate an increase in emissions during proposed earthwork and construction equipment use during project construction. However, the increase in emissions would fall below established SLOAPCD thresholds for construction emissions except for fugitive dust. In

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addition, operational emissions would include limited employee vehicle trips and occasional delivery trips to and from the site. Operational emissions would be limited and would not result in a substantial pollution concentration. The SLOAPCD recommends additional measures for construction projects within 1,000 feet of sensitive receptor locations (SLOAPCD 2021). The nearest sensitive receptor is located 1,029 feet southwest of the proposed cannabis activities (293 feet from the property line). Therefore, any construction would dissipate before reaching the nearest sensitive receptor location and impacts would be *less than significant*.

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

The project site is not located in an area identified as containing NOA by the SLOAPCD (SLOAPCD 2021). The project does not propose to burn any on-site 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 on-site. Cannabis cultivation activities often produce potentially objectionable odors during the flowering and harvest season of the proposed operations and could disperse through the air and be detected by surrounding receptors.

Typically, odor management of the outdoor cultivation area includes location of the cultivation area at a minimum of 300 feet from each property line and beyond 1,000 feet from any off-site residence, as required by LUO Section 22.40.50.D.3. The project site is located in a rural area and is located beyond 300 feet from each property line. In addition, the existing barn to be repurposed for ancillary processing will be equipped with carbon scrubbers to contain odors within the building. Therefore, potential impacts associated with resulting in other emissions (such as those leading to odors) adversely affecting a substantial number of people would be *less than significant*.

Conclusion

The project has the potential to result in air quality emissions that exceed SLOAPCD thresholds. Mitigation Measure AQ-1 would reduce construction emissions to be consistent with SLOAPCD standards. The project is not located in close proximity to any sensitive receptor locations and would not result in significant odor emissions. Therefore, with implementation of the identified mitigation measures, impacts to related to air quality would be less than significant.

Mitigation

AQ-1 Fugitive Dust. The following measures shall be implemented to minimize nuisance impacts and to significantly reduce fugitive dust emissions.

- a. Reduce the amount of the disturbed area where possible;
- b. Use of 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 mph. Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stock pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;

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- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code (CVC) Section 23114;
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
- l. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
- m. 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. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

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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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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"/>

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Setting

Federal and State Endangered Species Acts

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

Migratory Bird Treaty Act

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

Oak Woodland Ordinance

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

CDFW Requirements

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

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

The following information is based on a Biological Resources Assessment (BRA) prepared for the project by Althouse and Meade, Inc. (Althouse and Meade 2020) and an Aquatic Resources Delineation prepared for the Project by Althouse and Meade (Althouse and Meade 2021).

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The BRA identifies determined the potential for special-status plants and animals and other sensitive biological resources to be present within the project area by conducting desktop-level background review and botanical and wildlife field surveys. Desktop-level review included review of the California Natural Diversity Database (CNDDDB), the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California, the USFWS Critical Habitat database, and other relevant databases to determine what special-status plant and animal species and critical habitat may be present in the project region. The following field surveys shown in **Table 2** below were conducted for the project.

Table 2. Field Surveys Conducted for the Proposed Project.

Survey Date	Survey Type
June 17, 2019	Biological Survey Habitat Mapping
June 18, 2019	Wildlife Survey; Botanical Survey
January 20, 2020	Culvert Crossing Assessment
April 17, 2020	Botanical Survey
April 22, 2020	Spadefoot Toad Survey; Drainage Setback Demarcation; Botanical Survey
May 19, 2020	Botanical Survey
October 15, 2020	Drainage Feature Measurements; Wetland Assessment
July 1, 2021	Wetland Delineation

Source: Althouse and Meade Inc. 2020, 2021

Biological Setting and Natural Communities

The project area consists of chamise chaparral, blue oak woodland, and disturbed land. The predominant habitat type in the project area is chamise chaparral. The blue oak woodland is located along the northern portion of the project area and in the central eastern portion. Both occurrences of blue oak woodland occur along ephemeral drainages. Blue oak woodlands are a sensitive natural community. Disturbed land is located in the central portion of the project area associated with previous commercial cannabis activities onsite (Althouse and Meade 2020).

Wetlands and other Water Bodies

According to the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) surface waters and wetland mapper, there is riverine habitat that transects the as-built road located 300 feet north of Cultivation Site 2 and riverine habitat mapped to the 210 feet south, 100 feet east, and 315 feet west of Cultivation Site 1 (USFWS 2021). Based on project plans, the riverine habitat that transects the as-built road is identified as a mapped blue-line stream and is a tributary to the Salinas River.

A wetland delineation (Althouse and Meade 2021) was conducted to determine the presence of jurisdictional wetlands at the project site. Based on this delineation, there are four potential wetland areas within the project area based on the presence of hydrophytic vegetation, wetland hydrology, and/or low relief. Test pits were dug by hand at the four potential wetland sites to evaluate soil types and other wetland indicators at each site. In addition, a comparison test pit was dug upland. The wetland delineation detected one jurisdictional wetland located in the central northeastern portion of the project area, located to the east of

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the proposed road realignment. The wetland feature is 19 square feet and is not within the footprint of the proposed disturbance area. The other three potential wetland areas did not meet all indicators (vegetation, soil, hydrology) necessary to be considered a jurisdictional wetland (Althouse and Meade 2021).

The wetland delineation also evaluated two drainages (Drainage A and Drainage B as shown on Figure 4). Drainage A is located along the northern portion of the project area, within and adjacent to the proposed driveway and access road improvements and realignment. Drainage B runs through the northern portion of the project area and transects the proposed access road realignment. Drainage A and Drainage B are ephemeral streams and are dry most of the year, and typically flow after precipitation. Drainage A and Drainage B are considered jurisdictional non-wetland waters (Althouse and Meade 2021).

The proposed driveway and access road improvements and realignments would transect mapped drainages that are located in the central portion of the project area and in the northern portion of the project area (Althouse and Meade 2021).

Special-Status Plants

Desktop review identified 11 special-status plant species that have the potential to occur within the project area. These species were determined to have the potential to occur based on known occurrences in the project region and presence of suitable habitat within the project area. Suitable habitat includes suitable soil and elevation conditions. Two special-status species were observed during appropriately times botanical surveys and the other nine species are not anticipated to occur onsite. The following special-status plant species may have the potential to be present within the project area based on the presence of suitable habitat:

- **Jones' bush mallow (*Malacothamnus jonesii*)** – This species is a CRPR 4.3 species that is known to occur in chaparral and cismontane woodland habitats. This species typically blooms between late March and October. Jones' bush mallow was observed within the chaparral and blue oak woodland habitats onsite and are located within the proposed project disturbance area.
- **Hardham's evening primrose (*Camissoniopsis hardhamiae*)** – This species is a CRPR 1B.2 species and is known to occur in chaparral and cismontane woodland habitats. This species typically blooms between March and May. Hardham's evening primrose was observed within the disturbed habitat, north of Cultivation Area #1.
- **La Panza mariposa lily (*Calochortus simulans*)** – This species is a CRPR 1B.3 species and is known to occur in grasslands, chaparral, cismontane woodlands, and lower montane coniferous forest habitats. There is suitable habitat for this species in the blue oak woodland and chaparral habitat onsite based on preferable soil conditions. The closest know record of this species is approximately 150-feet northeast of the project area. Although there is suitable habitat for this species within the project area, this species was not observed during appropriately timed botanical surveys of the project area. Therefore, this species is not anticipated to occur onsite.
- **dwarf calycadenia (*Calycadenia villosa*)** – This species is a CRPR 1B.1 species and is known to occur in chaparral, cismontane woodland, meadows, and seep habitats. There is suitable habitat for this species in open portions of the chaparral habitat due to the presence of dry, gravelly soil patches. The closest known record of this species is approximately 6.8 miles north of the project area. Although there is suitable habitat for this species within the project area, this species was not observed during appropriately timed botanical surveys of the project area. Therefore, this species is not anticipated to occur onsite.
- **Douglas' spineflower (*Chorizanthe douglasii*)** – This species is a CRPR 4.3 species and is known to occur in sandy or gravelly soils typically found in chaparral, cismontane woodland, coastal scrub, and

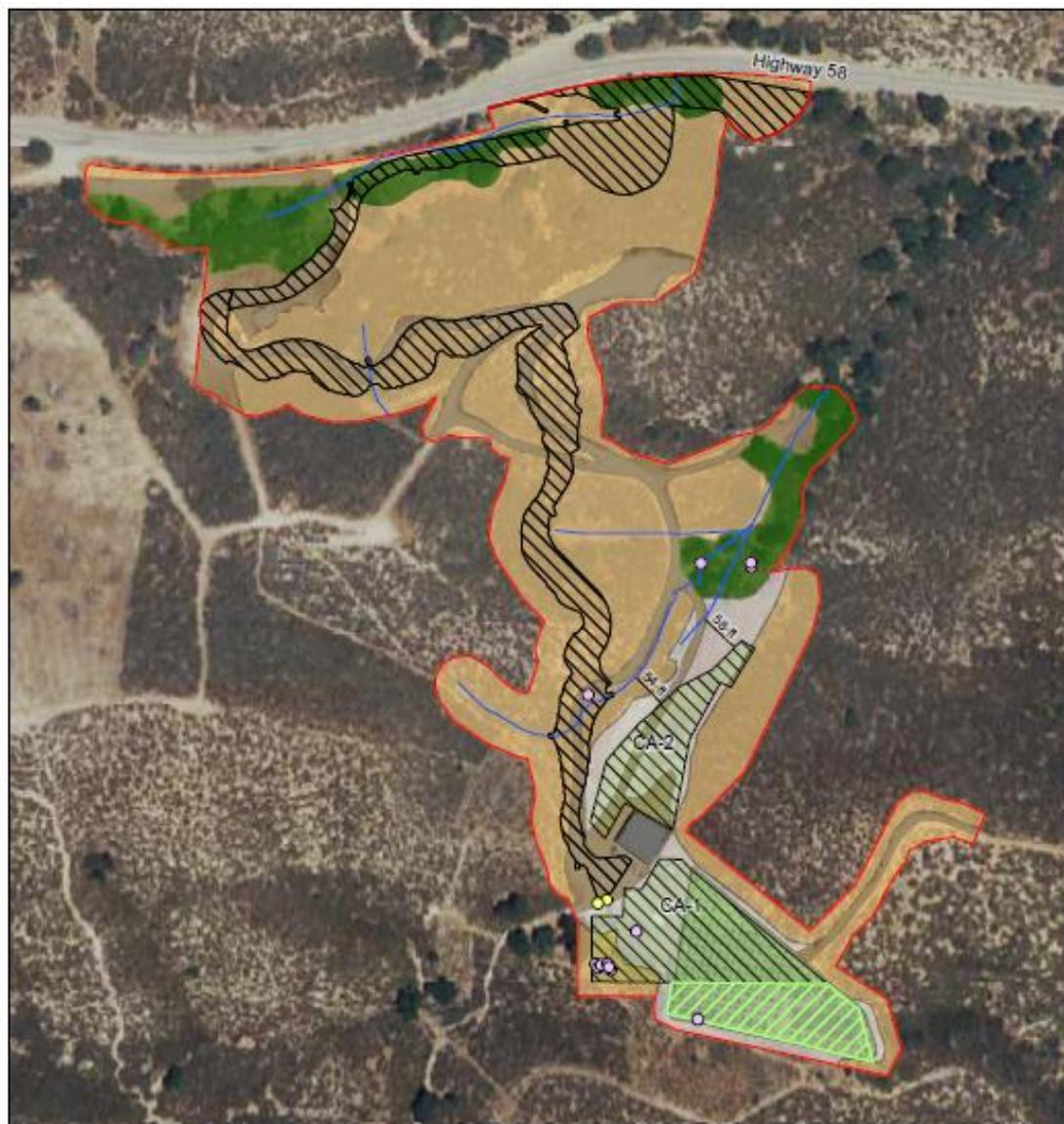
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lower montane coniferous forest habitats. There is suitable habitat for this species in the oak woodland and chaparral habitats onsite. The closest known record of this species is approximately 2.4 miles southwest of the project area. Although there is suitable habitat for this species within the project area, this species was not observed during appropriately timed botanical surveys of the project area. Therefore, this species is not anticipated to occur onsite.

- **straight-awned spineflower (*Chorizanthe rectispina*)** – This species is a CRPR 1B.3 species and is known to occur in sand or gravel typically found in chaparral, cismontane woodland, or coastal scrub habitats. There is suitable habitat for this species in the oak woodland and chaparral habitats onsite. The closest known record of this species is approximately 0.5 mile southwest of the project area. Although there is suitable habitat for this species within the project area, this species was not observed during appropriately timed botanical surveys of the project area. Therefore, this species is not anticipated to occur onsite.
- **Paniculate tarplant (*Deinandra paniculata*)** – This species is a CRPR 4.2 species and is known to occur in sandy soils in grassland, coastal scrub, vernal pool, and wetland habitats. There is suitable habitat for this species in pockets of exposed sandy soil within the chaparral habitat. The closest known record of this species is 10 miles southeast of the project area. Although there is some suitable habitat for this species within the project area, this species was not observed during appropriately timed botanical surveys of the project area. Therefore, this species is not anticipated to occur onsite.
- **yellow-flowered eriastrum (*Eriastrum luteum*)** – This species is a CRPR 1B.2 species and is known to occur in broadleaf upland forest, chaparral, and cismontane woodland habitats. There is suitable habitat for this species in the chaparral habitat onsite due to the type of soil present. The closest known record of this species is 152 feet northeast of the project area. Although there is suitable habitat for this species within the project area, this species was not observed during appropriately timed botanical surveys of the project area. Therefore, this species is not anticipated to occur onsite.
- **large-flowered nemacladus (*Nemacladus secundiflorus var. secundiflorus*)** – This species is a CRPR 4.3 species and is known to occur in dry, gravelly slopes. There is suitable habitat for this species in sloped, sandy patches of chaparral habitat. The closest known record of this species is approximately 5.6 miles southwest of the project area. Although there is some suitable habitat for this species within the project area, this species was not observed during appropriately timed botanical surveys of the project area. Therefore, this species is not anticipated to occur onsite.
- **Michael's rein orchid (*Piperia michaelii*)** – This species is a CRPR 4.2 species and is known to occur in cismontane woodland, closed-cone coniferous forest, lower montane coniferous forest, chaparral, coastal scrub, and coastal bluff habitats. There is suitable habitat for this species in the blue oak woodland onsite. The closest known occurrence of this species is approximately 5.6 miles southwest of the project area. Although there is suitable habitat for this species within the project area, this species was not observed during appropriately timed botanical surveys of the project area. Therefore, this species is not anticipated to occur onsite.
- **hooked popcorn flower (*Plagiobothrys uncinatus*)** – This species is a CRPR 1B.2 species and is known to occur in sandy or sandstone substrates in grassland, chaparral, and cismontane woodland habitats. There is suitable habitat for this species in the chaparral habitat onsite. The closest known record of this species is 1.9 miles southeast of the project site. Although there is suitable habitat for this species within the project area, this species was not observed during appropriately timed botanical surveys of the project area. Therefore, this species is not anticipated to occur onsite.

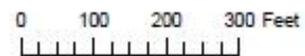
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Figure 4. Biological Resources Map



Legend

- | | |
|---|-------------------------------|
| Study Area (14.4 acres) | Blue Oak Woodland |
| Proposed Impacts (2.5 acres) | Chamise Chaparral |
| Existing Cultivation Area (0.4 acre; to be removed) | Disturbed |
| Ephemeral Drainage | Existing Access Road |
| Hardham's evening-primrose | New/Existing Cultivation Area |
| Jones's bush mallow | Existing Infrastructure |



5145 Calf Canyon Highway
Map Center: 120.51283°W 35.43443°N
Santa Margarita, San Luis Obispo County
Imagery Source: USDA NAIP, 07/14/2018



Map Updated:
September 04, 2020 12:40 PM by SAF

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Special-Status Wildlife

Desktop-level review identified 10 special-status species that have the potential to occur within the project area. These species were determined to have the potential to occur based on known occurrences in the project region and presence of suitable habitat within the project area. Suitable habitat typically includes habitat types, soil types, breeding habitat, etc. One special-status reptile species was observed within the project area, two special-status species have high potential to occur within the project area, and the other seven species are not expected to occur. The following three species may have the potential to occur within the project area:

- **coast horned lizard (*Phrynosoma blainvilli*)** – This species is a species of special concern (SSC) and typically occurs in open areas of foothill hardwood, conifer, riparian, pine-cypress, juniper, and annual grassland habitats. Coast horned lizard was observed within the project area during the June 2019 survey.
- **northern California legless lizard (*Anniella pulchra*)** – This species is a California SSC and typically occurs in coastal dunes, oak woodland, and chaparral habitats. Suitable habitat for this species includes native coastal scrubs and abundant leaf litter with strong root systems. Open space areas do not provide suitable habitat for this species. The closest known occurrence of this species is approximately 2.6 miles east of the project area. This species was not detected within the project area during 2019 and 2020 surveys; however, there is suitable habitat within chaparral and oak woodland habitats onsite, near the proposed project site. Therefore, individuals have the potential to be present onsite.
- **western spadefoot toad (*Spea hammondi*)** – This species is an SSC and occurs within grassland habitats. Suitable habitat for this species includes friable soils and seasonal rain pools. Breeding habitat for this species includes seasonal wetland pools during the rainy season and breeding season typically occurs between December and March. The closest known occurrence of this species is located approximately 2 miles from the project area. This species was not detected during 2019 and 2020 surveys; however, based on the lack of known predators, ephemeral aquatic habitat, and a small wetland pool there is suitable habitat for this species within the project area.
- **California glossy snake (*Arizona elegans occidentalis*)** – This species is a California SSC and is typically found in grassland, shrubland, chaparral, and woodland habitats. There is suitable habitat for this species in the blue oak woodland and chaparral habitats onsite based on the presence of appropriate habitat and prey base. The closest known occurrence of this species is 2.6 miles northeast of the project area. This species was not detected during 2019 or 2020 surveys.
- **western mastiff bat (*Eumops perotis californicus*)** – This species a California SSC and is known to roost in crevices of buildings, tunnels, boulders, and trees. The closest known occurrence of this species is 12 miles away from the project. Chaparral, woodland, and existing structures located in disturbed habitats within the project site may prove suitable habitat for this species. This species was not detected during 2019 or 2020 surveys; however, focused bat surveys were not conducted for this species. Therefore, there is some potential for this species to occur within the project area.
- **western red bat (*Lasiurus blossevillii*)** – This species is a California SSC and is known to roost in forests and woodlands and forage in grasslands, shrublands, open woodlands and forests, and croplands. Broad-leafed trees within the project area may provide nesting habitat for this species. This species was not detected during 2019 or 2020 surveys; however, focused bat surveys were not

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conducted for this species. Therefore, there is some potential for this species to occur within the project area.

- **loggerhead shrike (*Lanius ludovicianus*)** – This species is a California SSC and is known to occur in open areas with appropriate perched for hunting and shrubby trees for nesting. There have been occurrences of this species within the project region and there is potential for this species to use the project area for nesting and foraging. This species was not detected during 219 or 2020 surveys.
- **yellow-billed magpie (*Pica nuttallii*)** – This species is a CDFW Special Animal and is known to occur in oak savannah and open oak woodlands. This species is known to occur in the project region and there is suitable habitat in the blue oak woodlands within the project area. This species was not detected during 219 or 2020 surveys.
- **American badger (*Taxidea taxus*)** – This species is a California SSC and is known to occur in open areas of shrub and forest habitats with friable soils in order to dig burrows. The closest known record of this species is approximately 7 miles away from the project area. This species is not anticipated to occur onsite based on a lack of grassland within the project area. Further, this species was not detected during 2019 or 2020 surveys.
- **California red-legged frog (CRLF; *Rana draytonii*)** – This species is a federally threatened species and a California SSC. The predominant habitat type for this species includes deep, still or slow-moving sources of water in lowlands and foothills with shrubby, riparian, or vegetative shorelines for cover. Suitable vegetation types for this species includes cattails, arroyo willow, and bulrushes. CRLF use upland habitat for food, shelter, and as migration corridors between breeding and non-breeding sites. There is limited breeding habitat for this species within the project area because the small manmade pit with pooled water does not provide enough breeding habitat for the species. Further, there is a lack of suitable stream habitat for breeding. CRLF were not detected during 2019 or 2020 surveys and are not anticipated to occur within the project area due to the distance of designated critical habitat and breeding sites.

Discussion

- (a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

Special-Status Plants

As discussed in the setting above, based on desktop-level background review, there is potential for 11 special-status plant species occur within the project region; however, only two special-status plant species were observed at the project site during appropriately timed botanical surveys.

Jones' Bush Mallow

There are approximately a dozen Jones' bush mallow shrubs within the proposed project grading area and cultivation area footprint. Implementation of the project would likely result in the removal of these shrubs. Jones' bush mallow is listed as a CRPR 4.3 rank, which is the lowest rank on the CNPS ranking system. The loss of up to a dozen Jones' bush mallow shrubs and the loss of 1.6 acres of chaparral habitat would not result in a significant impact to the local population. Therefore, implementation of the project would not result in a significant adverse impact on Jones' bush mallow.

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Hardham's Evening Primrose

There are several Hardham's evening primrose plants located at the southern terminus of the driveway, adjacent to proposed Cultivation Area 1. Grading of the driveway would impact two of these species. This species has a high tolerance for disturbance and is typically capable of growing and persisting in a disturbed area. Based on this knowledge, implementation of the project is not anticipated to significantly adversely affect the local Hardham's evening primrose population and impacts would be less than significant.

Special-Status Wildlife

As discussed in the setting above, based on desktop level review and field surveys, one special-status animal species was observed within the project area, two special-status animal species have high potential of occurring within the project area, and the other seven special-status animal may occur within the project area.

Reptiles

There is potential for special-status reptiles, including coast horned lizard, northern California legless lizard, and California glossy snake, to occur within the friable, sandy soil areas within the project area. Ground disturbance and construction activities for the proposed cultivation areas and access road improvements have the potential to adversely affect special-status reptile species if present within the project site at the time of construction. Therefore, Mitigation Measure BIO-1 has been included to require preconstruction surveys prior to ground disturbing activities onsite.

Amphibians

As described in the setting above, CRLF is not anticipated to occur within the project area due to the lack of aquatic breeding habitat and critical habitat for this species in the project area. However, there is high potential for western spadefoot toad to occur within the friable, sandy soil areas within the project area. Ground disturbance and construction activities for the proposed cultivation areas and access road improvements have the potential to adversely affect western spadefoot toad individuals if present within the project site at the time of construction. Therefore, Mitigation Measure BIO-2 has been included to require preconstruction surveys prior to ground disturbing activities onsite.

Mammals

As previously discussed, American badger individuals are not anticipated to occur within the project area based on the lack of grassland habitat. Therefore, implementation of the project would not result in adverse impacts to American badger and no mitigation is required.

There is potential for western mastiff bat and western red bat to occur within the project area. The project includes tree removal that may result in direct or indirect impacts to special-status bat species if present within the project site during tree removal. In addition, construction activity may have indirect effects on any special-status bat species if present within the project site during construction. Therefore, Mitigation Measure BIO-3 has been included to require roosting bat surveys prior to the initiation of ground disturbance or other construction activity.

Migratory Birds

There is potential for nesting or migratory birds, including yellow-billed magpie and loggerhead shrike, to use the project area for nesting or foraging. The project includes tree removal that may result in direct or indirect impacts to special-status bat species if present within the project site during tree removal. In addition, construction activity may have indirect effects on any sensitive bird species if

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present within the project site during construction. Mitigation Measure BIO-4 has been included to require preconstruction nesting bird surveys prior to the initiation of ground disturbance or other construction activity.

As discussed above, implementation of the project would not result in adverse impacts on special-status plant species within the project area; therefore, no mitigation is necessary. However, the project has the potential to result in direct or indirect impacts on special-status animals if present within the project area during ground disturbance or construction activities. Mitigation Measures BIO-1 through BIO-4 have been included to require preconstruction surveys for species that have the potential to occur within the project area. In addition, Mitigation Measure BIO-5 requires construction personnel to participate in an environmental awareness training prior to the initiation of construction activities that would outline potential sensitive status species that may occur in the area and avoidance measures, if necessary, to be implemented during project construction. Therefore, potential impacts related to special-status species would be *less than significant with mitigation*.

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

Background-level desktop review and field surveys identified three habitat types onsite, including chamise chaparral, blue oak woodland, and ruderal/disturbed habitat. Chamise chaparral and ruderal/disturbed habitats are not considered sensitive natural communities by the County's COSE or CDFW. However, blue oak woodlands are considered a sensitive natural community and implementation of the project would result in approximately 0.3 acre of disturbance to the community including the removal of two oak trees. Mitigation Measure BIO-6 identifies tree protection measures to be implemented during construction activities. In addition, Mitigation Measure BIO-7 requires any trees that are removed to be mitigated through replanting, a conservation or open space easement, or an in-lieu fee program. Therefore, impacts to individual oak trees would be minimized through implementation of the identified mitigation and impacts related to sensitive natural communities would be *less than significant with mitigation*.

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

The project site supports one jurisdictional wetland in the central northeastern portion of the project area, to the east of the area of disturbance for the proposed driveway and access road improvements and realignment. Implementation of the project would not result in direct impacts to the wetland. Indirect impacts, including potential erosive or polluted runoff, would be minimized through implementation of a SWPPP with construction BMPs and an erosion and sediment control plan. Mitigation Measure BIO-8 identifies BMPs to be implemented during construction activities.

Implementation of the project would result in 0.08 acre of direct impacts on jurisdictional non-wetland Waters of the State. Mitigation Measure BIO-9 requires the project to obtain proper permitting for direct impacts to non-wetland waters of the state. Mitigation Measure BIO-10 would require impacts to jurisdictional non-wetland waters to be mitigated at a 3:1 ratio through restoration of the existing driveway and access road in the northern portion of the project area. Restoration would occur over a 0.4-acre area, which exceeds the 3:1 mitigation requirement by 0.1 acre. Restoration would also include revegetation of the area with native species. Therefore, impacts to jurisdictional non-wetland waters would be minimized through restoration and impacts would be *less than significant with mitigation*.

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

The project site is not located in an area identified as having high connectivity value by the CDFW (CDFW 2021). There are ephemeral drainages within the project area that do not support a consistent flow of water that could support migratory fish species. In addition, approval of the proposed modification of the cannabis fence standard will allow for the use of deer fencing which is largely permeable to smaller animals. Therefore, the project would not interfere with the movement of migratory fish. The project site supports large trees and existing structures that may provide nesting habitat to migratory birds passing through the project region. Mitigation Measure BIO-4 has been included to require preconstruction nesting bird surveys prior to the initiation of ground disturbance or other construction activity. Therefore, the project is not anticipated to result in adverse impacts to migratory wildlife corridors and impacts would be *less than significant with mitigation*.

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

The County's Oak Woodland Ordinance (Municipal Code 22.58) establishes criteria for clear-cutting oak woodlands. The project area supports blue oak woodlands and other scattered trees. Construction of access road realignment and other improvements may require the removal of oak trees. Mitigation Measure BIO-6 identifies tree protection measures to be implemented during construction activities. In addition, Mitigation Measure BIO-7 requires any trees that are removed to be mitigated through replanting, a conservation or open space easement, or an in-lieu fee program. Therefore, implementation of the project is not anticipated to adversely affect oak trees and would be consistent with the County's Oak Woodland Ordinance. Therefore, potential impacts would be *less than significant with mitigation*.

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

The project is not located within an area governed by 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-10 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 Preconstruction Surveys for Special Status Reptiles.** Within 30 days prior to issuance of grading and/or construction permits and immediately prior to initiation of site disturbance and/or construction, a qualified biologist shall conduct focused pre-construction surveys within 50 feet of suitable habitat for special status reptiles and amphibians. The surveys will be focused for Northern California legless lizard, Coast horned lizard, and California glossy snake, by utilizing a raking survey methodology. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing the survey. Construction monitoring shall also be conducted by a qualified

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biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special status reptiles and/or amphibian individuals are found in the area of disturbance, the biologist shall move the animal(s) to an appropriate location outside the area of disturbance. Any sightings of special status species shall be documented and reported to the County, CDFW Staff, and the CNDDDB. The candidate site(s) for relocation shall be identified before construction and shall be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the species' range. A monitoring report summarizing results shall be submitted to the County Department of Planning and Building within one week of completing monitoring work for these species. If any additional ground- or vegetation-disturbing activities occur on the project site, the above surveys and monitoring shall be repeated.

- BIO-2** **Preconstruction Surveys for Special-Status Amphibians.** Prior to issuance of grading and/or construction permits and immediately prior to initiation of site disturbance and/or construction activities, a County-approved biologist shall conduct surveys for western spadefoot toad. The County-approved biologist shall survey areas within 50-feet of suitable habitat for these species. During grading activities, the County-approved biologist shall walk behind the grading equipment to capture any western spadefoot toad or other amphibian species that may be unearthed by the equipment. The County-approved biologist shall capture and relocate any special-status or other amphibians observed during the survey effort. The captured individuals shall be relocated from the construction area and placed in suitable habitat on the site but outside of the work area. Following the survey and monitoring efforts, the County-approved biologist shall submit to the County a project completion report that documents the number of special-status amphibians captured and relocated, and the number of special-status amphibians taken during grading activities. Observations of these species or other special-status species shall be documented on CNDDDB forms and submitted to CDFW upon project completion.
- BIO-3** **Preconstruction Surveys for Roosting Bats.** Within two weeks prior to removal of any trees, a qualified biologist shall survey the chaparral habitat, the oak woodland habitat, and existing structures within the ruderal/disturbed habitat onsite to identify if roosting bats are present. If bats are found to be roosting, bat exclusion shall be conducted by a qualified biologist to conduct bat exclusion activities. If exclusion is necessary, a Bat Exclusion Plan shall be submitted to the CDFW for approval and a copy to the City prior to construction.
- BIO-4** **Pre-construction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. This includes nests of all common bird species (under the MBTA), as well as special status birds and raptor nests. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.
- a. A 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

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storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.

- b. If special status avian species (aside from the burrowing owl) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
- c. The results of the survey shall be provided to the County at least one week prior to initial project activities and within one week of completing surveys for ongoing activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).
- d. If two weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

BIO-5 Worker Environmental Awareness Program (WEAP) Training. Prior to the start of any 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. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the project's discretionary permits, an overview of the federal Endangered Species Act, the California Endangered Species Act, and implications of noncompliance with these regulations, as well as an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the trainees will be kept and provided to the County. If new project personnel join the project after the initial training period, they will receive the environmental awareness training from a designated crew member on site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

BIO-6 Oak Tree Protection. Prior to commencement of ground disturbance or construction activities, tree protection fencing shall be installed along the outer limit of the critical root zone (CRZ) of all oak trees within 50 feet of project activities. The fencing shall be in place for the duration of the construction occurring within 50 feet of the trees. Where approved Project activities are within the CRZ, fencing shall be temporarily moved to facilitate the work. The Applicant shall retain a biological monitor or arborist who shall be present during approved project activities within the CRZ to document impacts to the trees, in order to inform the County of any mitigation obligation.

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- BIO-7** **Oak Tree Mitigation.** Impacts to the oak canopy or CRZ should be avoided where practicable. Impacts include pruning, ground disturbance within the CRZ, and trunk damage. Impacts to native oak trees shall be mitigated through one or more of the following options:
- a. **Planting Additional Trees Onsite.** Any oak trees greater than 5 inches diameter at breast height (DBH) shall be replaced at a 4:1 ratio if removed, and a 2:1 ratio if impacted. Replacement trees shall be a minimum of one gallon in size, of local origin, and of the same species as was impacted. Replacement trees shall be seasonally maintained (browse protection, weed reduction and irrigation, as needed) and monitored annually for seven years.
 - b. **Conservation or Open Space Easement.** A conservation or open space easement may be established in the Study Area to mitigate for impacts to oak trees. The size of the easement shall be determined by the number of oak trees removed and/or impacted. For every tree removed 4,000 square feet of oak woodland habitat shall be preserved. For every tree impacted, 2,000 square feet of oak woodland habitat shall be preserved. An open space easement, management agreement, or covenant shall be recorded and included information on allowed uses and management within the preserved area.
 - c. **In-lieu Fee Program.** The County of San Luis Obispo may have an in-lieu fee program available for payments to be made as mitigation for impacts to oak trees. Details on the in-lieu fee program should be requested from the County.
- BIO-8** **Best Management Practices (BMPs).** BMPs (e.g., straw wattles, exclusion fencing, gravel bags or silt fencing, etc.) are required to be installed prior to the start of construction to protect culverts, drop inlets, rock swales, and project boundaries (i.e., areas above steep cliffs) from water quality, runoff, and erosion/sedimentation concerns during project implementation. All equipment and vehicles shall be checked and maintained daily to prevent spills of fuel, oil, and other hazardous materials. A designated staging area shall be established for vehicle/equipment parking and storage of fuel, lubricants, and solvents. All fueling and maintenance activities shall take place in the staging area.
- BIO-9** **Permitting.** Prior to project initiation, all applicable agency permits with jurisdiction over the project area (e.g. California Department of Fish and Wildlife Lake and Streambed Alteration Agreement and Regional Water Quality Control Board Section 401) shall be obtained, as necessary. Any additional measures required by these agencies shall be implemented as necessary throughout the project.
- BIO-10** **Jurisdictional Non-wetland Waters of the State Restoration.** The Applicant shall mitigate impacts to Jurisdictional Non-wetland Waters of the State at a minimum 3:1 ratio. The applicant shall restore the abandoned driveway approach (0.4-acre area) to offset impacts to ephemeral Drainage A. Restoration shall include decompacting the existing access road and revegetating the 0.4-acre area. Revegetation shall include a combination of seeding (hand-broadcasted and/or drill seeded, where feasible) and planting of native species suited to the surrounding habitats. A Disturbed Area Stabilization Plan (DASP) shall be prepared and shall include a timeline for restoration, methods for implementation, an approved seed mix for revegetation, reporting requirements, and BMPs required to promote erosion control and bank stability. The DASP shall be submitted and approved by the State Water Resources Control Board (SWRCB) prior to implementation.

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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 checked="" type="checkbox"/>	<input 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:

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

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

In the event of an accidental discovery or recognition of any human remains, CCR Title 3, Division 8, Chapter 1 Article 4, Section 8304 (d) requires cannabis cultivation projects to immediately halt all ground-disturbing activities and implement Section 7050.5 of the California Health and Safety Code. 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.

An Expanded Phase 1 Surface Survey Report was prepared by Heritage Discoveries, Inc. (Heritage Discoveries, Inc. 2020) for the project. A records search was conducted on June 10, 2018, which included coordination with the Central Coast Information Center (CCIC) of the California Historical Resources Information System (CHRIS) at the University of California at Santa Barbara. The records search revealed that no previous archaeological

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surveys have been conducted within the project area; however, one archaeological survey with negative results has taken place just north of the project area. A surface survey of the project area was conducted on May 10, 2018 and did not identify any new resources.

Discussion

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

Based on the records search conducted by Heritage Discoveries, Inc. (2020) for the project, there is one known historical resource located approximately 0.5 mile east of the project site. However, neither the records search nor the surface survey identified any known historical resources within the project site. Further, the project does not include the removal or demolition of any existing buildings or structures. Therefore, implementation of the project would not result in a substantial adverse change to any historical resources and impacts would be *less than significant*.

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

Based on the records search and surface survey conducted by Heritage Discoveries Inc. there are no known cultural archaeological resources within or adjacent to the project area. The project would require 4.3 acres of ground disturbance including 5,300 cy of cut and fill activity on moderate slopes. Earthwork would be conducted in both previously disturbed and undisturbed areas. Based on the negative records search and field survey, project activities are not anticipated to uncover any known or unknown cultural resources. In the unlikely event that resources are uncovered during earthwork, construction activities shall cease in the vicinity of the find, and the County Department of Planning and Building 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 (LUO 22.10.040). This protocol would ensure full compliance with Health and Safety Code Section 7050.5. 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 negative results of the archaeological surface survey conducted on-site, buried human remains are not expected to be present in the site area. In the event of an accidental discovery or recognition of any human remains, Health and Safety Code Section 7050.5 and LUO Section 22.10.040 (require that no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. With adherence to Health and Safety Code Section 7050.5 and the County LUO, impacts related to the unanticipated disturbance of archaeological resources and human remains would be reduced to less than significant; therefore, potential impacts would be *less than significant*.

Conclusion

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

Mitigation

No mitigation is necessary.

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VI. ENERGY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<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 of a building or other improvement to real property. The CBC includes mandatory green building standards

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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 (USEPA) and the National Highway Traffic Safety Administration (NHSTA), on behalf of the U.S. Department of Transportation (USDOT), issued final rules to further reduce GHG emissions and improve corporate average fuel economy (CAFE) standards for light-duty vehicles for model years 2017 and beyond. NHTSA's CAFE standards have been enacted under the Energy Policy and Conservation Act since 1978. This national program requires automobile manufacturers to build a single light-duty national fleet that meets all requirements under both federal programs and the standards of California and other states. This program would increase fuel economy to the equivalent of 54.5 miles per gallon (mpg) limiting vehicle emissions to 163 grams of carbon dioxide (CO₂) per mile for the fleet of cars and light-duty trucks by the model year 2025.

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

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

In January 2012, the CARB approved the Advanced Clean Cars Program, which combines the control of GHG emissions and criteria air pollutants, as well as requirements for greater numbers of zero-emission vehicles, into a single package of standards for vehicle model years 2017 through 2025. The new rules strengthen the GHG standard for 2017 models and beyond. This will be achieved through existing technologies, the use of stronger and lighter materials, and more efficient drivetrains and engines. The program's zero-emission vehicle regulation requires a battery, fuel cell, and/or plug-in hybrid electric vehicles to account for up to 15% of California's new vehicle sales by 2025. The program also includes a clean fuels outlet regulation designed to support the commercialization of zero-emission hydrogen fuel cell vehicles planned by vehicle manufacturers by 2015 by requiring increased numbers of hydrogen fueling stations throughout the state. The number of stations will grow as vehicle manufacturers sell more fuel cell vehicles. By 2025, when the rules will be fully implemented, the statewide fleet of new cars and light trucks will emit 34% fewer global warming gases and 75% fewer smog-forming emissions than the statewide fleet in 2016 (CARB 2016).

All self-propelled off-road diesel vehicles 25 horsepower (hp) or greater used in California and most two-engine vehicles (except on-road two-engine sweepers) are subject to the CARB's Regulation for In-Use Off-

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Road Diesel Fueled Fleets (Off-Road regulation). This includes vehicles that are rented or leased (rental or leased fleets). The overall purpose of the Off-Road regulation is to reduce emissions of NO_x and particulate matter from off-road diesel vehicles operating within California through the implementation of standards including, but not limited to, limits on idling, reporting and labeling of off-road vehicles, limitations on use of old engines, and performance requirements.

Energy Use in Cannabis Operations

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

The total energy demand of a cannabis operation depends heavily on the type of cultivation, manufacturing, location of the project, and the types of equipment required. Outdoor cultivation involves minimal equipment and has relatively low energy demands, while indoor cultivation involves more equipment that tends to have much higher energy demands (e.g., high-intensity light fixtures, climate control systems) (County of Santa Barbara 2017). Specific energy uses in indoor grow operations include high-intensity lighting, dehumidification to remove water vapor and avoid mold formation, space heating or cooling during non-illuminated periods and drying processes, preheating of irrigation water, generation of CO₂ from fossil fuel combustion, and ventilation and air conditioning to remove waste heat. Reliance on equipment can vary widely as a result of factors such as plant spacing, layout, and the surrounding climate of a given facility (CDFA 2017).

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

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

Discussion

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

During construction, fossil fuels, electricity, and natural gas would be used by construction vehicles and equipment. The energy consumed during construction would be temporary in nature and would be typical of other similar construction activities in the county. Federal and state regulations in place

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require fuel-efficient equipment and vehicles and prohibit wasteful activities, such as diesel idling. Construction contractors, in an effort to ensure cost efficiency, would not be expected to engage in wasteful or unnecessary energy and fuel practices. Energy consumption during construction would not conflict with a state or local plan for renewable energy and would not be wasteful, unnecessary, or inefficient, and therefore would be *less than significant*.

The project proposes one acre of outdoor cannabis cultivation and ancillary nursery in addition to 2,400 sf of indoor ancillary cannabis processing. Accordingly, the project does not propose indoor cultivation that may employ the use of mixed-light cultivation techniques or high intensity grow lights. Project energy use would include fuel for employee transportation, and electricity to power irrigation pumps and security needs including the security gate and cameras. Electricity use for the well and the processing building would be provided by PG&E and supplemented in part by onsite solar photovoltaic arrays. Electricity generated by PG&E is derived from renewable (39%) and non-renewable (47%) sources (PG&E 2019). Based on the limited amount of operational energy necessary for the project and source of electricity, impacts would be *less than significant*.

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

As described above, federal and state regulations in place require fuel-efficient equipment and vehicles and prohibit wasteful activities, such as diesel idling. Construction contractors, in an effort to ensure cost efficiency, would not be expected to engage in wasteful or unnecessary energy and fuel practices. Therefore, construction of the project would not conflict with a local plan for renewable energy or efficient energy.

Operational energy demand would come from fuel for employee transportation, and electricity to power irrigation pumps and security needs including the security gate and cameras. The project does not include installation of outdoor lighting. The project would utilize solar energy, supplied by onsite solar panels, for a portion of operational energy demands. The project would employ one full-time employee and one part-time employee, with six to seven additional temporary employees during the 6-day harvest season. Energy consumption during construction and operation would not conflict with a state or local plan for renewable energy and would not be wasteful, unnecessary, or inefficient, and therefore would be *less than significant*.

Conclusion

The project proposes minimal operational energy consumption and would adhere to state and federal regulations in place to reduce construction related energy consumption. Therefore, no mitigation is necessary, and impacts would be less than significant.

Mitigation

No mitigation is necessary.

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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:				
(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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<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 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 project site is located approximately 3.7 miles west of the La Panza Fault and 4.65 miles northeast of the Rinconada Fault (DOC 2015).

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

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. Landslides and slope instability can occur as a result of wet weather, weak soils, improper grading, improper drainage, steep slopes, adverse geologic structure, earthquakes, or a combination of these factors. Liquefaction is the sudden loss of soil strength due to a rapid increase in soil pore water pressures resulting from ground shaking during an earthquake. Based on the Safety Element, the project site is located in an area with low to moderate landslide risk potential and low liquefaction potential.

Shrink/swell potential is the extent to which the soil shrinks as it dries out or swells when it gets wet. Extent of shrinking and swelling is influenced by the amount and kind of clay in the soil. Shrinking and swelling of soils can cause damage to building foundations, roads, and other structures. A high shrink/swell potential indicates a hazard to maintenance of structures built in, on, or with material having this rating. Moderate and low ratings lessen the hazard accordingly. Based on the NRCS Soil Survey of the project site, the project is underlain with soils comprised of coarse loamy sand (USDA 2021).

The project site is underlain by the Qa Formation geologic unit, which has a low paleontological sensitivity (USGS 2021; SWCA 2017). The County COSE identifies a policy for the protection of paleontological resources from the effects of development by avoiding disturbance where feasible. Where substantial subsurface disturbance is proposed in paleontologically sensitive units, Implementation Strategy CR 4.5.1 (Paleontological Studies) requires a paleontological resource assessment and mitigation plan be prepared, to identify the extent and potential significance of resources that may exist within the proposed development and provide mitigation measures to reduce potential impacts to paleontological resources.

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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.*

Fault rupture refers to the displacement of ground surface along a fault trace that typically occurs during earthquakes of a magnitude 5 or higher. The project site is located approximately 3.7 miles west of the La Panza Fault and 4.65 miles northeast of the Rinconada Fault (DOC 2015). Neither the Rinconada nor La Panza fault zones are Alquist-Priolo faults. Further, there are no known faults that run directly under or adjacent to the project site that could result in fault rupture at the site; therefore, *no impact* would occur.

(a-ii) *Strong seismic ground shaking?*

The project site is located approximately 3.7 miles west of the La Panza Fault and 4.65 miles northeast of the Rinconada Fault (DOC 2015). California is a seismically active region and there is always potential for seismic ground shaking to occur. Implementation of the project would result in one acre of outdoor cultivation canopy, up to 3,000 sf of ancillary nursery canopy within hoop house structures, a 625-sf composting area, and a proposed portable restroom, in addition to existing structures onsite. Existing structures include four existing 2,500-gallon water storage tanks, a 200 square foot (sf) pesticide/fertilizer storage shed, a 2,403-sf barn that would be converted for use for processing activities, and solar panels (six to be moved to a new location onsite). The project does not propose new occupiable structures that would be subject to Section 1613 of the CBC or put people at risk of loss, injury, or death as a result of strong seismic ground shaking. Other structures constructed as part of the project would be subject to county and other applicable engineering practices that would reduce the risk of damage due to seismic ground shaking; therefore, impacts would be *less than significant*.

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

According to the County's Safety Element, the project site is located in a region with low potential for liquefaction (County of San Luis Obispo 1999). The project does not propose the construction of new occupiable structures onsite that would be subject the Section 1613 of the CBC or expose people to risk of loss, injury, or death involving liquefaction. Other structures constructed as part of the project would be subject to county and other applicable engineering practices that would reduce the risk of damage due to liquefaction. Therefore, impacts would be *less than significant*.

(a-iv) *Landslides?*

According to the County's Safety Element (1999), the project site is located within a region with moderate potential for landslides. Landslides typically occur in areas with steep slopes. The topography of the project site is moderately sloping. The project does not propose new occupiable structures that would put people at risk of loss, injury, or death in the event of a landslide. Other structures constructed for the project would be subject to county and other applicable engineering practices that would reduce the risk of damage due to landslide. Therefore, impacts would be *less than significant*.

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

Projects that disturb more than 1 acre of ground require the preparation and implementation of a SWPPP under the NPDES (LUO 22.52.130). The proposed project would disturb 163,224 square feet (4.2 acres) of ground which includes 5,300 cy of cut and fill materials. Therefore, preparation of a SWPPP is required prior to issuance of grading permits and would be implemented during project construction activities. The SWPPP would include BMPs, identification of possible pollutants, and an Erosion and Sedimentation Control Plan. Mitigation Measure BIO-8 identifies BMPs to be implemented during construction activities to minimize the amount of erosion that may runoff from disturbance areas. LUO 22.52.120 requires the preparation and approval of an Erosion and Sedimentation Control Plan to minimize potential impacts related to erosion, sedimentation, and siltation. The plan would be prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Compliance with existing regulatory requirements and implementation of BIO-8 would minimize potential impacts related to erosion and sedimentation and impacts would be *less than significant with mitigation*.

(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?*

According to the County's Safety Element (1999), the project site is located with a region with low potential for liquefaction and moderate potential for landslide and according to the USGS Areas of Land Subsidence in California map, the project site is not located within an area of known subsidence (USGS 2019). The project would result earthwork for improvements to the new road. The grading plan would be prepared by a Registered Civil Engineer and is not anticipated to result in any type of geologic hazards. Therefore, impacts would be *less than significant*.

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

Soils with expansive properties typically contain large amounts of clay or clay materials. According to the NRCS Soil Survey of the project site, the site is underlain by soils comprised of coarse sandy loam (USDA 2021). Therefore, soils at the site would have low potential for expansion. Compliance with current County engineering standards and CBC regulations would further minimize impacts related to expansive soils; therefore, *no impact* would occur.

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

The project includes installation of a new septic system within the project area. The septic system would be required to comply with the CBC and other County engineering practices for construction of a septic tank. Based on required compliance with exiting requirements, impacts would be *less than significant*.

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

The site is underlain by the geologic unit Qa, which is comprised of alluvial gravel, sand, and clay that dates back to the Holocene era. This geologic unit has a low potential fossil yield (USGS 2021; SWCA 2017). The project requires 183,224 sf of earthwork including 5,300 cy of cut and fill activity on a moderately sloping parcel. Earthwork for the project would predominantly be for improvements to the as-built road and would be conducted on both previously disturbed and undisturbed land.

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However, based on the low potential fossil yield of the underlying geologic unit, proposed earthwork is not anticipated to uncover or otherwise disturb any paleontological resources. Therefore, impacts would be *less than significant*.

Conclusion

The project does not propose the construction of any new occupiable structures that could put people at risk of loss, injury, or death to seismic ground shaking, liquefaction, landslide, soil expansion, or other ground failure events. All new structures would be constructed according to County regulations and other applicable engineering practices. The project would implement existing erosion control measures in addition to Mitigation Measure BIO-8 to minimize impacts related to increased erosion at the project site. The project includes installation of a septic tank that would be constructed according to CBC and County requirements. The underlying geologic unit at the project site has a low potential fossil yield and project activities are not anticipated to disturb any paleontological resources. Therefore, upon implementation of Mitigation Measure BIO-8 for erosion control, impacts would be less than significant.

Mitigation

Implement Mitigation Measure BIO-8.

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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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Greenhouse gasses (GHGs) are any gases that absorb infrared radiation in the atmosphere. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide (CO₂), methane (CH₄), nitrogen oxides (NO_x), 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 (CO₂) 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.

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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 which were incorporated into their 2012 CEQA Air Quality Handbook. The Handbook recommended applying a 1,150 MTCO_{2e} per year Bright Line Threshold for commercial and residential projects and included a list of general land uses and estimated sizes or capacities of uses expected to exceed this threshold. According to the SLOAPCD, this threshold was based on a 'gap analysis' and was used for CEQA compliance evaluations to demonstrate consistency with the state's GHG emission reduction goals associated with AB32 and the 2008 Climate Change Scoping Plan which have a target year of 2020. However, in 2015, the California Supreme Court issued an opinion in the case of *Center for Biological Diversity vs California Department of Fish and Wildlife* ("Newhall Ranch") that determined that AB 32 based thresholds derived from a gap analysis are invalid for projects with a planning horizon beyond 2020. Since the bright-line and service population GHG thresholds in the Handbook are AB 32 based, and project horizons are now beyond 2020, the SLOAPCD no longer recommends the use of these thresholds in CEQA evaluations. Instead, the following threshold options are recommended for consideration by the lead agency:

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

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

- No-net Increase: The 2017 Scoping Plan states that no-net increase in GHG emissions relative to baseline conditions "*is an appropriate overall objective for new development*" consistent with the Court's direction provided by the Newhall Ranch case. Although a desirable goal, the application of this threshold may not be appropriate for a small project where it can be clearly shown that it will not generate significant GHG emissions (i.e., di minimus: too trivial or minor to merit consideration).
- Lead Agency Adopted Defensible GHG CEQA Thresholds: Under this approach, a lead agency may establish SB 32-based local operational thresholds. As discussed above, SB 32 requires the state to reduce GHG levels by 40 percent below 1990 levels by the year 2030. According to the *California Greenhouse Gas Emissions for 2000 to 2017, Trends of Emissions and Other Indicators* published by the California Air Resources Board, emissions of GHG statewide in 2017 were 424 million MMTCO_{2e}, which was 7 million MTCO_{2e} below the 2020 GHG target of 431 MMTCO_{2e} established by AB 32. At the local level, an update of the County's EnergyWise Plan prepared in 2016 revealed that overall GHG emissions in San Luis Obispo County decreased by approximately seven percent between 2006 and 2013, or about one-half of the year 2020 target of reducing greenhouse gas emissions by 15% relative to the 2006 baseline¹. Therefore, application of the 1,150 MTCO_{2e} Bright Line Threshold in San Luis Obispo County, together with other local and State-wide efforts to reduce GHG emissions, proved to be an effective approach for achieving the reduction targets set forth by AB32 for the year 2020. It

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

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should be noted that the 1,150 MTCO₂e per year Bright Line Threshold was based on the assumption that a project with the potential to emit less than 1,150 MTCO₂e 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 MMTCO₂e Bright Line threshold ($1,150 \times 0.6 = 690$ MMTCO₂e) 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 MMTCO₂e 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?*

During construction, fossil fuels and natural gas would be used by construction vehicles and equipment. Federal and state regulations in place require fuel-efficient equipment and vehicles and prohibit wasteful activities, such as diesel idling. Construction contractors, in an effort to ensure cost efficiency, would not be expected to engage in wasteful or unnecessary energy and fuel practices. In addition, adherence to state and federal regulations regarding release of emissions, impacts would be *less than significant*.

Operational energy demand would come from fuel for employee transportation, and electricity to power irrigation pumps and security needs including the security gate and cameras. The project does not include installation of outdoor lighting. The project would utilize solar energy, supplied by onsite solar panels, for a portion of the operational energy demands. Employee vehicle trips to and from the project site would be the predominant source of GHG emissions during project operation. The project would employ one full-time employee and one part-time employee, with six to seven additional temporary employees during the 6-day harvest season. Since the project would not significantly increase VMT to and from the project site (see Section XVII, Transportation), employee trips are not expected to generate a significant amount of GHG emissions from vehicle sources. Based on the limited amount of operational GHG emissions for the project, operational impacts are not expected to exceed the interim operational GHG threshold of 690 MTCO₂ per year and would be *less than significant*.

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

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

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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. **Table 3** is a summary of project consistency with the relevant supporting actions identified in Measure No. 7 for promoting energy efficiency in new development.

Table 3. Summary of Project Consistency with Measure No.7

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 project does not propose new indoor development that would require appliances or HVAC. Proposed lighting would be solar-powered and other electricity use would be minimal.
Encourage new projects to provide ample daylight within the structure through the use of lighting shelves, exterior fins, skylights, atriums, courtyards, or other features to enhance natural light penetration.	The project proposes outdoor cannabis cultivation and 3,000 sf of outdoor hoop houses for ancillary nursery activities that would not be dark and color and would use natural light for growing.
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.	The project does not propose new paved parking lots. Portions of the new access road that exceed a 12% slope would be 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.	Portions of the new access road that exceed a 12% slope would be paved. Other portions of the access road would be natural in color.

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

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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 cannabis cultivation in a predominately rural area. 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 one full-time employee and one part-time employee and 6-7 additional seasonal employees. The project would likely draw from the local labor pool and would not require a significant number of employees and therefore would not significantly affect the local area's jobs/housing balance.

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

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

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

The strategies described in the 2017 Scoping Plan are programmatic and intended to be implemented state-wide and industry-wide. They are therefore not applicable at the level of an individual project. However, 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; therefore, impacts would be *less than significant*.

Conclusion

The project would not generate significant operational GHG emissions above existing levels and would not exceed any applicable GHG thresholds, contribute considerably to cumulatively significant GHG emissions, or

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conflict with plans adopted to reduce GHG emissions. Therefore, potential impacts related to GHG emissions would be less than significant.

Mitigation

Mitigation is not necessary.

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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"/>

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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 in an area of known hazardous material contamination and is not on a site listed on the Cortese List (SWRCB 2021; California Department of Toxic Substance Control [DTSC] 2021). Based on the SLOAPCD NOA screening, map, the project is not located in an area with potential for soils containing naturally occurring asbestos (SLOAPCD 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 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 (FHSZs). The project would be located within the State Responsibility Area in a very high FHSZ (CAL FIRE 2021). Based on the County Fire/CAL FIRE referral response letter, it would take approximately 10 to 15 minutes to respond to a call regarding fire or life safety. For more information about fire-related hazards and risk assessment, see Section XX, Wildfire.

Discussion

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

The project proposes the development of a new fenced, 625 sf composting area within Cultivation Area 1 onsite. All green waste produced during cannabis cultivation and ancillary processing activities would be composted within the proposed composting area. The project would utilize an existing 200 sf fertilizer/pesticide storage area for storage of fertilizers, pesticides, etc. onsite. Pesticides would be transported and stored according to regulatory requirements and existing procedures and fertilizers and other commonly used hazardous substances within the project site (e.g., paints, oils, etc.) would be transported, stored, and used according to regulatory requirements and existing procedures for the handling of hazardous materials. Impacts associated with the routine transport of hazardous materials would be *less than significant*.

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

The project does not propose the handling or use of hazardous materials or volatile substances that would result in a significant risk of upset or accidental release conditions. Construction of the proposed project is anticipated to require use of limited quantities of hazardous substances, including gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws for the handling of hazardous materials, including response and clean-up requirements for any minor spills. In addition, Mitigation Measure BIO-8 requires construction vehicle and equipment maintenance to minimize potential for accidental fuel leaks or spills. The project does not propose demolition of any

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buildings, structures, or paved roads that could release asbestos containing material (ACM) or aerially deposited lead (ADL). Therefore, potential impacts would be *less than significant 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 nearest school facility is Santa Margarita Elementary School located approximately 7 miles southwest of the project site. The project site is not located within 0.25 mile of an existing or proposed school; therefore, *no impacts* would occur.

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

Based on a search of the DTSC EnviroStor database, the SWRCB Geotracker database, and the California Environmental Protection Agency (CalEPA) Cortese List website, there are no hazardous waste cleanup sites within the project site (DTSC 2021; SWRCB 2021). Since the proposed project site is not listed on or near a site listed on the Cortese List, *no impact* would occur.

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

The nearest airport to the project site is a private airport located approximately 2.1 miles south. There are no active public or private landing strips within the immediate vicinity of the project; therefore, *no impacts* would occur.

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

The project would be required to implement CAL FIRE recommendations for the as-built road in order to support emergency and other vehicle access. Based on the CAL FIRE referral response letter, the road must provide a minimum edge to edge all-weather driving surface of no less than 24 feet wide, may not exceed a 16% grade, must be paved at all portions exceeding a 12% grade, and must be built to support a minimum of 75,000-pound load capacity. A Registered Civil Engineer shall be required to provide grading plans for the required access road improvements. With implementation of the improvements, there would be adequate emergency access to the project site. Improvements to the as-built agricultural road may temporarily slow access to the project site; however, emergency access would be maintained throughout all construction phases. In addition, emergency access to surrounding areas would be maintained during all construction phases. Therefore, the project would not interfere with an emergency response plan and 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 site is located within a very high fire severity zone. Emergency response time for the project site is between 10 to 15 minutes from CAL FIRE San Luis Obispo County Station 40 located approximately 5 miles southwest of the project site. The project would be designed to comply with applicable CAL FIRE, California Fire Code, and PRC fire safety rules and regulations, 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 and fire hydrant for fire protection. Additionally, the project would be required to

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comply with requirements outlined in the CAL FIRE referral response letter including a comprehensive written technical analysis of all fire suppression system related components by a registered fire protection engineer. The project does not include any design elements that would expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, potential impacts would be *less than significant*.

Conclusion

Any hazardous substances used during project construction or operation would be used, stored, and handled according to applicable state and federal regulatory requirements and existing procedures for the handling of hazardous materials. Mitigation Measure BIO-8 has been included to reduce potential impacts related to construction vehicle and equipment leaks and spills. The project site is not located on a known hazardous materials site, within a quarter mile of a school, or within the immediate vicinity of a landing strip. The project would implement CAL FIRE recommendations for emergency and other vehicle access and to reduce the risk of wildfire. Therefore, impacts related to hazards and hazardous materials would be less than significant.

Mitigation

Implement Mitigation Measure BIO-8.

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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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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:				
(i) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Setting

The RWQCB Water Quality Control Plan for the Central Coast Basin (Basin Plan; RWQCB 2019) describes how the quality of surface water and groundwater in the Central Coast Region should be managed to provide the highest water quality reasonably possible. The 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.

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 0.5 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 Construction General Permit. The Construction General Permit requires the preparation of a SWPPP to minimize on-site sedimentation and erosion. There are several types of projects that are exempt from preparing a SWPPP, including routine maintenance to existing developments, emergency construction activities, and projects exempted by the SWRCB or RWQCB. Projects that disturb less than 1 acre must implement all required elements within the site's erosion and sediment control plan as required by the LUO.

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

A wetland delineation conducted for the project evaluated two drainages (Drainage A and Drainage B). Drainage A is located along the northern portion of the project area, within and adjacent to the proposed driveway and access road improvements and realignment. Drainage B runs through the northern portion of the project area and transects the proposed access road realignment. Drainage A and Drainage B are ephemeral streams and are dry most of the year, and typically flow after precipitation. Drainage A and Drainage B are considered jurisdictional non-wetland waters (Althouse and Meade 2021).

Discussion

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

According to the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) surface waters and wetland mapper, there is riverine habitat that transects the as-built road located 300 feet

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north of Cultivation Site 2 and riverine habitat mapped to the 210 feet south, 100 feet east, and 315 feet west of Cultivation Site 1 (USFWS 2021). The wetland delineation evaluated two drainages (Drainage A and Drainage B). Drainage A is located along the northern portion of the project area, within and adjacent to the proposed driveway and access road improvements and realignment. Drainage B runs through the northern portion of the project area and transects the proposed access road realignment. Drainage A and Drainage B are ephemeral streams and are dry most of the year, and typically flow after precipitation. Drainage A and Drainage B are considered jurisdictional non-wetland waters (Althouse and Meade 2021). Improvements and realignment of the driveway and as-built access road would cross Drainage A and Drainage B and may result in an increase in erosive or polluted runoff during construction activities. In addition, there is a small wetland area located to the east of the proposed driveway and access road improvement and realignment area. Construction activities may result in increased runoff to this feature.

Projects that disturb more than 1 acre of ground or would result in substantial degradation to water quality require the preparation and implementation of a SWPPP under the NPDES (LUO 22.52.130). The proposed project would disturb 4.3 acres of ground which includes 5,300 cy of cut and fill materials. Therefore, the preparation of a SWPPP is required prior to issuance of grading permits and would be implemented during project construction activities. The SWPPP would include BMPs, identification of possible pollutants, and an Erosion and Sedimentation Control Plan. Mitigation Measure BIO-8 identifies BMPs to be implemented during construction activities to reduce potential erosive or polluted runoff from the site. LUO 22.52.120 requires the preparation and approval of an Erosion and Sedimentation Control Plan to minimize potential impacts related to erosion, sedimentation, and siltation. The plan would be prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. In addition, the project would be required to comply with the post-construction stormwater requirements to reduce long-term pollutants from leaving the project site. Compliance with existing regulatory requirements would reduce erosion and sedimentation from project activities.

All potentially hazardous materials used during project operation would be stored, refilled, and dispensed on-site in full compliance with applicable County Department of Environmental Health standards to avoid potential degradation of water quality during project operation. The project would include the use of pesticides and fertilizers on-site. All pesticides would be registered and regulated by federal and state government codes, with the County Agricultural Commissioner being the primary local regulator. Based on required compliance with existing regulations, operation of the project is not anticipated to result in degradation of water quality. Therefore, impacts related to violation of water quality standards would be *less than significant with mitigation*.

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

The project site is located in the Salinas Estrella Water Planning Area (WPA) and the Middle Branch Huero Creek watershed. While portions of the Salinas Estrella WPA are located within the Paso Robles Groundwater Basin, the project site is not located within the Paso Robles Groundwater Basin (County of San Luis Obispo Department of Public Works 2021). The project would be served by an existing onsite well that has been historically used to serve cannabis cultivation activities which consumed approximately 0.71 AFY. Based on a pump test conducted in July 2017, the onsite well produces 6 gallons per minute, which is equal to approximately 9.68 acre-feet per year (AFY). The project would result in one acre of cannabis cultivation as well as ancillary nursery and ancillary processing activities,

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which would create a water demand of 0.99 AFY, 0.28 AFY more than historic water use. The existing well would be more than capable of supporting the estimated annual water demand. Moreover, there is no evidence that previous cannabis activities that consumed 0.71 AFY resulted in a significant impact to offsite wells in the area. In addition, the project does not propose a significant amount of new impervious surfaces or other features that may interfere with groundwater recharge at the project site. Therefore, the project is not anticipated to substantially decrease groundwater supply or interfere with groundwater recharge and impacts would be *less than significant*.

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

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

According to LUO 22.52.130, projects that disturb more than 1 acre of ground or would result in substantial degradation to water quality require the preparation and implementation of a SWPPP under the NPDES. The proposed project would disturb 183,224 square feet (4.2 acres) of ground which includes 5,300 cubic yards of cut and fill materials. Therefore, the preparation of a SWPPP is required prior to issuance of grading permits and would be implemented during project construction activities. The SWPPP would include BMPs, identification of possible pollutants, and an Erosion and Sedimentation Control Plan. Mitigation Measure BIO-8 identifies BMPs to be implemented during project construction to minimize erosion impacts. LUO 22.52.120 requires the preparation and approval of an Erosion and Sedimentation Control Plan to minimize potential impacts related to erosion, sedimentation, and siltation. The plan would be prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Based on required compliance with existing regulations and implementation of Mitigation Measure BIO-8, impacts would be *less than significant with mitigation*.

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

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

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

The project site currently contains impervious surfaces from development associated with previous cannabis cultivation, including a 200-sf pesticide/fertilizer storage area, four 2,500-gallon water storage tanks, a 2,403-sf barn. Implementation of the project would result in the phased development of up to one acre of outdoor cannabis cultivation canopy, 3,000 sf of ancillary outdoor nursery, and other parcel improvements including improvements to the unpaved access road. The access road would be required to be paved in areas with more than a 30 percent slopes; therefore, implementation of road improvements may slightly increase impervious surface area onsite. In addition, improvements and realignment of the access road would require the road to cross Drainage A and Drainage B, which may alter the existing drainage pattern. The project would be subject to post-construction stormwater requirements through preparation and implementation of a SWPPP, which would identify appropriate BMPs to capture and treat runoff before it leaves the site. Preparation of a SWPPP is required prior to issuance of grading permits and would be implemented during project construction activities. The SWPPP would include BMPs, identification of possible pollutants, and an Erosion and Sedimentation Control Plan. Mitigation Measure BIO-8 includes BMPs to reduce erosive and/or polluted runoff that may result from construction activities. LUO 22.52.120 requires the

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preparation and approval of an Erosion and Sedimentation Control Plan to minimize potential impacts related to erosion, sedimentation, and siltation. The plan would be prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. The project site is not located within an identified flood hazard zone and is not anticipated to result in significant flood flows within the project area. 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*.

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

Based on the Safety Element Flood Hazard Map, the project site is not located within a 100-year flood zone or dam inundation area. Based on the San Luis Obispo County Tsunami Inundation Maps, the project site is not located in an area with potential for inundation by a tsunami (County of San Luis Obispo 2019). The project site is not located within close proximity to a standing body of water with the potential for a seiche to occur. Therefore, based on location, the project would not have the potential to release pollutants due to project inundation and *no impacts* would occur.

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

The project would be in compliance with LUO 22.52.120 and LUO 22.52.130 which requires a SWPPP and an Erosion and Sedimentation Control Plan for the proposed project. Mitigation Measure BIO-8 identifies BMPs to reduce erosive and/or polluted runoff during project construction. The project would also be required to comply with post construction stormwater requirements to treat runoff before it leaves the site. Therefore, based on compliance with existing regulations and requirements, the project is not anticipated to result in a substantial increase of erosive or polluted runoff during project construction or operation. As described in (b) above, the project would not conflict with a sustainable groundwater management plan because it is not within the Paso Robles Groundwater Basin or the Paso Robles Groundwater Sustainability Plan area. Therefore, the project would not conflict with a water quality control plan or sustainable groundwater management plan and impacts would be *less than significant with mitigation*.

Conclusion

The project would be in compliance with LUO 22.52.120 and LUO 22.52.130 which requires a SWPPP and an Erosion and Sedimentation Control Plan for the proposed project. Mitigation Measure BIO-8 includes BMPs to be implemented during project construction to reduce potential erosive or polluted runoff from the site. The project would also be required to comply with post construction stormwater requirements to treat runoff before it leaves the site. Therefore, based on compliance with existing regulations and requirements, the project is not anticipated to result in a substantial increase of erosive or polluted runoff during project construction or operation. In addition, the project would not conflict with a sustainable groundwater management plan because it would be provided water by a private, on-site well. The project is not located in an area that would be at risk of project inundation. Therefore, potential impacts related to hydrology and water quality would be less than significant.

Mitigation

Implement Mitigation Measure BIO-8.

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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 type="checkbox"/>	<input checked="" 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 within which they are located. The project parcel and surrounding properties are all within the Rural Lands land use designation and are comprised of scattered rural residential units and other rural land uses.

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 Las Pilitas subarea of the North County Planning Area.

Discussion

(a) *Physically divide an established community?*

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

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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 *no impacts would occur*.

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

The 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 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 CAP, 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 Department of Public Works.

The project would be required to implement measures to mitigate potential impacts associated with Agricultural Resources, Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, and Utilities and Service Systems; 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 not physically divide an established community. Potential impacts related to land use and planning would be less than significant with mitigation measures associated with Agricultural Resources, Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, and Utilities and Service Systems.

Mitigation

Implement mitigation measures described in Air Quality, Biological Resources, Geology and Soils, , Hazards and Hazardous Materials, Hydrology and Water Quality, and Utilities and Service Systems.

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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 (MRZs) 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 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.

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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?*
- (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?*

Based on the CGS Information Warehouse for Mineral Land Classification, the project site is located within an area that has been evaluated for mineral resources and is not in close proximity to an active mine (DOC 2021). 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 and the project would not result in the potential loss of known mineral resources; therefore, *no impacts would occur.*

Conclusion

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

Mitigation

No mitigation is necessary.

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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 policies of the Noise Element are numerical noise standards that limit noise exposure within noise-sensitive land uses and performance standards for new commercial and industrial uses that might adversely impact noise-sensitive land uses.

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

- Residential development, except temporary dwellings
- Schools (preschool to secondary, college and university, 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

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- Outdoor sports and recreation
- Offices

All sound levels referred to in the Noise Element are expressed in A-weighted decibels (dBA). A-weighting deemphasizes 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 4. Maximum Allowable Exterior Noise Level Standards¹

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

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

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

Discussion

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

The project site is located in a rural area approximately 6 miles northeast of the community of Santa Margarita. Ambient noise in the vicinity of the project is predominantly comprised of traffic-related noise along Calf Canyon Highway and existing commercial barn uses onsite. Project operation would consist of on-site cannabis cultivation and harvesting, ancillary nursery, and commercial processing. Operational noise from the project includes employee vehicle trips to and from the project site and occasional delivery trips. The nearest off-site sensitive receptor location is an agricultural residence located 1,029 feet southwest of the cannabis activities (293 feet from the property line). Based on distance, noise produced from the project site would not be detectable from the nearest sensitive receptor location. The project does not propose features that would significantly increase ambient noise levels in the vicinity of the project and the project would be consistent with current ambient noise in the area; therefore, impacts would be *less than significant*.

Construction includes 4.2 acres of disturbance including 5,300 cy of earthwork. Work would be conducted during daylight hours in compliance with the County's Inland LUO (22.10.120). The nearest sensitive receptor location is located 1,029 feet southwest of the proposed cannabis activities (293 feet from the property line) and would not be exposed to a significant increase in noise as a result of construction activity.

The project proposes the use of an odor management system for the proposed ancillary processing building that would be permanent sources of stationary noise. Noise associated with the use of odor mitigation equipment would be expected to generate noise levels of approximately 70 dBA at distance of 5 feet from the source (BMA, Inc. 2021). All noise generating equipment will be located entirely within buildings located in the center portion of the project site. Noise attenuates (diminishes) at a rate of 6 dB per doubling of distance (OSHA Technical Manual, Section III, Chapter 5). As proposed,

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the processing building is located approximately 465 feet from the nearest property line (to the south), which would result in noise generation of approximately 31 dBA. Therefore, operational noise will be below County standards and impacts would be *less than significant*.

Due to the distance from the nearest sensitive receptor location, temporary nature of construction activities, and compliance with the County's LUO, the construction phases of the project would not generate noise levels in exceedance of applicable County standards; therefore, impacts would be *less than significant*.

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

Operational noise generated by the project would include vehicle trips to and from the site and occasionally delivery trips along with odor controls on the processing building. Operation of the project does not include any components or features that could significantly increase groundborne noise.

Groundborne noise is typically generated from high-impact equipment and substantial grading activities during construction. The project does not include pile-driving or other high impact equipment that could significantly increase groundborne noise levels within the vicinity of the project. Construction includes 4.2 acres of disturbance including 5,300 cy of earthwork. Although the project includes a large amount of proposed earthwork, the nearest sensitive receptor location is located approximately 1,029 feet southwest of the cannabis activities (293 feet from the property line) and would not be exposed to a noticeable increase in groundborne noise as a result of construction activity. Further, construction activity would occur during daylight hours in compliance with the County's LUO (22.10.120). Due to the compliance with the LUO and distance from the nearest sensitive receptor impacts related to groundborne noise would be *less than significant*.

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

The nearest airport is a private airport located 2.1 miles south of the project site. The project site is not located within an Airport Land Use Plan, an Airport Review designation or adjacent to a private airstrip; therefore, *no impacts would occur*.

Conclusion

Operational noise is not anticipated to significantly contribute to the existing ambient noise environment. Construction related noise would be fully compliant with the County's inland LUO for allowable construction hours and would be temporary in nature. Additionally, the project is located beyond 1,000 feet of the nearest sensitive receptor location and is not anticipated to result in adverse operational or construction noise that could disturb the nearest sensitive receptor location. The project is located outside of an Airport Land Use Plan and Airport Review Area and would not expose project occupants to significant noise from airport activities. Therefore, potential noise impacts would be less than significant, and no mitigation measures are necessary.

Mitigation

Mitigation is not necessary.

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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 type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The Housing Element of the County of San Luis Obispo General Plan 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 cultivation and ancillary nursery and commercial processing activities within a rural area approximately 6 miles northeast of the community of Santa Margarita. The project would employ one full-time and one part-time employee and 6-7 additional part-time/temporary employees during the 6-day harvest season in October. 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. Based on the general scope and scale of the proposed activities, the project would not directly or indirectly induce substantial population growth in the area. Therefore, impacts associated with substantial unplanned population growth would be *less than significant*.

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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, *no impacts would occur.*

Conclusion

Based on the scope and limited size of the project, implementation of the project would not induce substantial population growth. Additionally, the project would not require the construction of new housing and would not displace existing people and housing. Therefore, impacts related to population and housing would be less than significant, and no mitigation would be required.

Mitigation

No mitigation is necessary.

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XV. PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<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 nearest station to the project site would be CAL FIRE station #40, located approximately 5 miles southwest of the project site just outside of the community of Santa Margarita. According to the CAL FIRE referral Response letter, emergency response times to the project range from 10 to 15 minutes.

Police protection and emergency services in the unincorporated portions of the county are provided by the San Luis Obispo County Sheriff's Office. The Sheriff's Office Patrol Division responds to calls for service, conducts proactive law enforcement activities, and performs initial investigations of crimes. Patrol personnel are deployed from three stations throughout the county: Coast Station in Los Osos, North Station in Templeton, and South Station in Oceano. The project would be served by the County Sheriff's Office, and the nearest sheriff station is located approximately 14 miles northwest of the project site in the community of Templeton.

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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 Atascadero Unified School District.

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

Public facilities fees, Quimby fees, and developer conditions are several ways the County currently funds public services. A public facility fee program (i.e., development impact fee program) has been adopted to address impacts related to public facilities (county) and schools (CGC Section 65995 et seq.). The fee amounts are assessed annually by the County based on the type of proposed development and the development's proportional impact and are collected at the time of building permit issuance. Public facility fees are used as needed to finance the construction of and/or improvements to public facilities required to 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 Public Resources Code (PRC), which include designing the extension and improvement of the existing access road to accommodate emergency vehicle access. The County Fire Department/CAL FIRE has provided a referral response letter for the project that details required recommendations to be completed prior to final inspection/operation of the project. Recommendations include improvements to the existing as-built agricultural access road, water storage, fire pumps and hydrants, alarms and detection, occupancy classification, emergency gate access, proper addressing, and the potential need for a fire sprinkler system. A Registered Fire Protection Engineer (F.P.E.) would be required to provide a written technical analysis of fire suppression system components to CAL FIRE prior to building permit applications. With implementation of the CAL FIRE recommendations, the project would not create a significant new demand for fire services. Therefore, impacts would be *less than significant*. Additional information regarding wildfire hazard impacts is discussed in Section XX, Wildfire.

Police protection?

The applicant has prepared a security plan subject to the review and approval by the County Sheriff's Office. The Security Plan include plans include fencing, security cameras, and alarm systems 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 recommendations or requirements provided by the County Sheriff's Office. With implementation of these security measures, the project would not result in a substantial new demand for police services. Therefore, impacts related to police services would be *less than significant*.

Schools?

As discussed in Section XIV, Population and Housing, the project would not induce substantial population growth and would not result in the need for additional school services or facilities. In

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addition, the project would be subject to school impact fees, pursuant to California Education Code Section 17620, to help fund construction or reconstruction of school facilities. Therefore, impacts would be *less than significant*.

Parks?

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

Other public facilities?

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

Conclusion

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

Mitigation

Mitigation is not necessary.

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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 type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The Parks and Recreation Element of the County of San Luis Obispo General Plan establishes goals, policies, and implementation measures for the management, renovation, and expansion of existing 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 Parks and Recreation Element.

The County Bikeways Plan identifies and prioritizes bikeway facilities throughout the unincorporated area of the county, including bikeways, parking, connections with public transportation, educational programs, and funding (County of San Luis Obispo 2016). 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 cultivation and ancillary nursery and commercial processing activities within a rural area approximately 6 miles northeast of the community of Santa Margarita. The project would employ one full-time and one part-time employee and 6-7 additional part-time/temporary employees during the 6-day harvest season in October. Workers would likely be sourced from the local labor pool and would not result in increased demand on existing or planned recreational facilities

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in the County. The project is not proposed in a location that would affect any existing trail, park, recreational facility, coastal access, and/or natural area. The project would not induce population growth or create a significant need for additional park or recreational facilities; therefore, potential impacts would be *less than significant*.

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

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

Conclusion

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

Mitigation

Mitigation is not necessary.

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

In 2013 SB 743 was signed into law with the intent to “more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions” and required the Governor’s Office of Planning and Research (OPR) to identify new metrics for identifying and mitigating transportation impacts within CEQA. As a result, in December 2018, the California Natural Resources Agency certified and adopted updates to the State CEQA Guidelines. The revisions included new requirements related to the implementation of SB 743 and identified VMT per capita, VMT per employee, and net VMT as new metrics for transportation analysis under CEQA (as detailed in Section 15064.3[b]). Beginning July 1, 2020, the newly adopted VMT criteria for determining significance of transportation impacts must be implemented statewide.

The County’s Framework for Planning (Inland), includes the Land Use and Circulation Elements of the County of San Luis Obispo General Plan. The framework establishes goals and strategies to meet pedestrian circulation needs by providing usable and attractive sidewalks, pathways, and trails to establish maximum

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access and connectivity between land use designations. Due to the remote location of the project site, there are no pedestrian, bicycle, or public transit facilities within 5 miles of the project site.

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.

Discussion

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

The project site is located in a rural area approximately 6 miles northeast of the community of Santa Margarita. Due to its rural location, the project site is not located near transit, bicycle, or pedestrian facilities and would not be applicable to mixed-use development, expanded bicycle and pedestrian facilities, or other VMT-reduction strategies. The project site is accessed from SR 58 (Calf Canyon Highway). The project would employ one full-time and one part-time employee and six to seven additional seasonal employees. Hours of operation are from 8:00 a.m. to 6:00 p.m. six days a week. Previous cannabis operations onsite generated two round trips per day and implementation of the project is anticipated to generate an additional four commercial deliveries per year for soil and farm supplies. Implementation of the project would not generate a substantial amount of new vehicle trips, which is consistent with applicable circulation plans. Therefore, the project would be consistent with applicable plans and programs and impacts would be *less than significant*.

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

The project would employ one full-time employee and one part-time employee, with six to seven additional temporary employees during the 6-day harvest season. The Technical Advisory on Evaluating Transportation Impacts in CEQA (OPR 2018) states that projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact. Based on the limited number of employees and occasional delivery trips required for the project, the project would generate a limited amount of VMT and would not exceed the 110 trip per day threshold. 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 primary access point to the site is an existing as-built agricultural road (permitted under PMTG2017-01444). A new driveway approach is proposed during Phase 1 project activities, located to the east of the existing driveway. The new access location would be compliant with the Caltrans minimum stopping sight distance requirements. Further, improvements to the access driveway are designed to meet Caltrans access design requirements. The CAL FIRE referral response identifies the necessary improvements for the agricultural road in order to provide safe access for emergency and other vehicles. The road must provide a minimum edge to edge all-weather driving surface of no less than 24 feet wide, may not exceed a 16% grade, must be paved at all portions exceeding a 12% grade, and must be built to support a minimum of 75,000-pound load capacity. A Registered Civil Engineer shall be required to provide grading plans for the required access road improvements. Potential

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hazards associated with the as-built road would be minimized with implementation of the CAL FIRE and Caltrans requirements. Therefore, impacts would be *less than significant*.

(d) *Result in inadequate emergency access?*

The project would be required to implement CAL FIRE recommendations for the as-built road in order to support emergency and other vehicle access. Based on the CAL FIRE referral response letter, the road must provide a minimum edge to edge all-weather driving surface of no less than 24 feet wide, may not exceed a 16% grade, must be paved at all portions exceeding a 12% grade, and must be built to support a minimum of 75,000-pound load capacity. A Registered Civil Engineer shall be required to provide grading plans for the required access road improvements. With implementation of the improvements, there would be adequate emergency access to the project site. Improvements to the as-built agricultural road may temporarily slow access to the project site; however, emergency access would be maintained throughout all construction phases. In addition, emergency access to surrounding areas would be maintained during all construction phases. Therefore, the project would not result in inadequate emergency access and impacts would be *less than significant*.

Conclusion

The project would generate a negligible number of trips to and from the project site from employees, deliveries, and limited commercial operations. The project would result in a minimal increase of VMT. The as-built road would be required to implement CAL FIRE recommendations to reduce potential hazards and allow for adequate emergency access. With implementation of CAL FIRE recommendations, impacts related to traffic and transportation would be less than significant and no mitigation would be required.

Mitigation

Mitigation is not necessary.

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XVIII. TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<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:
 - a. Included or determined to be eligible for inclusion in the CRHR; or
 - b. Included in a local register of historical resources as defined in California PRC Section 5020.1(k).
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth 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 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 has been conducted to four Native American tribes: Northern Salinan, Xolon Salinan, yak titvu titvu yak tihini 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)?*
 - (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.*

In accordance with AB 52 Cultural Resources requirements, outreach has been conducted to four Native American tribes: Northern Salinan, Xolon Salinan, yak titvu titvu yak tihini Northern Chumash, and Northern Chumash Tribal Council. In October 2018, the Northern Chumash Tribal Council requested to see the Record Search for the project area.

Based on the records search and surface survey conducted by Heritage Discoveries Inc. there are no known tribal cultural archaeological resources within or adjacent to the project area. The project would require 183,224 sf of ground disturbance including 5,300 cy of cut and fill activity on moderate slopes. Earthwork would be conducted in both previously disturbed and undisturbed areas. Based on the negative records search and field survey, project activities are not anticipated to uncover any known or unknown tribal cultural resources. In the unlikely event that any resources are uncovered during earthwork, construction activities shall cease in the vicinity of the find, and the County Department of Planning and Building 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 (LUO 22.10.040). This protocol would ensure full compliance with Health and Safety Code Section 7050.5. Therefore, impacts related to a substantial adverse change in the significance of archaeological resources would be *less than significant*.

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Conclusion

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

Mitigation

No mitigation is necessary.

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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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 County 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 County 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

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coverage under the SWRCB’s Construction General Permit. PG&E is the primary electricity provider and both PG&E and SoCalGas provide natural gas services for urban and rural communities within the county.

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 nearest landfill to the project site is the Chicago Grade Landfill.

Discussion

- (a) *Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

The project includes installation of a septic system, relocation of existing solar panels onsite, and may require expansion of existing irrigation, electric, or other utility lines. Any new utilities would be placed within previously disturbed areas onsite. Additionally, the project includes improvements to the existing as-built agricultural access road, which would be paved in areas with more than 12% slopes as recommended by CAL FIRE. Mitigation Measures AQ-1 and BIO-1 through BIO-10 have been recommended to mitigate potential environmental effects from project activities. With Implementation of the identified mitigation measures, impacts related to the expansion and relocation of utility infrastructure would be *less than significant with mitigation*.

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

The project site is located in the Salinas Estrella Water Planning Area (WPA) and the Middle Branch Huero Creek watershed. While portions of the Salinas Estrella WPA are located within the Paso Robles Groundwater Basin, the project site is not located within the Paso Robles Groundwater Basin (County of San Luis Obispo Department of Public Works 2021). The project would be served by an existing onsite well that has been historically used to serve cannabis cultivation activities. Based on a pump test conducted in July 2017, the onsite well produces 6 gallons per minute, which is equal to 9.68 acre-feet per year (AFY). The project would result in one acre of cannabis cultivation and ancillary nursery and commercial processing activities. **Table 5** below identifies the annual water estimate of the project.

Table 5. Estimate of Annual Water Demand¹

Period	Plant Count (approx.)	Rate (gallons/day/plant)	Gross Demand (AFY)
Week 0-8	445	0.5	0.04
Week 8-16	445	2.0	0.15
Week 16-24	445	8.0	0.61
Week 24-28	445	5.0	0.19
		Total	0.99

1. Annual estimate provided by the applicant based on historic water use

The previous cultivation activities onsite (2018-2020) included approximately 320 plants and resulted in a water demand of 0.71 AFY. The proposed water demand would be approximately 0.28 AFY more

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than historic conditions. The existing well would be more than capable of supporting the estimated annual water demand. Therefore, the project is not anticipated to substantially decrease groundwater resources or interfere with any groundwater management plans and impacts would be *less than significant*.

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

The project does not require connection to a community wastewater service provider; therefore, *no impacts would occur*.

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

Green waste, including dead and/or stripped flowers and plants and soils, would be composted onsite within a defined 25-foot by 25-foot fenced composting area located in cultivation area 1. Solid waste (non-green waste) would be disposed of at the Chicago Grade Landfill. The Chicago Grade Landfill has the permitted capacity of 10,548,980 cy and the remaining capacity of 4,435,887 cy and is expected to close in 2039 (California Department of Resources Recycling and Recovery [CalRecycle] 2019). The Chicago Grade Landfill has enough permitted capacity to support the minimal solid waste generated by the project; therefore, impacts would be *less than significant*.

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

Based on the size and scope of proposed project activities, the project would not result in a substantial increase in waste generation during project 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

Relocation and expansion of utility infrastructure would be required to implement Mitigation Measures AQ-1 and BIO-1 through BIO-10 in order to avoid or minimize potential environmental impacts. The project would have enough water to support proposed activities. The project does not require connection to a community wastewater provider and would comply with existing solid waste regulations. Therefore, with implementation of the identified mitigation measures, impacts would be less than significant.

Mitigation

Implement Mitigation Measures AQ-1 and BIO-1 through BIO-10.

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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. FHSZs are defined by CAL FIRE based on the presence of fire-prone vegetation, climate, topography, assets at risk (e.g., high population centers), and a fire protection agency’s ability to provide service to the area (CAL FIRE 2007). FHSZs throughout the county have been designated as “Very High,” “High,” or “Moderate.” In San Luis Obispo County, most of the area that has been designated as a “Very High Fire Hazard Severity Zone” is located in the Santa Lucia Mountains, which extend parallel to the coast along the entire length of San Luis Obispo County. The project would be located within the State Responsibility Area in a very high FHSZ. Based on County Fire/CAL FIRE’s referral response letter, the nearest CAL FIRE/County Fire Station is Station 40 – Parkhill, located approximately 5 miles southwest. The emergency response time to the site is approximately 10 to 15 minutes.

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

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

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

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

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

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

Discussion

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

The primary access point to the site is an existing as-built agricultural road (permitted under PMTG2017-01444). The proposed project includes utilizing the agricultural road to provide vehicular access for commercial operations. The CAL FIRE referral response identifies necessary improvements for the agricultural road in order to provide safe access for emergency and other vehicles. The road must provide a minimum edge to edge all-weather driving surface of no less than 24 feet wide, may not exceed a 16% grade, must be paved at all portions exceeding a 12% grade, and must be built to support a minimum of 75,000-pound load capacity. A Registered Civil Engineer shall be required to provide grading plans for the required access road improvements.

Implementation of the project may require temporary traffic controls; however, the project would not require full closure of any public roads that could impede emergency access to surrounding areas. Improvements to the as-built agricultural road may temporarily slow access to the project site; however, emergency access would be maintained throughout all construction phases. Therefore, the

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project would not substantially impair an adopted emergency response plan or emergency evacuation plan and impacts would be *less than significant*.

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

The project site is located in a very high FHSZ approximately 6 miles northeast of the community of Santa Margarita. The average wind speed for Santa Margarita, California is between 6.6 mph and 8.7 miles per hour (mph) year-round (WeatherSpark 2021). Topography at the site is moderately sloping. Due to the project's location on a moderately sloping property in a very high FHSZ, there is potential to expose project occupants to wildfire risks. The project would be designed according to the California Fire Code (San Luis Obispo County Code Title 16) and other CBC and Public Resources Code (PRC) building requirements. Further, the project would be required to comply with recommendations outlined in the referral response letter from CAL FIRE. Recommendations include improvements to the existing as-built agricultural access road, water storage, fire pumps and hydrants, alarms and detection, occupancy classification, emergency gate access, proper addressing, and the potential need for a fire sprinkler system. A Registered Fire Protection Engineer (F.P.E.) would be required to provide a written technical analysis of fire suppression system components to CAL FIRE prior to building permit applications for conversion of the barn. Based on existing fire prevention requirements and required compliance with CAL FIRE recommendations, potential wildfire risks would be minimized, and 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 includes installation of a septic system, relocation of existing solar panels onsite, and may require expansion of existing irrigation, electric, or other utility lines. Additionally, the project includes improvements to the existing as-built agricultural access road, which would be paved in area with more than 12% slopes as recommended by CAL FIRE. The road and any expanded or new utility infrastructure would be built and installed in compliance with the California Fire Code (San Luis Obispo County Code Title 16) and other CBC and Public Resources Code (PRC) building requirements. Further, CAL FIRE recommendations, including improvements to the existing as-built agricultural access road, water storage, fire pumps and hydrants, alarms and detection, occupancy classification, emergency gate access, proper addressing, and the potential need for a fire sprinkler system, would ensure implementation of the project does not further exacerbate wildfire risk. Therefore, impacts would be *less than significant*.

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

The project site is located on a moderately sloping property with a moderate risk for landslide and very low potential for flooding. The project does not include any design elements that would expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. All buildings, structures, and infrastructure would be built and/or renovated according to the CBC and other applicable County engineering practices to avoid or minimize potential risk. Therefore, potential impacts would be *less than significant*.

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Conclusion

The project would be built according to California Fire Code, CBC, PRC, CAL FIRE and other County requirements to avoid or minimize risk associated with wildfire. Therefore, impacts would be less than significant, and no mitigation would be required.

Mitigation

Mitigation is not necessary.

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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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

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

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

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- (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." State CEQA Guidelines Section 15355 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 6 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 (August 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 5 shows the project site along with other approved and proposed cannabis project sites within 5 miles of the proposed project site, including approved and proposed cannabis cultivation areas; nurseries; processing, testing, or manufacturing facilities; and dispensaries.

Table 6. Summary of Cannabis Facility Applications for Unincorporated San Luis Obispo County¹

Proposed Cannabis Activity Type	Total Number of Proposed Cannabis Activities ^{1,2}	Total Proposed Canopy (acres)	Approved Activities
Indoor Cultivation and Indoor Nursery	115	89	10
Outdoor Cultivation		241	
Nursery	43	--	3
Processing	9	-	-
Manufacturing	25	-	6
Non-Storefront Dispensary	30	-	6
Commercial Distribution	7	-	0
Commercial Transport	4	-	0
Testing Laboratory	1	-	1
Total	234	330	36

1. As of August 2021.

1. Total number of all cannabis activities for which an application has been submitted to the County to date. A

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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:

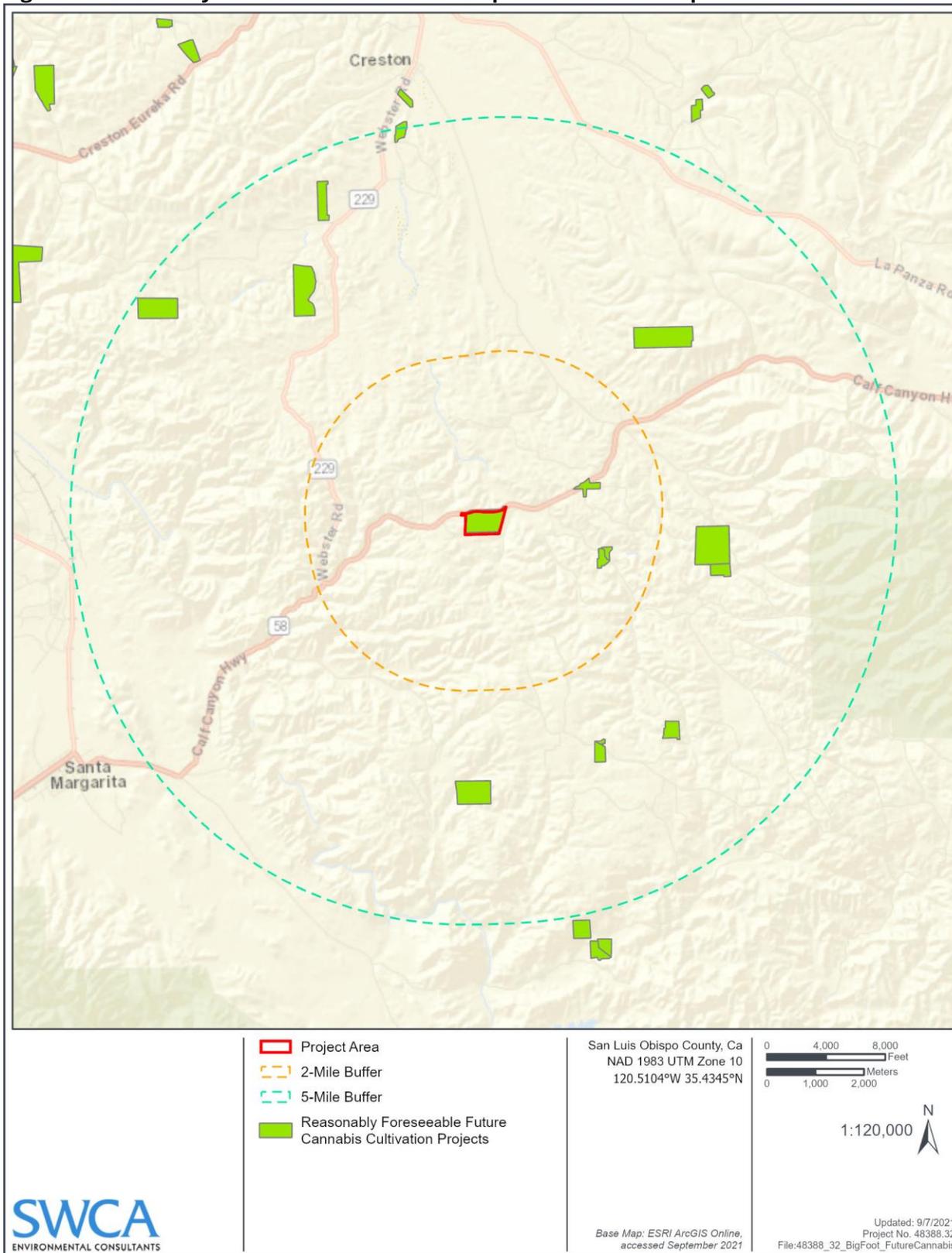
All 115 applications for cultivation sites would be approved and developed;

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 1 full-time employees;*
- e. A total of 12 average daily motor vehicle trips; and*
- f. All sites would be served by a well and septic leach field.*

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Figure 5. Reasonably Foreseeable Future Development Scenario Map.



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Aesthetics

The project is located in a rural area near the community of Santa Margarita, California. The project site is located on two legal parcels that make up an 88.49-acre project area. Existing onsite structures include eight 9-foot by 18-foot parking spaces, a 200-sf pesticide/fertilizer storage area, four 2,500-gallon water storage tanks, and an existing 2,403 sf barn associated with previous cannabis cultivation operations onsite. In addition, an access driveway was previously constructed onsite. Previous cannabis cultivation operations ended in 2020 and the site is currently unused. Natural features on the site include a documented blue line creek, slight to moderately sloping topography, and generally consists of native and non-native grassland, shrubs, and trees.

Project specific impacts would be less than significant and with mitigation to be applied through the discretionary review of surrounding proposed cannabis projects, the impacts to aesthetic and visual resources of this project, when considered with the potential impacts of other reasonably foreseeable development in the area, would be less than cumulatively considerable.

Agriculture and Forestry Resources

The project site is not subject to a Williamson Act contract and is not within the agricultural or forest land use designations. The project site is not underlain by soils that are State designated or locally designated as Prime Farmland. The project would not result in potentially significant impacts associated with the conversion of farmland or timberland to non-agricultural uses or non-forest uses and would not conflict with agricultural zoning. Mitigation Measures BIO-6 and BIO-7 would ensure the project does not contribute to a loss of trees. Therefore, project specific impacts to agricultural and forest resources would be less than significant. When considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the project's potential impacts to agriculture and forestry resources is considered less than cumulatively considerable.

Air Quality

The analysis provided in Section III, Air Quality, concludes that construction activities may exceed SLOAPCD thresholds for fugitive dust emission. Project operation would not exceed SLOAPCD thresholds for criteria pollutant emissions. Mitigation Measure AQ-1 has been included to reduce the project's incremental impacts on air quality.

The project is one of 115 land use permit applications for cannabis cultivation activities located within the county. All proposed cannabis cultivation operations located within the county would require discretionary approval and would be evaluated for their potential to result in potentially significant environmental effects, including potential impacts to air quality. These proposed cannabis cultivation projects would undergo evaluation for their potential to exceed applicable SLOAPCD thresholds and result in potentially cumulatively considerable contribution to the county's non-attainment status for ozone and/or fugitive dust. Proposed projects with the potential to exceed SLOAPCD thresholds would be subject to standard SLOAPCD mitigation measures to reduce potential air pollutant emissions to a less-than-significant level. These measures would also be applied to projects located within close proximity to sensitive receptor locations.

The project site is in an area with no other reasonably foreseeable future cannabis cultivation project within 2 miles (as of August 2021). 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

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on the rural nature of the project area and distance of surrounding receptors. All proposed cannabis development projects in the project vicinity would be required to comply with County LUO cannabis odor control requirements, including preparation of an odor control plan, minimum setback distances, and installation of sufficient ventilation controls on structures to prevent odors from being detected off-site.

Based on the project's less-than-significant impacts on air quality, 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 Mitigation Measures BIO-1 through BIO-10 identified in Section IV, Biological Resources, project impacts to biological resources would be less than significant.

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

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

Geology and Soils

As discussed in Section VII, Geology and Soils, all new grading and construction will be subject to compliance with relevant provisions of the CBC and County engineering standards to reduce risk of loss, injury, or death in the event of seismic activity or related ground failure. In addition, the project would be required to comply with existing County regulations regarding sedimentation and erosion control measures that would reduce potential impacts from increased sedimentation and erosion. In addition, Mitigation Measure BIO-8 would further reduce potential impacts related to erosion and sedimentation. The project would not result in disturbance to paleontological resources. Therefore, when considered with the potential impacts of other reasonably foreseeable development in the area, project impacts associated with biological resources would be less than cumulatively considerable.

Greenhouse Gas Emissions

The analysis provided in Section VIII, Greenhouse Gas Emissions, concludes that project construction and operation activities will not exceed the temporary GHG emissions thresholds. Accordingly, the project will be consistent with applicable GHG reduction goals and will have impacts to GHG emissions that are less than significant and less than cumulatively considerable.

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Hazards and Hazardous Materials

As discussed in Section IX, the project would not result in the use of hazardous materials that would result in significant upset if accidentally released. Mitigation Measure BIO-8 would further minimize potential impacts related to construction equipment and vehicle leaks and spills. The project site is not located on a known hazardous materials site, within one quarter mile of a school, nor is it within the immediate vicinity of a landing strip. The project would implement CAL FIRE recommendations allow for emergency and other vehicle access and to reduce the risk of wildfire. Therefore, project-specific impacts related to hazards and hazardous materials would be less than significant and are considered less than cumulatively considerable.

Hydrology and Water Quality

As discussed in Section X, Hydrology and Water Quality, project construction and operation would result in an increase of erosive and polluted runoff that would be minimized by implementation of Mitigation Measure BIO-8 and other State and local regulations. The project would be provided water by an onsite, private well and would not interfere with groundwater management. With implementation of necessary mitigation measures, impacts would be less than significant.

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

Transportation

As discussed in Section XVII, the project would not increase vehicle trips to the project site during peak traffic hours and would have adequate emergency access. Therefore, the project's potential impacts associated with these thresholds would be less than significant. The proposed project is not expected to significantly increase VMT.

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 as a whole 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. Moreover, each project will be required to mitigate the project-specific impacts to the transportation network through standardized public facilities fees and other mitigation measures, based on the potential impacts. Such mitigation may include, but is not limited to, the installation of roadway and intersection improvements necessary to serve the project. Therefore, based on the size and scope of the proposed project, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the

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unincorporated county, the contribution of the subject project to roadway impacts would be less than cumulatively considerable.

Other Impact Issue Areas

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

- Cultural Resources;
- Energy;
- Land Use Planning;
- Mineral Resources;
- Noise;
- Population and Housing;
- Public Services;
- 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 Measure AQ-1 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

Implement Mitigation Measures AQ-1 and BIO-1 through BIO-10.

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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	Attached
<input checked="" type="checkbox"/>	County Environmental Health Services	Attached
<input type="checkbox"/>	County Agricultural Commissioner's Office	Not Applicable
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input type="checkbox"/>	Air Pollution Control District	Not Applicable
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Wildlife	None
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	Attached
<input checked="" type="checkbox"/>	CA Department of Transportation	None
<input type="checkbox"/>	Community Services District	Not Applicable
<input checked="" type="checkbox"/>	Other County of San Luis Obispo Planning and Building	Attached
<input checked="" type="checkbox"/>	Other Creston Advisory Board	Not Applicable

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

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

- | | |
|---|---|
| <input checked="" type="checkbox"/> Project File for the Subject Application | <input type="checkbox"/> Design Plan |
| <u>County Documents</u> | <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: | <u>Other Documents</u> |
| <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 checked="" 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/Las Pilitas Sub Area | |

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Exhibit B – Other Agency Approvals That May Be Required

California Department of Food and Agriculture, CalCannabis Cultivation Licensing Division

C DFA 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 C DFA.

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

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

Section 8102 – Annual State License Application Requirements

- (p) For all cultivator license types except Processor, evidence of enrollment in an order or waiver of waste discharge requirements with the State Water Resources Control Board or the appropriate Regional Water Quality Control Board. Acceptable documentation for evidence of enrollment can be a Notice of Applicability letter. Acceptable documentation for a Processor that enrollment is not necessary can be a Notice of Non-Applicability;
- (q) Evidence that the applicant has conducted a hazardous materials record search of the EnviroStor database for the proposed premises. If hazardous sites were encountered, the applicant shall provide documentation of protocols implemented to protect employee health and safety;
- (s) For indoor and mixed-light license types, the application shall identify all power sources for cultivation activities, including but not limited to, illumination, heating, cooling, and ventilation;
- (v) Identification of all of the following applicable water sources used for cultivation activities and the applicable supplemental information for each source pursuant to section 8107;
- (w) A copy of any final lake or streambed alteration agreement issued by the California Department of Fish and Wildlife, pursuant to sections 1602 or 1617 of the Fish and Game Code, or written verification from the California Department of Fish and Wildlife that a lake and streambed alteration agreement is not required;
- (dd) If applicable, the applicant shall provide evidence that the proposed premises is not located in whole or in part in a watershed or other geographic area that the State Water Resources Control Board or the Department of Fish and Wildlife has determined to be significantly adversely impacted by cannabis cultivation pursuant to section 8216.

Section 8106 – Cultivation Plan Requirements

- (a) The cultivation plan for each Specialty Cottage, Specialty, Small, and Medium licenses shall include all of the following:
 - (3) A pest management plan.

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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 federal and state governments, as described below.

Federal Endangered Species Act

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

State Water Resources Control Board

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

California Department of Fish and Wildlife

Lake or Streambed Alteration

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

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

California Endangered Species Act

The California Endangered Species Act (CESA) ensures legal protection for plants listed as rare or endangered, and wildlife species formally listed as endangered or threatened. The state also maintains a list of California Species of Special Concern (SSC). SSC status is assigned to species that have limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. Under state law, CDFW is empowered to review projects for their potential to impact special-status species and their habitats. Under the CESA, CDFW reserves the right to request the replacement of lost habitat that is considered important to the continued existence of CESA protected species.

Initial Study – Environmental Checklist

Exhibit C - Mitigation Summary

The applicant has agreed to incorporate the measures identified in this document 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. These measures are detailed in the Developer's Statement attached below.

**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM
FOR BIG FOOT, LLC CONDITIONAL USE PERMIT
(DRC2018-00234) ED21-184**

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, are 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. The following measures shall be implemented to minimize nuisance impacts and to significantly reduce fugitive dust emissions.

- a. Reduce the amount of the disturbed area where possible;
- b. Use of 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 mph. Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stock pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;

- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code (CVC) Section 23114;
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
- l. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
- m. 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. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

Monitoring: Measures shall be included on all project plans prior to issuance of grading or construction permits. All measures shall be implemented at appropriate times during construction activities. Compliance will be verified by the County Department of Planning and Building and SLOAPCD.

Biological Resources (BIO)

BIO-1 Preconstruction Surveys for Special Status Reptiles. Within 30 days prior to issuance of grading and/or construction permits and immediately prior to initiation of site disturbance and/or construction, a qualified biologist shall conduct focused pre-construction surveys within 50 feet of suitable habitat for special status reptiles and amphibians. The surveys will be focused for Northern California legless lizard, Coast horned lizard, and California glossy snake, by utilizing a raking survey methodology. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing the survey. Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special status reptiles and/or amphibian individuals are found in the area of disturbance, the biologist shall move the animal(s) to an appropriate location outside the area of disturbance. Any sightings of special status species shall be documented and reported to the County, CDFW Staff, and the CNDDDB. The candidate site(s) for relocation shall be identified before construction and shall be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the species' range. A monitoring report summarizing results shall be submitted to the County Department of Planning and Building within one week of completing monitoring work for these species. If any additional ground- or vegetation-disturbing activities occur on the project site, the

above surveys and monitoring shall be repeated.

BIO-2 Preconstruction Surveys for Special-Status Amphibians. Prior to issuance of grading and/or construction permits and immediately prior to initiation of site disturbance and/or construction activities, a County-approved biologist shall conduct surveys for western spadefoot toad. The County-approved biologist shall survey areas within 50-feet of suitable habitat for these species. During grading activities, the County-approved biologist shall walk behind the grading equipment to capture any western spadefoot toad or other amphibian species that may be unearthed by the equipment. The County-approved biologist shall capture and relocate any special-status or other amphibians observed during the survey effort. The captured individuals shall be relocated from the construction area and placed in suitable habitat on the site but outside of the work area. Following the survey and monitoring efforts, the County-approved biologist shall submit to the County a project completion report that documents the number of special-status amphibians captured and relocated, and the number of special-status amphibians taken during grading activities. Observations of these species or other special-status species shall be documented on CNDDDB forms and submitted to CDFW upon project completion.

BIO-3 Preconstruction Surveys for Roosting Bats. Within two weeks prior to removal of any trees, a qualified biologist shall survey the chaparral habitat, the oak woodland habitat, and existing structures within the ruderal/disturbed habitat onsite to identify if roosting bats are present. If bats are found to be roosting, bat exclusion shall be conducted by a qualified biologist to conduct bat exclusion activities. If exclusion is necessary, a Bat Exclusion Plan shall be submitted to the CDFW for approval and a copy to the City prior to construction.

BIO-4 Pre-construction Survey for Sensitive and Nesting Birds. If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. This includes nests of all common bird species (under the MBTA), as well as special status birds and raptor nests. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

- a. 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- b. If special status avian species (aside from the burrowing owl) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
- c. The results of the survey shall be provided to the County at least one week prior

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

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

Monitoring: Preconstruction surveys are required prior to issuance of permits or prior to site disturbance. Compliance will be verified through submittal of the survey results and monitoring results, which shall be submitted to the County Department of Planning and Building.

- BIO-5 Worker Environmental Awareness Program (WEAP) Training.** Prior to the start of any 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. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the project's discretionary permits, an overview of the federal Endangered Species Act, the California Endangered Species Act, and implications of noncompliance with these regulations, as well as an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the trainees will be kept and provided to the County. If new project personnel join the project after the initial training period, they will receive the environmental awareness training from a designated crew member on site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

Monitoring: Required prior to construction activities. Compliance will be verified through submittal of the attendance sheet to the County Department of Planning and Building.

- BIO-6 Oak Tree Protection.** Prior to commencement of ground disturbance or construction activities, tree protection fencing shall be installed along the outer limit of the critical root zone (CRZ) of all oak trees within 50 feet of project activities. The fencing shall be in place for the duration of the construction occurring within 50 feet of the trees. Where approved Project activities are within the CRZ, fencing shall be temporarily moved to facilitate the work. The Applicant shall retain a biological monitor or arborist who shall be present during approved project activities within the CRZ to document impacts to the trees, in order to inform the County of any mitigation obligation.

- BIO-7 Oak Tree Mitigation.** Impacts to the oak canopy or CRZ should be avoided where practicable. Impacts include pruning, ground disturbance within the CRZ, and trunk damage. Impacts to native oak trees shall be mitigated through one or more of the following options:

- a. **Planting Additional Trees Onsite.** Any oak trees greater than 5 inches diameter at breast height (DBH) shall be replaced at a 4:1 ratio if removed, and a 2:1 ratio if impacted. Replacement trees shall be a minimum of one gallon in size, of local origin, and of the same species as was impacted. Replacement trees shall be seasonally maintained (browse protection, weed reduction and irrigation, as needed) and monitored annually for seven years.
- b. **Conservation or Open Space Easement.** A conservation or open space easement may be established in the Study Area to mitigate for impacts to oak trees. The size of the easement shall be determined by the number of oak trees removed and/or impacted. For every tree removed 4,000 square feet of oak woodland habitat shall be preserved. For every tree impacted, 2,000 square feet of oak woodland habitat shall be preserved. An open space easement, management agreement, or covenant shall be recorded and included information on allowed uses and management within the preserved area.
- c. **In-lieu Fee Program.** The County of San Luis Obispo may have an in-lieu fee program available for payments to be made as mitigation for impacts to oak trees. Details on the in-lieu fee program should be requested from the County.

Monitoring: Tree protection fencing shall be installed prior to construction activities. Oak tree mitigation shall be completed prior to final inspection. Compliance will be verified by the County Department of Planning and Building.

- BIO-8 Best Management Practices (BMPs).** BMPs (e.g., straw wattles, exclusion fencing, gravel bags or silt fencing, etc.) are required to be installed prior to the start of construction to protect culverts, drop inlets, rock swales, and project boundaries (i.e., areas above steep cliffs) from water quality, runoff, and erosion/sedimentation concerns during project implementation. All equipment and vehicles shall be checked and maintained daily to prevent spills of fuel, oil, and other hazardous materials. A designated staging area shall be established for vehicle/equipment parking and storage of fuel, lubricants, and solvents. All fueling and maintenance activities shall take place in the staging area.

Monitoring: BMPs shall be implemented during construction activities. Compliance will be verified through submittal of the survey results and monitoring results, which shall be submitted to the County Department of Planning and Building.

- BIO-9 Permitting.** Prior to project initiation, all applicable agency permits with jurisdiction over the project area (e.g. California Department of Fish and Wildlife Lake and Streambed Alteration Agreement and Regional Water Quality Control Board Section 401) shall be obtained, as necessary. Any additional measures required by these agencies shall be implemented as necessary throughout the project.

Monitoring: Permits shall be obtained prior to issuance of permits or prior to site disturbance. Compliance will be verified by the County Department of Planning and Building.

- BIO-10 Jurisdictional Non-wetland Waters of the State Restoration.** The Applicant shall mitigate impacts to Jurisdictional Non-wetland Waters of the State at a minimum 3:1 ratio. The applicant shall restore the abandoned driveway approach (0.4-acre area) to offset impacts to ephemeral Drainage A. Restoration shall include

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decompacting the existing access road and revegetating the 0.4-acre area. Revegetation shall include a combination of seeding (hand-broadcasted and/or drill seeded, where feasible) and planting of native species suited to the surrounding habitats. A Disturbed Area Stabilization Plan (DASP) shall be prepared and shall include a timeline for restoration, methods for implementation, an approved seed mix for revegetation, reporting requirements, and BMPs required to promote erosion control and bank stability. The DASP shall be submitted and approved by the State Water Resources Control Board (SWRCB) prior to implementation.

Monitoring: Wetland mitigation shall be completed prior to final inspection and implementation of the project. Compliance will be verified by the County Department of Planning and Building.

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



ERIC CLARK

Date

11/2/21

Signature of Applicant

Name (Print)