Negative Declaration & Notice Of Determination

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

ENVIRONMENTAL DETERMINATION NO. ED Number 21-019-PL **DATE:** March 21, 2022

PROJECT/ENTITLEMENT: Canna Organic Farms Minor Use Permit;DRC2019-00049

APPLICANT NAME: Canna Organic Farms
Email: cannaorganicfarmsinc@gmail.com
ADDRESS: 514 East Tefft Street, Nipomo, California 93444
CONTACT PERSON: Luis Garcia **Telephone:** (805) 266-4986

PROPOSED USES/INTENT: The proposed project is a request by **Canna Organic Farms** for a Minor Use Permit (MUP, DRC2019-00049) to establish 22,000 square feet (sf) of indoor (mixed-light) cannabis canopy, 5,500 sf of ancillary cannabis nursery canopy, 1,000 sf of ancillary processing, ancillary transport of cannabis grown on-site, as well as other related site improvements that include two new driveway approaches, portable restrooms, security lighting, a septic tank and leach field system, an equipment storage shed, a 320 sf cannabis product storage container, a compost area, two water storage tanks, a parking area, and security fencing. Indoor (mixed-light) ancillary cannabis nursery products would be grown within six interconnected greenhouses with a total floor area of 6,880 sf. Five of the greenhouses would be 1,200 sf in floor area and would support 1,000 square feet of nursery canopy per building; a single the 880 sf greenhouse would support 500 square feet of nursery canopy, with remaining areas consisting of walkways. The nursery greenhouses would also be constructed with concrete footings and plants would be planted directly into the ground. Ancillary nursery products would be used to germinate and propagate seeds to support on-site cultivation activities and no immature plants would be transferred off-site.

The project includes a request for a parking modification to allow for the minimum number of parking spaces to be reduced from 21 to eight. The project would result in 792 cubic yards (cy) of cut and 680 cy of fill and a total site disturbance of approximately 2.67 acres on a 36.4-acre parcel.

LOCATION: The project is located at 514 East Tefft Street approximately 0.5 mile north of the community of Nipomo. The project is within the Agriculture land use category and within the South County Inland Sub-Area of the South County Planning Area.

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

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

OTHER POTENTIAL PERMITTING AGENCIES: Air Pollution Control District
California Department of Fish and Wildlife, California Department of Food and Agriculture

ADDITIONAL INFORMATION: Additional information pertaining to this Environmental Determination may be obtained by contacting the above Lead Agency address or (805)781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 4:30 p.m.

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County Department of Planning and Building as ☒ *Lead Agency* ☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures and monitoring were made a condition of approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the 'Lead Agency' address above.

	Elizabeth Moreno (emoreno@co.slo.ca.us),		County of San Luis Obispo
Signature	**Project Manager Name**	**Date**	**Public Agency**

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING

Initial Study – Environmental Checklist

PLN-2039
4/2019

Project Title & No. Canna Organic Farms. Minor Use Permit ED21-019-PL DRC2019-00049

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

☒ Aesthetics	☐ Greenhouse Gas Emissions	☐ Public Services
☐ Agriculture & Forestry Resources	☒ Hazards & Hazardous Materials	☐ Recreation
☒ Air Quality	☐ Hydrology & Water Quality	☐ Transportation
☒ Biological Resources	☒ Land Use & Planning	☐ Tribal Cultural Resources
☐ Cultural Resources	☐ Mineral Resources	☒ Utilities & Service Systems
☐ Energy	☒ Noise	☐ Wildfire
☐ Geology & Soils	☐ Population & Housing	☒ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

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

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

☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Annika Kiemm, SWCA Environmental Consultants			9/3/2021
Prepared by (Print)	Signature		Date
David Moran		For Steve McMasters, Principal Environmental Specialist	9/3/2021
Reviewed by (Print)	Signature		Date

Initial Study – Environmental Checklist

Project Environmental Analysis

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

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

A. Project

DESCRIPTION: Request by **Canna Organic Farms** for a Minor Use Permit (MUP, DRC2019-00049) to establish 22,000 square feet (sf) of indoor (mixed-light) cannabis canopy, 5,500 sf of ancillary cannabis nursery canopy, 1,000 sf of ancillary processing, ancillary transport of cannabis grown on-site, as well as other related site improvements that include two new driveway approaches, portable restrooms, security lighting, a septic tank and leach field system, an equipment storage shed, a 320 sf cannabis product storage container, a compost area, two water storage tanks, a parking area, and security fencing. The project includes a request for a parking modification to allow for the minimum number of parking spaces to be reduced from 21 to eight. The project would result in 792 cubic yards (cy) of cut and 680 cy of fill and a total site disturbance of approximately 2.67 acres on a 36.4-acre parcel located at 514 East Tefft Street approximately 0.5 mile north of the community of Nipomo. The project is within the Agriculture land use category and within the South County Inland Sub-Area of the South County Planning Area.

Proposed indoor (mixed-light) cannabis cultivation would occur within nine interconnected 3,000-square-foot greenhouses) with a total floor area of 27,00 sf (Figure 4). Each 3,000-square-foot cultivation greenhouse would support 2,444.44 square feet of cannabis canopy and 555.56 square feet of walkways and would be equipped with artificial lighting and interior black-out screening. The greenhouses would be constructed with concrete footings and plants would be planted directly into the ground. Indoor cultivation would include cultivation of cannabis plants from immaturity to flower and would be harvested three times per year. Harvesting activities would occur between the months of April and August.

Indoor (mixed-light) ancillary cannabis nursery products would be grown within six interconnected greenhouses with a total floor area of 6,880 sf. Five of the greenhouses would be 1,200 sf in floor area and would support 1,000 square feet of nursery canopy per building; a single the 880 sf greenhouse would support 500 square feet of nursery canopy, with remaining areas consisting of walkways. The nursery greenhouses would also be constructed with concrete footings and plants would be planted directly into the ground. Ancillary nursery products would be used to germinate and propagate seeds to support on-site cultivation activities and no immature plants would be transferred off-site.

The project includes the construction of a 1,000-sf building (Figure 5) to be used for ancillary processing and distribution of cannabis grown on-site. A 770-sf area within this building would support processing activities,

including trimming, drying, curing, and packaging. The remaining 230 sf of the building would be utilized as a distribution office, which would include security surveillance equipment, secure record storage, and other distribution operations to support the ancillary transport component of the project. Ancillary transport would allow for the transportation of harvested cannabis products off-site to licensed testing, manufacturing, and/or distribution facilities. The ancillary transport license would not allow for distribution to end users.

The project also includes the installation of a 320-sf cannabis product storage container to be used to store cannabis products grown on-site until they are transported off-site. This container would be secured and monitored via security video surveillance.

In compliance with LUO 22.40.050.D8, the project includes an odor control system utilizing Bipolar ionization, high efficiency particulate air (HEPA) filtration, and carbon absorption filtration technology. In the cultivation greenhouses, all three technologies will be utilized at a high airflow rate (Air Changes per Hour [ACH]) to maximize odor capture. Intakes and exhaust louvers will be positioned to discharge into the open air, increasing the dilution of outgoing air and minimizing the odor before reaching the property lines. In the processing/distribution building, densely packed carbon filtration, along with a negative building pressurization system, will maintain odor control through filtration and pressurization control. The proposed 320-square-foot cannabis product storage container would be equipped with a recirculating HEPA and carbon filter system to continuously remove odor-causing volatile organic compounds (VOCs) inside the container. While the nursery would not typically produce as much of the odor-causing VOCs due to the premature stage in the plants' life, the nursery greenhouses would be equipped with recirculating HEPA and carbon filtration systems to be used as needed.

Other accessory structures and site improvements include a new 144 sf metal storage shed for the storage of organic fertilizers and pesticides used to support cultivation activities. All pesticides and other chemicals would be properly labeled and stored in locking secondary storage containers within the shed, which would be locked. Cannabis plant waste would be composted on-site within a 2,200-sf fenced compost area that would accommodate up to 391 cubic yards of compost mixture; all compost produced on-site would be used to enrich cultivation soil for the indoor cultivation and nursery activities. A new 2,025 sf, 3.5-foot-deep retention basin is proposed in the northern portion of the project area that would be used for erosion control on-site.

The project would include installation of one 10,000-gallon water storage tank for fire suppression purposes, and one 5,000-gallon tank to support on-site cannabis irrigation activities. A new fire hydrant would also be installed on-site per California Department of Forestry and Fire Protection (CAL FIRE) requirements. The project would result in a new water demand of approximately 1.3 acre-feet per year (AFY) and would be supplied by one existing on-site groundwater well.

The project would include the installation of new 6-foot-high chain-link fencing with green security slats and barbed wire to enclose all proposed cannabis activity areas. The project would include the installation of surveillance cameras and exterior security lighting for security purposes. All exterior lighting would use light emitting diode (LED) light bulbs and would be downward shielded and motion sensor activated. Energy efficiency measures have been incorporated into the project design and include, but are not limited to, use of low-voltage light-emitting diode (LED) lights, motion sensor activated lights and timers, and use of natural lighting in the cultivation greenhouses.

The project would employ up to 6 full time employees that would work year-round. No seasonal employees are proposed. Hours of operation would be between 6:30 a.m. and 6:00 p.m. The project applicant anticipates the proposed project would result in approximately four delivery trips per week and a maximum of one ancillary transport trip of cannabis products grown on-site per day.

Initial Study – Environmental Checklist

Requested Modifications: The project includes a request for a modification of the parking standards set forth in LUO 22.18.050 – Required Number of Parking Spaces. Proposed indoor cannabis cultivation and indoor nursery uses would be considered comparable to a Nursery Specialty use, with a parking requirement of one parking space per 500 square feet of indoor floor area. Cannabis processing and ancillary transport would be considered comparable to Agricultural Processing uses, which require one parking space per 1,000 square feet of use area. Based on proposed floor area of indoor uses, the project would be required to provide a total of 21 parking spaces on-site.

The applicant is requesting a modification of the required number of parking spaces to allow for a reduction of required parking spaces from 21 spaces to eight spaces, which accommodates the number of employees and projected delivery vehicles associated with the proposed project uses. One Americans with Disabilities Act (ADA)-compliant parking space and associated accessible paths of travel will be provided, as required by the County Inland LUO.

Baseline Conditions: The topography of the project site is relatively flat and supports cropland, ruderal vegetation, and riparian habitat. Surrounding land uses include rural agricultural operations in all directions and scattered residences to the southwest and northeast (Figure 1, Figure 2). Two unnamed drainages run through the project site north of the area of disturbance; both drainages are tributaries to Nipomo Creek.

Existing site improvements include four groundwater wells, a bridge with a 30-inch-diameter corrugated pipe, a 16-foot-wide unpaved access road, a 40,000-cubic-foot agricultural reservoir, an electricity pole, a 1,200-square-foot single-family residence, horse stalls, and existing 5-foot deer fencing located around the perimeter of the property. The project site currently supports an avocado orchard and rotating row crops. The area of disturbance (Figure 2) is currently fallow but has been used for the cultivation of irrigated row crops in the past.

ASSESSOR PARCEL NUMBER(S): 090-051-042

Latitude: 35º 03' 09.79" N **Longitude:** 120º 27' 46.63" W **SUPERVISORIAL DISTRICT #** 1

Other Public Agencies Whose Approval is Required

Permit Type/Action	Agency
State Cultivation Licenses	California Department of Food and Agriculture – CalCannabis
Written Agreement Regarding No Need for Lake and Streambed Alterations (LSA)	California Department of Fish and Wildlife (CDFW)
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 and Fire Protection (CAL FIRE)

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

B. Existing Setting

Plan Area: South County **Sub:** South County Inland **Comm:** Rural

Land Use Category: Agriculture

Combining Designation: None

Parcel Size: 36.4 acres

Topography: Nearly level to gently sloping

Vegetation: Grasses Ornamental landscaping Riparian

Existing Uses: Agricultural uses, single-family residence(s)

Surrounding Land Use Categories and Uses:

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

South: Agriculture; undeveloped ***West:*** Agriculture; residential

Initial Study – Environmental Checklist

Figure 1. Project Vicinity Map

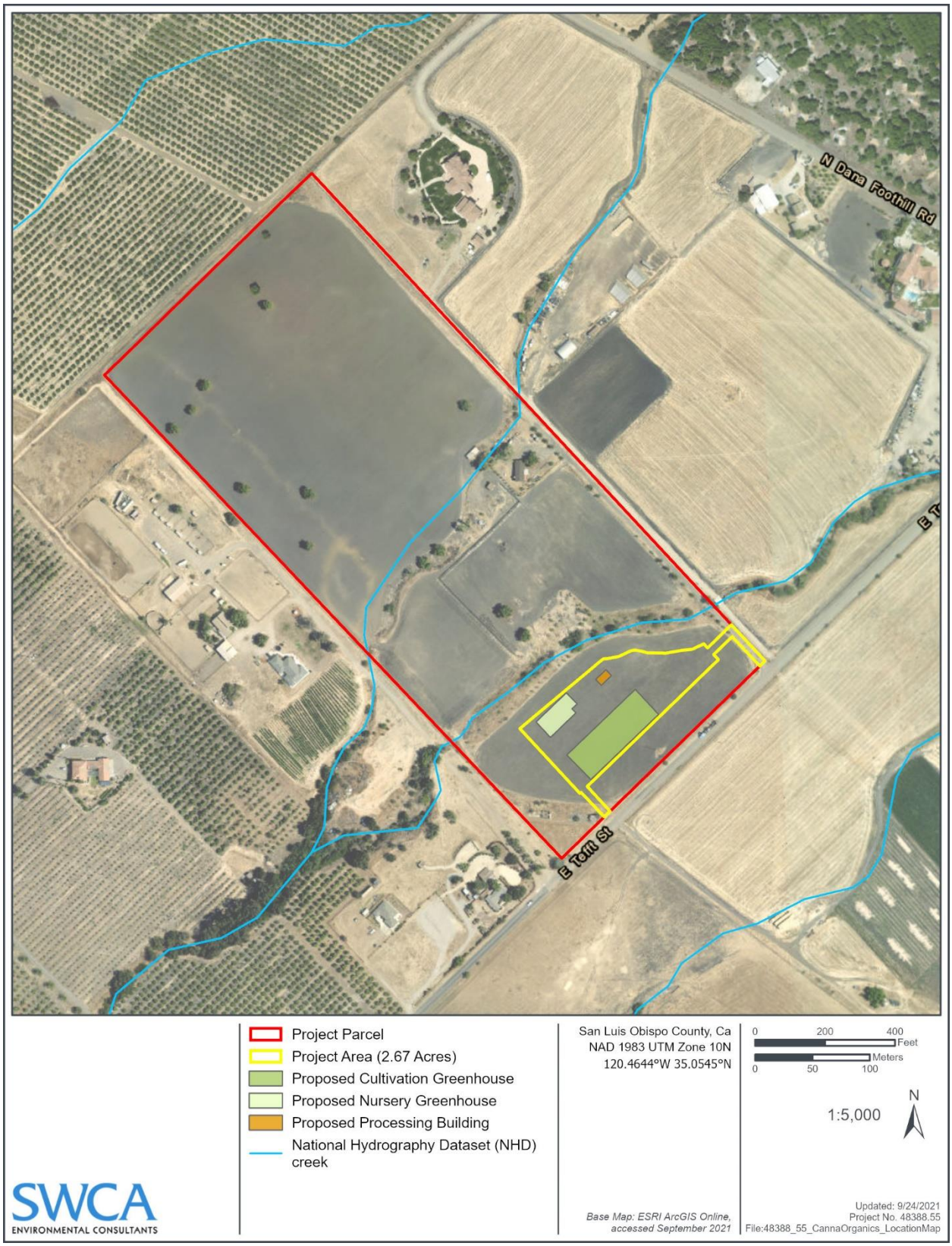


Figure 2. Project Location Map

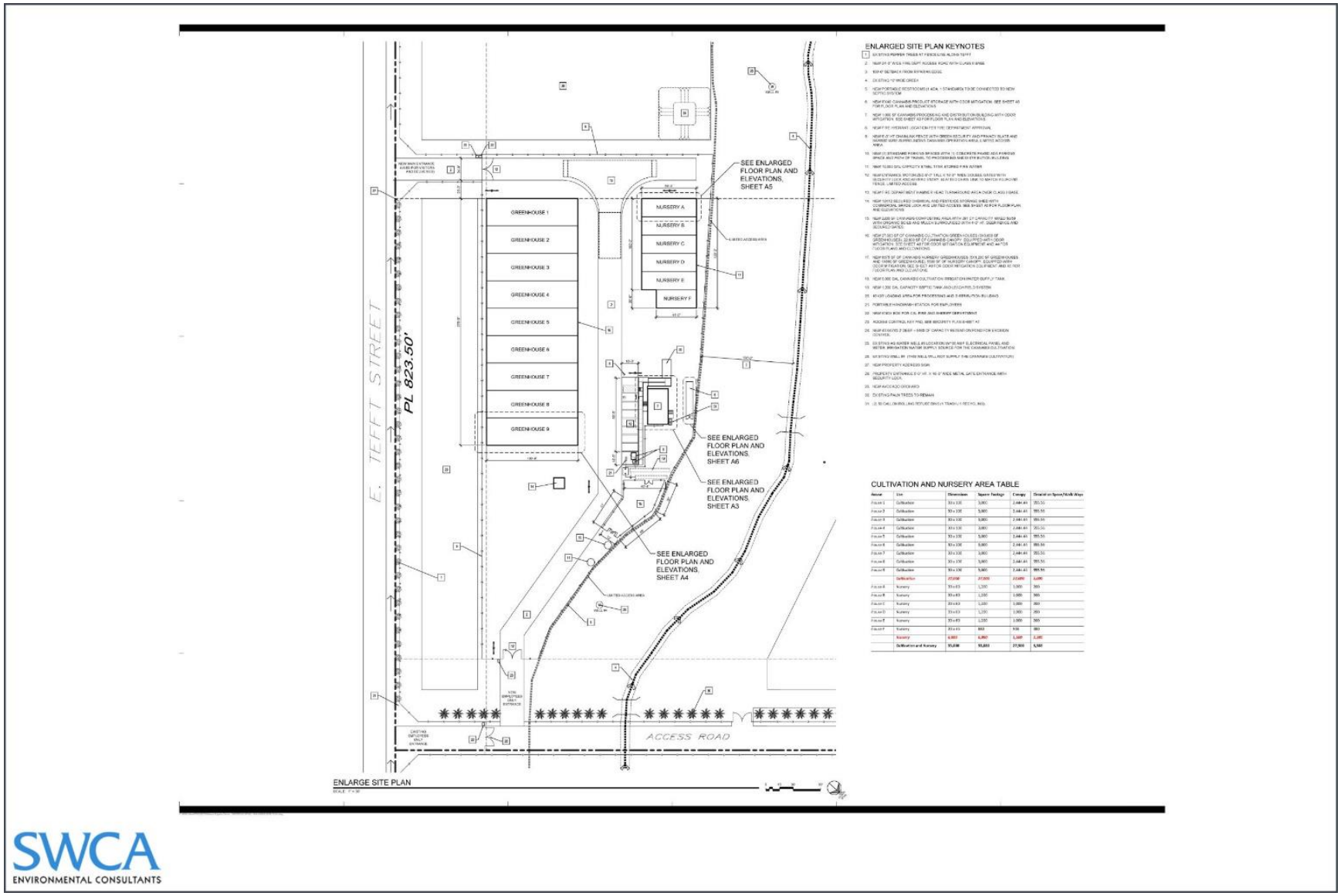


Figure 3. Project Site Plan

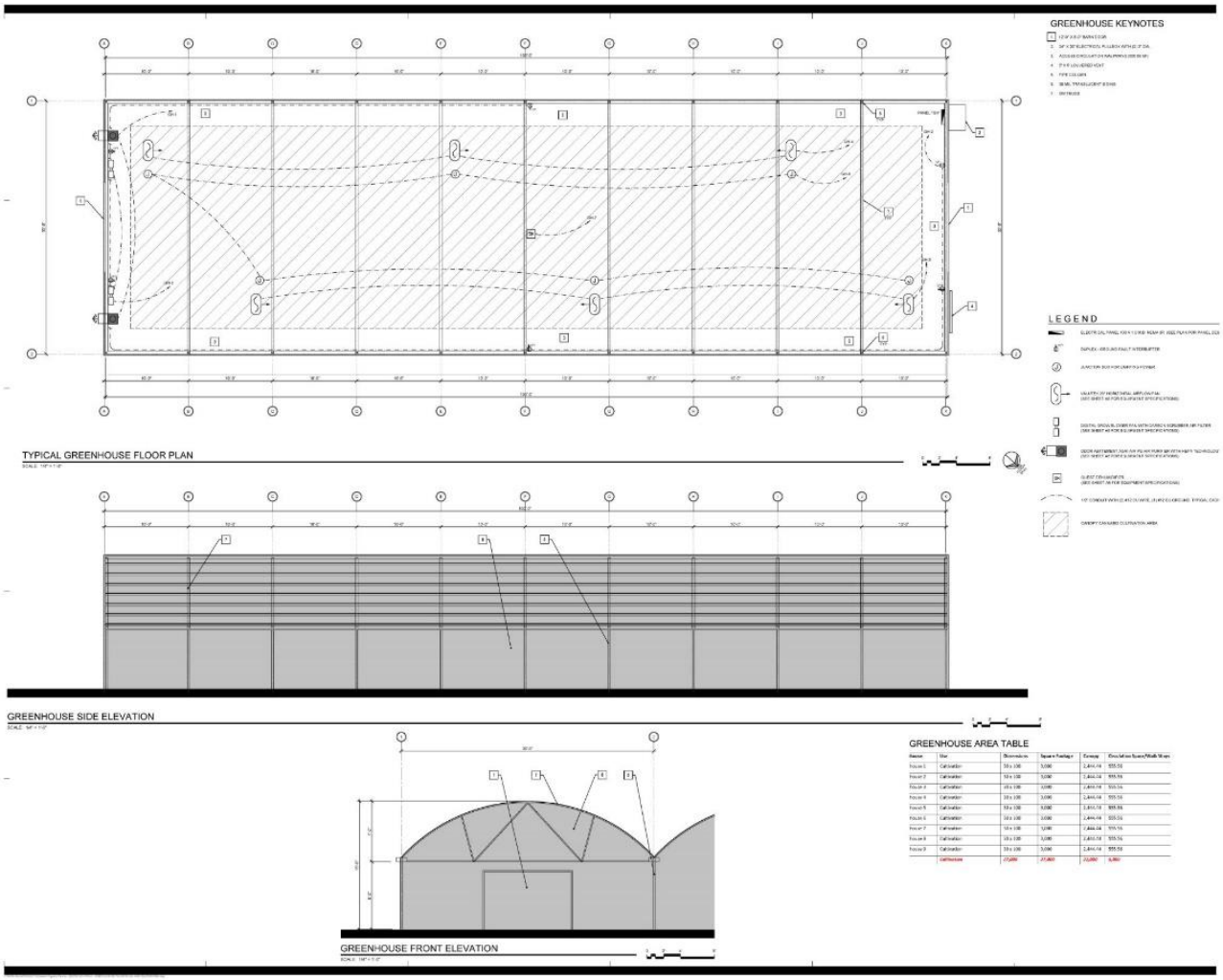
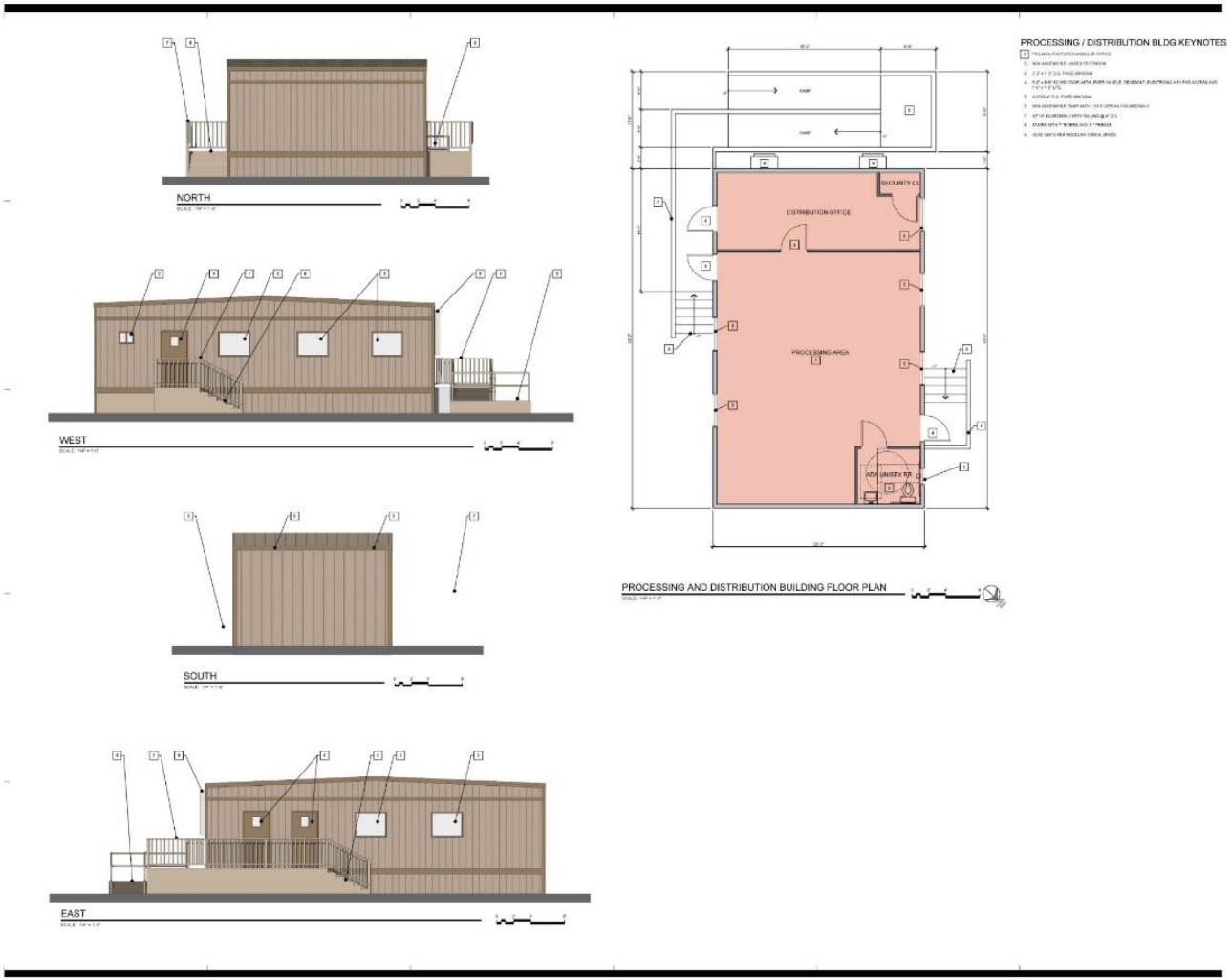


Figure 4. Greenhouse Plan



SWCA ENVIRONMENTAL CONSULTANTS

Figure 5. Processing/Distribution Building Floor Plan and Elevations

C. Environmental Analysis

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

I. AESTHETICS

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

Setting

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.

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 on how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes on the traveler's enjoyment of the view. The portion of the U.S. Route (US) 101, which runs north to south through the community of Nipomo, is designated as an eligible Scenic Highway by the California Department of Transportation (Caltrans 2021).

County Conservation and Open Space Element

The *County of San Luis Obispo General Plan Conservation and Open Space Element* (COSE) 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.

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, setback distances from significant rock outcrops, design standards including height limitations and color palette, and landscaping plan requirements.

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 County Inland LUO details standards for exterior lighting (LUO 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

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 parcel currently supports an avocado orchard and rotating row crops. Existing site improvements include four groundwater wells, a creek crossing with a 30-inch-diameter corrugated pipe, a 16-foot-wide unpaved access road, a 40,000-cubic-foot agricultural reservoir, an electricity pole, a 1,200-square-foot single-family residence, horse stalls, and existing 5-foot deer fencing located around the perimeter of the property. An unnamed drainage runs through the project parcel, north of the proposed development, and is a tributary to Nipomo Creek. The topography of the project area is relatively flat and supports cropland, ruderal vegetation, and riparian habitat. Surrounding land uses include rural agricultural operations in all directions and scattered residences to the southwest and northeast.

Discussion

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

For the purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. The project parcel currently supports a single-family residence, accessory structures, and agricultural land used for avocado groves and row crops. The project site would be accessed by an existing unpaved road off of Tefft Street, which would serve as the primary public viewing area of the project site. According to the COSE, the project site 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 viewpoints; therefore, impacts would be *less than significant*.

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

US 101 runs in a north-to-south direction through the community of Nipomo about 1.64 miles west of the project site and is designated as an eligible State scenic highway by Caltrans (Caltrans 2021). The proposed project would not be visible from US 101 due to screening provided by the intervening commercial retail buildings, residential units, existing vegetation and topography. Therefore, the proposed project site would not be located within the viewshed of a designated or eligible 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 is located in a non-urbanized area that is surrounded by agricultural land uses and scattered rural residential units. The project site is accessed from Tefft Street, which would serve as the primary public viewing area of the project site. Proposed development would be located approximately 100 feet north of the Tefft Street right-of-way and would consist of 33,880 sf of greenhouses and a 1,000-square-foot metal building for processing and office uses.

The site plan (Figure 3) shows the nine cultivation greenhouses arranged with the ends of the buildings facing Tefft Street about 100 feet north of the right-of-way. Each building will be constructed of a translucent exterior material and will be 15 feet tall at the highest point, with about nine feet visible above the proposed 6-foot-high opaque security fence.

The project also proposes other site improvements, which include installation of one 10,000-gallon water storage tank to be used strictly for fire suppression purposes, one 5,000-gallon water storage tank to support on-site cannabis irrigation activities, construction of a new access driveway, and access road improvements.

The project is not anticipated to substantially degrade public views in the area because:

- The project site is in a predominantly undeveloped agricultural area. Therefore, traffic levels are low and opportunities to view the project site by the public are correspondingly low.
- Although the cultivation greenhouses will be partially visible from a public vantage (Tefft Street) they will be enclosed by a 6-foot-tall chain-link fence with green privacy slats and barbed wire for security and a visual barrier.
- The cultivation greenhouses will screen the six nursery greenhouses, processing building and site improvements from view from Tefft Street.

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?

The project site is located in a predominantly undeveloped agricultural area approximately 0.5-mile north of the community of Nipomo. There are scattered rural residential units to the northeast and southwest of the project site, with the nearest residential unit located approximately 95 feet west of the western property line. The project proposes 13, 18-foot poles of exterior LED lighting that would be located throughout the proposed development site for security and illumination purposes. The lights will be motion activated and shielded downward. Exterior lighting would be triggered by employees on-site during hours of operation (6:30 a.m. to 6:00 p.m.) that occur after sunset or before sunrise and would be utilized to illuminate the project site in the event of a security breach outside of hours of operation.

The project includes mixed-light cultivation and nursery greenhouses that would utilize artificial lighting within greenhouse structures. Each of the proposed cultivation and nursery greenhouses would be equipped with blackout screening to prevent light pollution after sunset. Without appropriate light shielding and prevention, nighttime lighting within the greenhouse structures, along with security lighting that may be required on the project site, would have the potential to affect nighttime views in the area. Mitigation Measure AES-1 would require that each greenhouse be equipped with a light blackout system that will be deployed to cover the greenhouse ceiling at night and clarifies that the system is to be engaged when the grow lights are on. In addition, mitigation Measure AES-1 requires that all exterior lighting to be shielded and confined to the project site.

Implementation of Mitigation Measure AES-1 would ensure the project does not result in adverse impacts on nighttime lighting; therefore, impacts would be *less than significant with mitigation*.

Conclusion

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

Mitigation

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

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

Initial Study – Environmental Checklist

II. AGRICULTURE AND FORESTRY RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
(a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☒	☐
(b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☒	☐
(c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
(d)	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
(e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☒	☐	☐

Setting

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

Farmland of Local Importance, and Grazing Land are considered "agricultural land." Other non-agricultural designations include Urban and Built-up Land, Other Land, and Water. Based on the FMMP, soils at the project site are classified as Farmland of Local Potential.

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

The project site is located within the Agriculture land use category and has historically been used for the cultivation of avocados and irrigated row crops. Surrounding properties are engaged in a variety of agricultural activities that include row crops and vineyards.

Based on the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (NRCS 2021) and the Soil Survey of San Luis Obispo County, California – Coastal Part (USDA 1984), soil type(s) and characteristics on the subject property in the project area that are classified as Prime Farmland if irrigated include:

- Diablo Clay, 5 to 9 percent slopes, Major Land Resource Area (MLRA) 15: This well-drained soil has a high runoff class and a depth to restrictive feature of 40–59 inches to paralithic bedrock. The soil profile is comprised of clay and this soil type would be considered prime farmland if irrigated.

Table 1 provides a summary of the important farmland classifications associated with the project site.

Table 1. Soils And Important Farmland Classifications of the Project Site

Soil Name	Total Acres	FMMP Classification	COSE Classification
Diablo clay, 5 to 9 percent slopes	36.4	Farmland of Local Potential	Prime Farmland
Total:	**36.4**		

Source: Farmland Mapping and Monitoring Program 2020, San Luis Obispo County Conservation and Open Space Element, Table SL-2

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 on farming and open space uses as opposed to full market value. The project site is located within the Nipomo Valley Agricultural Preserve on property that is currently under a Williamson Act contract.

According to California 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 will result in a total area of disturbance of about 2.67 acres and will include the construction of 33,880 sf of greenhouses, a 1,000-sf processing building and the placement of a storage container and other site improvements. The proposed greenhouses will be constructed on the ground with concrete footings and cannabis plants will be planted in the ground. The processing building will have a permanent concrete foundation. Soils within the project site are classified as Farmland of Local Potential by the FMMP (CDOC 2021). Therefore, the project site does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the FMMP. However, the project site would result in the semi-permanently conversion of as much as 2.67 acres of soils classified as Prime Farmland by the COSE. This impact is considered *less than significant* because:

- 2.67 acres is a small area of land and has not been designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance by the FMMP;
- Cannabis related improvements could be removed or readily converted to an agricultural use in the event cannabis activities cease; and,
- Crop production on the remaining portion of the site would be unaffected by cannabis activities.

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

The project site is located on land within the Agriculture land use category and is subject to an active Williamson Act contract. The project site is currently in compliance with the terms of the Williamson Act contract, and cannabis activities have been determined to be consistent with the County's Land Conservation Act Rules of Procedures. In addition, cannabis cultivation and ancillary processing are allowed uses within the Agriculture land use category (LUO 22.06.030). Therefore, implementation of the project would be consistent with current zoning standards. In addition, cultivation activities would not directly interfere with existing agricultural operations and the land would remain under a Williamson Act Contract; therefore, impacts would be *less than significant*.

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

The project site does not include land use designations or zoning for forest land or timberland. In addition, the project would not result in the removal of any native tree species. Therefore; *no impacts would occur.*

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

The project site does not include land use designations for forest or timberland and does not contain 10% native tree cover. The project does not propose the removal of native tree species on-site. Implementation of the proposed project would not indirectly result in the loss of forest land or the conversion of forest land to non-forest uses; therefore, *no impacts* would occur.

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

The project property is generally surrounded by agricultural operations and scattered rural residences. Surrounding agricultural uses would be temporarily affected by noise and dust generated

during the construction phase of the project. These impacts would be temporary in nature and would not result in the direct impairment or conversion of agricultural land to other uses.

The project site is underlain by Diablo Clay, 5 to 9 percent slopes, which is designated as an important agricultural soil by Table SL-2 in the County's COSE. The project site would result in the semi-permanently conversion of as much as 2.67 acres of soils classified as Prime Farmland by the COSE. Cannabis cultivation and ancillary nursery greenhouse would be constructed using concrete footings rather than concrete slabs to avoid the permanent conversion of soils. Therefore, following cannabis cultivation activities, soils at the project site would still be capable of supporting other agricultural activities. In addition, implementation of the proposed project would result in a small area designated for cannabis cultivation and processing and would not interfere with existing agricultural cultivation located on the project property or in surrounding areas.

Many of the surrounding agricultural operations are known to use pesticides. The California Department of Food and Agriculture has established thresholds for the level of contaminants, including pesticide residues, that may be allowed in cannabis products, and these thresholds are significantly lower than the thresholds allowed for traditional agricultural crops. As a result, the County Department of is concerned that the residue of pesticides lawfully applied on surrounding properties could inadvertently contaminate cannabis products grown on the project site, thereby rendering the products unmarketable. This potential incompatibility could cause traditional agricultural operations in the area to cease or to significantly curtail production. While this is not considered an adverse impact on the environment associated with the project, it is a potential consequence of establishing cannabis activities in an area surrounded by ongoing agricultural operations. This will be addressed through the analysis for land use compatibility and addressed through the required findings and conditions of approval as appropriate.

As discussed in threshold b) above, cannabis cultivation activities are allowed uses within the property's Agriculture land use designation (LUO Section 22.06.030, 22.40.070).

During operation, the project would consist of indoor cultivation of cannabis, which would utilize the same groundwater basin as surrounding agricultural production activities. Based on the water demand analysis detailed in Section X, Hydrology and Water Quality, and the distance from off-site wells, the project's proposed water use would not significantly affect the production and recovery of surrounding wells.

The project would not involve other changes in the environment that would result in conversion of farmland to non-agricultural use or forest land to non-forest use, and potential impacts would be *less than significant.*

Conclusion

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

Mitigation

None necessary.

III. AIR QUALITY

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

Setting

San Luis Obispo County Clean Air Plan

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

SLOAPCD Criteria Pollutant Thresholds

The SLOAPCD has developed and updated their *CEQA Air Quality Handbook* (SLOAPCD 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 (GHGs), and diesel particulate matter (DPM), are most significant when using large, diesel-

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

Operational 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).

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1. Demonstrate consistency with the most recent Clean Air Plan for San Luis Obispo County;
2. Demonstrate consistency with a plan for the reduction of greenhouse gas emissions that has been adopted by the jurisdiction in which the project is located that complies with State CEQA Guidelines Section 15183.5;
3. Compare predicted ambient criteria pollutant concentrations resulting from the project to state and federal health standards, when applicable;
4. Compare calculated project emissions to SLO County APCD emission thresholds; and,
5. Evaluate special conditions which apply to certain projects.

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 (PM_{10}). According to SLOAPCD estimates, an unpaved roadway of 1 mile in length carrying 6.0 round trips would likely exceed the 25 lbs/day PM_{10} 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 locations to the project site include an off-site residence located 95 feet west of the western property boundary and an on-site residence located approximately 800 feet northeast.

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 having known potential for 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 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 6 full-time regular employees and no additional seasonal employees. The project would not result in a significant increase in employees and therefore would not significantly affect the local area's jobs/housing balance.

Adopted transportation control measures include, but are not limited to, a voluntary commute options program, local and regional transit system improvements, bikeway enhancements, and telecommuting programs. 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 six 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 PM_{10} under state ambient air quality standards. Construction and operation of the project would result in emissions of ozone precursors, including ROG, NO_x, and fugitive dust emissions (PM_{10}).

Construction Emissions

As proposed, the project would result in approximately 2.67 acres (109,306 square feet) of site disturbance, including 792 cubic yards of cut and 680 cubic yards of fill material (for a total of 1,472 cubic yards) to be balanced on-site. This would result in the creation of construction dust and 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 2.

Table 2. Proposed Project Estimated Construction Emissions

Pollutant	Total Estimated Project Emissions	APCD Emissions Threshold	Mitigation Required?
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO_x) (combined)	16.75 lbs/day[1]	137 lbs/day	No
Diesel Particulate Matter (DPM)	0.72 lbs/day[2]	7 lbs/day	No

Notes:

1. Based on 1,472 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 1,472 cubic yards of material moved and 0.0049 pounds of diesel particulate emissions per cubic yard of material moved and 10 construction days.

Based on the estimated daily emissions shown above, the project would not have the potential to exceed the daily emissions thresholds for both combined ROG and NO_x emissions during construction. The SLOACPD CEQA Air Quality Handbook (2012) states that any project with a grading area greater than 4.0 acres of worked area has the potential to exceed the 2.5-ton PM_{10} threshold of significance. The project would result in approximately 2.67 acres of site disturbance; therefore, the project is not anticipated to exceed the threshold established for PM_{10}.

Operation-Related Emissions

The project would not include on-site combustion of natural gas, propane, or wood. Based on the metal construction of the proposed greenhouses and processing building, the project is not anticipated to result in criteria air pollutant emissions associated with architectural coatings. Therefore, during operation, the primary source of air pollutant emissions associated with project operations would be motor vehicle trips.

The project would generate vehicle trips from employees traveling to and from the site and an additional four delivery trips per week for cultivation supplies. Based on the limited number of project employees and the fact that the proposed operation would be closed to the public, the project would not generate a significant increase in operational traffic trips or Vehicle Miles Traveled (VMT), which is consistent with the *Climate Change Proposed Scoping Plan* strategies for reducing VMT (see Section XVII, Transportation, for a detailed analysis of project VMT).

The project proposes a 22-foot-wide fire access road and new 24-foot-wide turn out driveway 100 feet in length to the gated entrance area. New access roads would be comprised of aggregate (Class II) base. The SLOAPCD has quantified the number of vehicular round trips traveling on an unpaved roadway that would exceed the SLOAPCD 25 lbs/day threshold for the emission of particulates (PM_{10}) based on the distance traveled on unpaved road surfaces. Based on the SLOAPCD thresholds, an unpaved roadway of 0.25 mile could accommodate about 19.5 daily vehicular round trips before exceeding the 25 lbs/day threshold. The proposed unpaved roadway would be approximately 0.17 mile long and the project would employ six full-time regular status employees and require up to four deliveries per week. Therefore, the project would not exceed 19.5 vehicular round trips per day and would not exceed the SLOAPCD threshold.

Based on the analysis provided above, project construction and operational emissions would not have the potential to result in a cumulatively considerable net increase of criteria pollutants for which the region is in non-attainment. Impacts would be *less than significant*.

(c) Expose sensitive receptors to substantial pollutant concentrations?

The nearest sensitive receptor location to the project site is an off-site residence located approximately 95 feet west from the western property boundary. Other off-site residential units are located more than 1,000 feet away from the proposed site. Construction activities would require the use of construction equipment and 2.67 acres (109,306 square feet) of ground disturbance, including 1,472 cubic yards of earthwork, which has the potential to result in dust and other construction emissions. Construction emissions would be temporary in nature; however, the SLOAPCD recommends additional measures for construction projects within 1,000 feet of sensitive receptor locations. Due to the proximity of the nearest sensitive receptor location, Mitigation Measures AQ-1 through AQ-3 have been identified to ensure idling and dust control measures are implemented during construction activities. Implementation of the identified mitigation measures would ensure nearby sensitive receptor locations would not be exposed to substantial concentrations of air pollutant emissions. Additionally, operational emissions generated by the project would be minimal and are not anticipated to disturb surrounding land uses; therefore, impacts would be *less than significant with mitigation*.

(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. The project does not propose work within old roadways that could release aerially deposited lead (ADL). Therefore, the project would not result in substantial air pollutant emissions from such activities.

The project site is located in a generally undeveloped agricultural area approximately 0.5 mile east of the community of Nipomo. Surrounding low-density land uses include scattered rural residential units and agricultural land. Cannabis cultivation could produce objectionable odors during the maturing and harvest of the indoor mixed-light cannabis cultivation and nursery, as well as the processing and storage of cannabis on-site. The project would include an odor control system utilizing Bipolar ionization, HEPA filtration, and carbon absorption filtration technology. In the cultivation greenhouses, all three technologies will be utilized at a high airflow rate (ACH) to maximize odor capture. Intakes and exhaust louvers will be positioned to discharge into the open air increasing the dilution of outgoing air and minimizing the odor before reaching the property lines. In the processing/ distribution building, densely packed carbon filtration, along with a negative building pressurization system, will maintain odor control through filtration and pressurization control. The product storage container within the processing/distribution building will be a closed container and be equipped with a recirculating HEPA and carbon filter system to continuously remove VOCs inside the container. The nursery will not typically produce the odor causing VOCs due to the premature stage in the plants' life. Regardless, the nursery greenhouses would be equipped with recirculating HEPA and carbon filtration systems to be used as needed.

These proposed odor control systems would effectively prevent cannabis nuisance odors from being detected outside the property, in accordance with LUO 22.40.50.D.3. In addition, the applicant would be enrolled in the County's Cannabis Monitoring Program, which would include quarterly inspections

from the County's Code Enforcement Team to monitor ongoing compliance and effectiveness of odor management practices. Nuisance odors from the proposed indoor cannabis cultivation, nursery, and processing activities would not result in nuisance odors or other emissions that could adversely affect a substantial number of people; therefore, impacts would be *less than significant*.

Conclusion

The project proposes the construction and operation of indoor cannabis cultivation. Due to the proximity to the nearest sensitive receptor location, Mitigation Measures AQ-1, AQ-2, and AQ-3 have been identified to reduce construction-related emissions. Operational emissions would not exceed SLOAPCD thresholds. With implementation of the identified mitigation measures, the proposed project would be consistent with applicable federal and state plans related to air quality and the project would not result in potentially significant impacts associated to air quality. Therefore, with implementation of the mitigation measures identified below, potential impacts associated with air quality would be less than significant with mitigation.

Mitigation

AQ-1 Prior to issuance of grading or construction permits or site disturbance activities, whichever occurs first, the following measures shall be implemented during all site disturbance activities and shown on all applicable plans:

1. Maintain all construction equipment in proper tune according to manufacturer's specifications;
2. Fuel all off-road and portable diesel-powered equipment with CARB-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
3. Use diesel construction equipment meeting the CARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
4. Use on-road heavy-duty trucks that meet the CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
5. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g., captive or NO_x exempt area fleets) may be eligible by proving alternative compliance;
6. All on- and off-road diesel equipment shall not idle for more than 5 minutes;
7. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit;
8. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
9. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
10. Electrify equipment when feasible;
11. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
12. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.

AQ-2 During all construction activities and use of diesel vehicles, the applicant shall implement the following idling control techniques:

1. Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment.
    a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors if feasible;
    b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
    c. Use of alternative-fueled equipment shall be used whenever possible; and,
    d. Signs that specify the no idling requirements shall be posted and enforced at the construction site.
2. California Diesel Idling Regulations. On-road diesel vehicles shall comply with 13 CCR Section 2485. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California- and non-California-based vehicles. In general, the regulation specifies that drivers of said vehicles:
    a. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and
    b. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

    Signs must be posted in the designated queuing areas and job sites to remind drivers of the 5-minute idling limit. The specific requirements and exceptions in the regulation can be reviewed at the following website: www.arb.ca.gov/msprog/truck-idling/2485.pdf.

AQ-3 During all construction and ground-disturbing activities, the applicant shall implement the following particulate matter control measures and detail each measure on the project grading and building plans:

1. Reduce the amount of disturbed area where possible.
2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding SLOAPCD's limit of 20% opacity for no greater than 3 minutes in any 60-minute period. Increased watering frequency shall be required whenever wind speeds exceed 15 miles per hour (mph) and cessation of grading activities during periods of winds over 25 mph. Reclaimed (non-potable) water is to be used in all construction and dust-control work.
3. All dirt stockpile areas (if any) shall be sprayed daily and covered with tarps or other dust barriers as needed.
4. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible, following completion of any soil-disturbing activities.
5. Exposed grounds that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established.

6. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical binders, jute netting, or other methods approved in advance by the SLOAPCD.
7. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders or soil binders are used.
8. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
9. All trucks hauling dirt, sand, soil, or other loose materials, are to be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.
10. Install wheel washers where vehicles enter and exit unpaved roads onto streets or wash off trucks and equipment leaving the site. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads.
11. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible.
12. All PM_{10} mitigation measures required shall be shown on grading and building plans.
13. 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 the SLOAPCD's limit of 20% opacity for no greater than 3 minutes in any 60-minute period. 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 SLOAPCD Compliance Division prior to the start of any grading, earthwork, or demolition.

IV. BIOLOGICAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐

Initial Study – Environmental Checklist

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☒	☐
(c)	Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
(d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☒	☐	☐
(e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
(f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐

Setting

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. CDFW also maintains a Watch List for species that were previously SSC but no longer merit SSC status, or which do not meet SSC criteria but for which there is concern and a need for additional information to clarify status.

California Rare Plant Ranks (CRPR):

- 1A: Plants presumed extirpated in California and either rare or extinct elsewhere
- 1B: Plants rare, threatened, or endangered in California and elsewhere
- 2A: Plants presumed extirpated in California, but common elsewhere
- 2B: Plants rare, threatened, or endangered in California, but more common elsewhere
- 4: Plants of limited distribution - a watch list

California Rare Plant Threat Ranks:

- 0.1: Seriously threatened in California
- 0.2: Moderately threatened in California
- 0.3: Not very threatened in California

Migratory Bird Treaty Act

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

Oak Woodland Ordinance

The County of San Luis Obispo Oak Woodland Ordinance was adopted in April 2017 to regulate the clear-cutting of oak woodlands. This ordinance applies to sites located outside of Urban or Village areas within the inland portions of the county (not within the Coastal Zone). "Clear-cutting" is defined as the removal of 1 acre or more of contiguous trees within an oak woodland from a site or portion of a site for any reason, including harvesting of wood, or to enable the conversion of land to other land uses. "Oak woodland" includes the following species: blue oak (*Quercus douglasii*), coast live oak (*Q. agrifolia*), interior live oak (*Q. wislizeni*), valley oak (*Q. labata*), and California black oak (*Q. 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.

CDFA Requirements

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

1. Comply with Section 13149 of the California 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
2. Comply with any conditions requested by the SWRCB or CDFW under Section 26060.1(b)(1) of the Business and Professions Code.

The following information is based on the Biological Resources Report and Addendum to Biological Report prepared for the project (Althouse and Meade 2020a, 2020b). This report provided analysis of potential impacts to biological resources that may result from the project within an approximately 9-acre Study Area (Figure 6).

Biological Setting and Natural Communities

According to the Biological Report for the project, the Study Area (see Figure 6) consists of cropland, ruderal vegetation, and riparian vegetation. The cropland was once a lemon orchard, but now is dominated by dense charlock mustard (*Sinapis arvensis*) that has recently been grazed. In addition, avocado orchards occur in the northwest portion of the property and vegetation in the aisles of the orchard consists of charlock mustards and grasses, including soft chess brome (*Bromus hordaeceus*), Italian ryegrass (*Festuca perennis*), and foxtail barley (*Hordeum murinum*). Cropland in the southern and southeastern portion of the Study Area shows signs of vehicle disturbance with mustard exiting on patches of undisturbed soil. Ruderal vegetation on-site consists of predominately bare ground with compacted soils and little to no vegetation. The riparian vegetation identified within the Study Area is associated with the ephemeral drainage located approximately 100 feet north of the project development site, and includes Arroyo willow (*Salix lasiolepis*), poison hemlock (*Conium maculatum*), Italian thistle (*Carduus pycnocephalus*), and stinging nettle (*Urtica dioica*) within the mid-story and Italian ryegrass and bristly ox-tongue (*Helminthotheca echioides*) in the understory.

Wetlands and other Water Bodies

There is an on-site Class III ephemeral drainage located approximately 100 feet north of the project development site and is a tributary to Nipomo Creek. No formal wetland delineations were conducted to determine whether wetland habitat occurs within the drainage banks (Althouse and Meade 2020). Arroyo willow (Salix lasiolepis) is the dominant species forming an intermittent tree canopy around the ephemeral drainage, while poison hemlock (Conium maculatum), Italian thistle (*Carduus pycnocephalus*), and stinging nettle (*Urtica dioica*) dominate the mid-story herbaceous stratum. Italian ryegrass and bristly ox-tongue (*Helminthotheca echioides*) are dominant in the understory. Culverts are currently in place at three locations: one at the eastern end of the Study Area where a dirt road crosses the drainage, one at a central location of the drainage to allow for vehicle crossing, and a third outlet culvert conveys water off-site at the western end of the drainage. There is also an agricultural pond located over 500 feet northwest of the project development site, outside of the area of disturbance, that periodically contains water.

Special-Status Plants

The California Natural Diversity Database (CNDDB) and the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California were queried for special-status plant species occurrences and sensitive natural communities within the project site quadrangle and the surrounding eight quadrangles. Other database searches included online herbarium specimen records for locality data within San Luis Obispo County, as maintained by the Consortium of California Herbaria. Websites such as iNaturalist.org and IUCNredlist.org were also reviewed as secondary sources of information on special-status species occurrence records.

The botanical survey conducted for the project site in February 2020 identified 28 species, subspecies, and varieties of vascular plants within the Study Area (see Figure 6). Of the 28 identified species, there are five native species and 23 introduced species present on-site. The five native species include coast live oak, Arroyo willow, narrow lead milkweed (*Asclepias fascicularis*), stinging nettle, and slender oat (*Avena barbata*). A protocol-level botanical survey of the Study Area according to the methods prescribed by regulatory agencies (i.e., CDFW, USFWS, CNPS) was later conducted in April 2020.

Figure 6. Habitat Map

After review of the literature, and completing site visits, criteria including distance from nearest recorded occurrence, known geographic distribution, and quality of habitat features on-site were used to determine the potential for special-status plant species to occur within the Study Area. Based on the habitat types and soils present on the property, the Study Area was determined to have potential to support one special-status species—Cambria morning glory (*Calystegia subacaulis* ssp. *episcopalis*). To determine the appropriate bloom period for the one special status plant with potential to occur in the Study Area, reference sites within a similar geographic range for Cambria morning glory (*Calystegia subacaulis* subsp. *episcopalis*) were visited to observe the phenological status. Cambria morning glory was observed in flower at one reference site in the City of San Luis Obispo in early April 2020.

The botanical survey conducted in April 2020 identified 34 species, subspecies, and varieties of vascular plant taxa in the Study Area. Habitat types remained consistent with February 2020 survey results, and additional avocado tree plantings were observed in the southwest portion of the Study Area. No special-status plants were observed during the 2020 winter biological survey or the spring 2020 botanical survey (Althouse and Meade 2020a, 2020b).

Special-Status Wildlife

The USFWS Critical Habitat Mapper and CNDDB were queried for special-status wildlife species occurrences within the project site quadrangle and the surrounding eight quadrangles. Websites such as Californiaherps.com, iNaturalist.org, eBird.org, and IUCNredlist.org were also reviewed as secondary sources of information on special-status species occurrence records. The literature review identified 36 special status species as being known to occur in the region.

Onsite drainages are dry most of the year, therefore, aquatic and semi-aquatic species such as the California Tiger Salamander, vernal pool fairy shrimp, Western pond turtle, tidewater goby, steelhead trout, or Western spadefoot would not have the potential to occur on-site. The site does not support sand dune or coastal habitat, therefore, species such as the Oso Flaco robber fly, the Oso Flaco flightless moth, Western snowy plover, Oso Flaco patch butterfly, the Sandy Beach Tiger Beetle, Globose dune beetle, the white sand bear scarab beetle, or California least tern would not occur on-site. The project site does not provide suitable nesting habitat for sharp-shinned hawk, tricolored blackbird, Swainson's hawk, California condor, or California black rail due to lack of habitat features preferred by these species, such as deep canyons, undisturbed grassland, and/or marsh habitat. In addition, the nearest occurrence of Swainson's hawk is a presumed extirpated populations dated over 100 years ago in Guadalupe, California. The project site does not support appropriate water sources for California red-legged frog and is located outside of the range for migrating frogs. Foothill yellow-legged frog also have no potential to occur because the project site does not support appropriate stream habitat with rocky substrate (Althouse and Meade 2020a).

Based on the literature review and analysis of known ecological requirements for special-status wildlife species identified in the literature review, there is low potential for one special-status wildlife species—prairie falcon (*Falco mexicanus*)— to forage within the Study Area, and there is low potential for bird species protected under the MBTA to nest near the proposed development site. The other identified species were identified as having no potential to occur within the Study Area based on previously disturbed land and/or lack of suitable habitat (Althouse and Meade 2020a).

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

Based on the botanical surveys conducted for the project, there is low potential for one special–status plant species to occur on-site, which is discussed below.

Cambria Morning Glory

Cambria morning glory is a CRPR 4.2 and is known to occur in chaparral, cismontane woodland, coastal prairie, and valley and foothill grassland or clay soils below 1,640 feet of elevation. The project area is underlain by clay soil at an elevation of 410 to 465 feet, which is considered suitable habitat for the species. In addition, the nearest known record of Cambria morning glory is approximately 2 miles northwest of the project site. However, the project site has been previously disturbed through agricultural practices and vehicle use on-site. Disturbed cropland habitat, which is the predominant habitat type at the project site, is not the preferred habitat for this species. There is still low potential for the species to occur in unplowed marginal areas of the site or in the weedy vegetation of the drainage. An Addendum to Biological Report for this project was prepared in June 2020 and includes results from appropriately timed botanical surveys during the blooming period for the Cambria morning glory. Based on the Addendum, Cambria morning glory was not observed on-site during appropriately timed botanical surveys (Althouse and Meade 2020b).

Based on the absence of special-status plant species, implementation of the project would not result in disturbance to special-status plant species.

Special-Status Wildlife

Based on the CNDDB search and field surveys conducted for the project, there is potential for several special status wildlife species and one critical habitat to occur on-site, which are discussed below.

Prairie Falcon

Prairie falcons occur in a variety of habitat types, including perennial grasslands, savannahs, rangeland, some agricultural fields, and desert scrub areas. Based on the previously disturbed nature of the project site and limited prey base, there is low potential for prairie falcon to use the area for foraging and the species is not anticipated to occur within the identified Study Area (Althouse and Meade 2020).

Bird Species Protected by the Migratory Bird Treaty Act

The project site supports several landscaped ornamental trees along the southern and eastern boundaries of the site, as well as native tree species located north of the proposed disturbance area. While project activities would maintain a 100-foot buffer from the upland extent of riparian vegetation located north of the project disturbance area, project grading and construction activities may have the potential to impact nesting birds protected by the MBTA if they occur within the landscaped trees bordering the project site. Mitigation Measure BIO-1 has been identified to require nesting bird surveys prior to the start of construction activities to determine if there are nesting birds in the area that could be affected by construction activities and implementation of appropriate avoidance buffers

if observed. Implementation of the identified mitigation measure would ensure construction activities would not have a substantial adverse effect on protected bird species present on-site.

Steelhead Trout

The project area is located within 5 miles of critical habitat for steelhead trout, which is a threatened species under the FESA. The project site contains an on-site drainage that outlets into Nipomo Creek; however, the on-site drainage is ephemeral in nature and does not retain a consistent level of water that would support steelhead trout (Althouse and Meade 2020a). Based on the ephemeral nature of the drainage, steelhead trout would not occur on-site. Further, the project proposes a 100-foot setback from the on-site creek; therefore, project activities would not result in adverse effects to the species.

California Red-Legged Frog

The project area is located within 5 miles of documented occurrences of CRLF, a species listed as threatened under the FESA. The Study Area does not contain designated USFWS critical habitat for red-legged frog. Appropriate water sources to support CRLF habitat are not present due to the lack of consistent water levels, and the Study Area is outside the range for frogs to migrate from known occurrences within the region. Therefore, CRLF has no potential to occur in the Study Area (Althouse and Meade 2020a) and project activities would not result in substantial adverse effects to the species.

Conclusion

According to the Addendum to Biological Report for the project (Althouse and Meade 2020b), there were no special-status plant species observed on-site during appropriately timed botanical surveys. Based on the absence of special-status plant species, the project would not result in adverse effects to special-status plant species. In addition, bird nest sites were not observed during field surveys; however, the project site supports marginally suitable foraging habitat for prairie falcon. Mitigation Measure BIO-1 requires nesting bird surveys prior to construction activity to ensure protected bird species are not present on-site and would not be disturbed by project development. Implementation of the identified mitigation measures would ensure special-status plant and wildlife species would not be adversely affected by project implementation; therefore, potential impacts 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?

The project parcel currently supports riparian vegetation along two on-site drainages mapped by the National Hydrography Dataset (NHD). The project proposes a 100-foot disturbance setback from the riparian edge of the southern drainage, which would avoid disturbance to any riparian vegetation present on-site and significantly reduce the potential for indirect impacts such as erosion and sedimentation from proposed construction and grading activities. Other plant communities within the project disturbance area include cropland and ruderal vegetation, which have been previously disturbed by agricultural and vehicle uses (Althouse and Meade 2020a). Project activities would not disturb existing riparian habitat due to the proposed 100-foot setback; therefore, potential impacts would be *less than significant*.

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

According to the Biological Report prepared for the project (Althouse and Meade 2020a), the on-site drainage in proximity to the project development area is ephemeral in nature and is considered a Class III watercourse under the SWRCB General Order for Cannabis Cultivation Activities (Order WQ 2017-0023-DWQ). Under the SWRCB General Order, cannabis activities are required to be setback 50 feet from the drainage. The project proposes a 100-foot setback, which would be consistent with the General Order and substantially reduce the potential for indirect impacts such as erosion or sedimentation. Construction activities would not have a substantial effect on the drainage feature in proximity to the proposed development area or associated habitat; therefore, potential impacts would be *less than significant*.

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

According to the Biological Report prepared for the project (Althouse and Meade 2020a), wildlife movement corridors are considered sensitive resources by resource and conservation agencies. The on-site drainage in proximity to the proposed development area is a tributary to Nipomo Creek, which eventually connects with the Santa Maria River to the south, which outlets into the Pacific Ocean. Although the on-site drainage is a tributary to Nipomo Creek, it does not support aquatic wildlife movement due to the ephemeral nature of the drainage (Althouse and Meade 2020a). Based on the absence of migratory fish species and the implementation of a 100-foot setback, the project would not result in interference with the movement of migratory fish species.

According to the Biological Report, there is potential for prairie falcon to forage within the project area; however, during field surveys there were no observations of active nests (Althouse and Meade 2020a). Mitigation Measure BIO-1 has been identified to require nesting bird surveys prior to the start of construction. Implementation of Mitigation Measure BIO-1 would ensure construction activities do not disturb nesting or migratory bird species during project development; therefore, potential 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 LUO (22.58.010) establishes the preservation of heritage oaks and oak woodlands. There are existing palm trees and pepper trees located at the eastern and southern property boundary and willows located within the riparian area of the on-site drainage. The biological report identified coast live oak within the Study Area; however, oak trees would not be removed during land preparation or construction activities. The project does not propose the removal of any trees for project activities and willows and oak trees located within the riparian area would be setback 100-feet from project activities; therefore, potential impacts would be *less than significant*.

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

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

Conclusion

Upon implementation of Mitigation Measure BIO-1 to reduce potential impacts to special-status wildlife, potential impacts to biological resources would be less than significant. Based on project location and design features, the project would not result in adverse effects to sensitive natural communities, oak woodlands, or water resources, and no further mitigation is necessary.

Mitigation

BIO-1 **Preconstruction 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 1 week prior to the start of initial project activity, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged or the nest is no longer deemed active.

1. 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.
2. If special-status avian species (aside from burrowing owl [*Athene cunicularia*]) 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.
3. The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

   If 2 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.

V. CULTURAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	☐	☐	☒	☐

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

Setting

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

As defined by CEQA, a historical resource includes:

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

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

In the event of an accidental discovery or recognition of any human remains, 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. California Health and Safety Code Section 7050.5 and LUO 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.

Discussion

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

An Extended Phase 1 Cultural Resource Inventory was conducted for the project site in June 2020 (Albion Environmental 2020). A records search was conducted for a 0.5-mile radius around the project parcel on April 24, 2019 that included records from the National Register of Historic Places, California Register of Historic Resources – Determined Eligible Properties, California State Historic Property Data Files, California Points of Historical Interest, California Historical Landmarks, Caltrans State and Local Bridge Survey, Office of Historic Preservation (OHP) Archaeological Determination of Eligibility, and special research collections at the UCSB Library.

The records search determined that there are no documented historic-era resources within the project area (Albion Environmental 2020). In addition, the project does not propose the demolition or relocation of any existing structures or buildings on-site. The project site does not contain a site under the Historic Site (H) combining designation and does not contain other structures of historic age (50 years or older) that could be potentially significant as a historical resource. Therefore, the project would not result in an adverse change in the significance of a historical resource and impacts would be *less than significant.*

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

In support of the Extended Phase 1 Cultural Resource Inventory conducted for the project site (Albion Environmental 2020), a records search was conducted for a 0.5-mile radius of the project area on April 24, 2019, with appropriate consultation with regional and state agencies and local Native American tribes. The records search revealed that there have been no previous cultural studies within the proposed project area; however, there are four identified cultural resources within a 0.5-mile radius of the project area.

A pedestrian survey of the Study Area was conducted on May 2, 2019. The southern portion of the project development area would support the new greenhouses and other structures and the pedestrian survey revealed that there were no anthropogenic soils or intact precolonial archaeological deposits visible on-site and concluded that there is low potential for archaeological resources to occur within the southern portion of the project area. However, due to the low visibility in the northern portion of the project area, proposed construction activities, proximity to previously identified archaeological resources, and proximity to a riparian corridor, further archaeological surveys were recommended.

A subsurface survey was conducted to further determine the likelihood of the presence or absence of archaeological resources throughout the project site. Albion excavated nine Auger Probe (AP) units, which produced a negative result. The subsurface survey revealed that there were no artifacts encountered, no anthropogenic soils observed on-site, and no intact archaeological deposits were discovered (Albion Environmental 2020). Based on the results of the records search and surface survey, the project site has low potential for containing archaeological or cultural resources.

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

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

The project proposes 37,897 square feet of site disturbance, including 1,472 cubic yards of earthwork. Based on the negative results produced by the pedestrian survey and subsurface testing described in impact discussion (b), there is low potential for discovery of unknown human remains during project activities. In the event of an accidental discovery or recognition of any human remains, Health and Safety Code Section 7050.5 and LUO 22.10.040 (Archaeological Resources) require that no further

disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. With adherence to Health and Safety Code Section 7050.5 and the 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 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

None necessary.

VI. ENERGY

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

Setting

Local Utilities

Pacific Gas and Electric Company (PG&E) is the primary electricity provider for urban and rural communities within San Luis Obispo County. In 2019, approximately 25% of electricity provided by PG&E was sourced from renewable resources, 45% was sourced from nuclear energy, 28% was sourced from large hydrological energy, and 2% was sourced from nuclear gas (PG&E 2020).

PG&E offers two programs through which consumers may purchase electricity from renewable sources: the Solar Choice program and the Regional Renewable Choice program. Under the Solar Choice program, a customer remains on their existing electric rate plan and pays a modest additional fee on a per kilowatt-hour basis for clean solar power. The fee depends on the type of service, rate plan, and enrollment level. Customers may choose to have 50% or 100% of their monthly electricity usage to be generated through 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 Energy 2019).

Local Energy Plans and Policies

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

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

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

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

State Building Code Requirements

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

Vehicle Fuel Economy Standards

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

gallon (mpg), limiting vehicle emissions to 163 grams of carbon dioxide (CO_2) per mile for the fleet of cars and light-duty trucks by the model year 2025.

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

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

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

All self-propelled off-road diesel vehicles 25 horsepower (hp) or greater used in California and most two-engine vehicles (except on-road two-engine sweepers) are subject to the CARB's Regulation for In-Use Off-Road Diesel Fueled Fleets (Off-Road regulation); this includes vehicles that are rented or leased (rental or leased fleets). The overall purpose of the Off-Road regulation is to reduce emissions of 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 and mixed-light licensees must provide evidence of carbon offsets if the licensee's average weighted GHG emission intensity is greater than the local utility provider's GHG emission intensity. As such, for cultivators within San Luis Obispo County, if a cultivator's indoor or mixed-light energy use is supplied by resources with a lesser GHG-emission intensity than PG&E's GHG-emission intensity (currently approximately 85%), they would be required to acquire carbon offsets to account for the difference (CCR Section 8305).

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

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

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

Discussion

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

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

Construction

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

Operation

During operation, the project would rely on electricity provided by PG&E, which is fully compliant with state renewable energy regulations. According to the PG&E website, the energy provider sources 29% of its energy from renewable sources, 27% from hydroelectric sources, and 44% of its energy from nuclear sources (PG&E 2019). The proposed project would require energy use for grow lighting, air

filters, circulation fans, 24-hour security system operation, exterior security lighting, processing building heating, ventilation, lights, and well pumps. The project proposes energy conservation methods, including use of LED lights, motion sensor lighting, lighting timers, and natural light in the cultivation greenhouses and processing and distribution building.

Electricity and Natural Gas

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

U-occupancy structures (such as greenhouses) are exempt from California Building Code standards and therefore would not necessarily use efficient energy practices. Because the cultivation activities would not be subject to these state energy efficiency regulations, the project could potentially result in wasteful, inefficient, or unnecessary energy consumption.

Cannabis cultivation structures would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during operation if it utilizes significantly more energy (>20%) than a typical commercial building of the same size. Based on the California Energy Commission Report prepared by Itron, Inc, (March 2006), a typical commercial building utilizes 21.25 kilowatt hours per square foot (kWh/sf) annually. The project would include the construction and operation of cultivation greenhouses totaling 33,880 square feet in floor area and construction and operation of a 1,000-square-foot processing building. The total kWh usage for a typical commercial building 34,880 square feet in size would be 741,200 kWh per year.

The proposed project includes construction of 9 30-foot by 100-foot greenhouses for a combined area of 27,000 sf. These greenhouses would be equipped with high-efficiency LED grow lighting, motion sensor security lighting, security cameras, and an odor mitigation system including fans, ionization units, and filter units. The project also includes construction of a 1,000-sf processing and distribution building, which would include heating, ventilation, and air conditioning (HVAC), motion sensor security lighting, security cameras, and an odor mitigation system including exhaust fans and filter units. The six proposed six interconnected nursery greenhouses with a total floor area of 6,880 sf would be equipped with LED grow lighting, motion sensor security lighting, security cameras, and an odor mitigation system including fans and filter units. Lastly, the proposed product storage container would be equipped with HVAC, motion sensor security lighting, security cameras, and an odor mitigation system including fans and filter units. The project's total annual energy demand and proposed equipment is summarized below in Table 3.

Table 3. Total Estimated Project Annual Energy Demand

Equipment	Watts	Number of Units	Hours per Day[1]	Total (kWh/year)	Notes
Greenhouse LED Grow Lights	60	360	3.25	25,552.80	40 lights per greenhouse

Site Security Cameras	500	4	24	17,472.00	
Motion Sensor Site Security Lighting	150	5	0.75	204.75.00	
Processing Building Operation	28,000	1	5.70	58,094.40	
Product Storage Container Operation	10,500	1	5	19,110.00	
Well Pump	6,300	1	3	6,879.60	
Greenhouse Circulating Fans – Holland Heater CAF45	400.2	36	14	73,419.09	24/7 operation during flowering (February to August)
Greenhouse Circulating Fans – Bipolar Ionization Units	8	18	14	733.82	24/7 operation during flowering (February to August)
Processing Building Exhaust Fans with Carbon Filter	172.5	1	24	1,506.96	
Element Air / HEPA & Carbon Filters – Greenhouses and Nursery	207	66	14	69,621.55	24/7 operation during flowering (February to August)
Element Air / HEPA & Carbon Filter – Product Storage Container	207	1	24	1,808.35	
Ventilation Louver Bipolar Ionization	14.4	18	14	1,320.88	24/7 operation during flowering (February to August)
Processing Building Can-Fan 50 / Carbon Filter	180	3	24	4,717.44	
			Total	280,441.65	

[1]Hours per day based on average use per day over the course of a year.
Source: BMA Mechanical, 2021

Based on the analysis provided in Table 2 above, the project would result in a total estimated energy demand of 280,441.65 kWh per year. The project would not result in an energy demand greater than 20% more than a commercial building of the same size, which in this case would be 889,440 kWh per year; therefore, the project would not result in wasteful, unnecessary, or inefficient energy consumption related to electricity use and would not conflict with renewable energy and/or energy efficiency policies.

Fuel Use

Construction activities would result in fuel use for worker and delivery trips and the operation of construction equipment. Ongoing operation of the project would result in fuel use associated with the motor vehicle trips of the six full-time project employees and deliveries of materials and cannabis products off-site. All vehicles used by employees and deliveries during operation would be subject to applicable federal and state fuel economy standards. Based on adherence to applicable federal and state fuel efficiency regulations and the size and scope of proposed activities, project fuel use would not result in wasteful, inefficient, or unnecessary consumption of energy resources and would not conflict with applicable energy efficiency policies.

Based on the analysis provided above, the project would not result in wasteful, inefficient, or unnecessary energy use and would ensure project consistency with applicable state and local energy policies; therefore, impacts would be *less than significant*.

Conclusion

The project would not result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with applicable energy policies; therefore; potential impacts would be less than significant.

Mitigation

None necessary.

VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				

Initial Study – Environmental Checklist

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

Setting

The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) is a California state law that was developed to regulate development near active faults and mitigate the surface fault rupture potential and other hazards. The Alquist-Priolo Act identifies active earthquake fault zones and restricts the construction of habitable

structures over known active or potentially active faults. San Luis Obispo County is in a geologically complex and seismically active region. The *County of San Luis Obispo General Plan Safety Element* 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 nearest active faults to the project site include the Santa Maria Fault located approximately 1 mile west, the West Huasna Fault located approximately 3.4 mile east, and the Oceano Fault located approximately 5 miles west (CDOC 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 CBC includes requirements that structures be designed to resist a certain minimum seismic force resulting from ground motion.

The 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 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 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 San Luis Obispo County, California – Coastal Part Area, the project is in an area with soils with a moderate to high potential for shrink swell (USDA 2021).

According to the U.S. Geological Survey (USGS), the project site is underlain by older alluvium (Qoa), which has a high potential for fossil yield (USGS 2021; SWCA Environmental Consultants [SWCA] 2017). The 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.

Discussion

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

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

The project site is not located within an Alquist-Priolo Fault Hazard Zone, and there are no mapped active faults crossing or adjacent to the site (USGS 2021). The closest potentially active faults include the Santa Maria Fault located approximately 1 mile west, the West Huasna Fault located

approximately 3.4 miles east, and the Oceano Fault located approximately 5 miles west (CDOC 2015). Therefore, *no impacts would occur* related to location within known fault zones.

(a-ii) Strong seismic ground shaking?

The project site is located in the Central Coast, which is a seismically active region, and there is always potential for seismic ground shaking to occur. The project site is located approximately 1 mile east of the Santa Maria Fault, 3.4 miles west of the West Huasna Fault, and approximately 5 miles east of the Oceano Fault, which are quaternary and late quaternary faults with a low potential for displacement (CDOC 2015). The project proposes the development of indoor mixed-light cannabis cultivation within 27,000 square feet of cultivation greenhouses and 6,880 square feet of nursery greenhouses. In addition, the project proposes the development of a 1,000-square-foot processing and office building, a 144-square-foot storage shed, and other site improvements. The greenhouses, nurseries, processing building, and storage shed would be subject to CBC seismic design criteria. According to Section 1613 of the 2019 CBC, all structures and portions of structures are required to be designed to resist the effects of seismic loadings caused by earthquake ground motions. Compliance with existing standards would ensure the project would not result in the risk of loss, injury, or death in the event of seismic ground shaking; therefore, impacts would be *less than significant*.

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

According to the Safety Element Maps, the project site is located in an area with low potential for liquefaction to occur. In addition, the development of the processing and office building would be compliant with applicable CBC regulations to ensure the project does not result in the risk of loss, injury, or death due to seismic-related ground failure, including liquefaction. Other inhabitable structures proposed for the project would not be subject to CBC regulations. Compliance with existing regulations would reduce risk associated with liquefaction; therefore, impacts would be *less than significant*.

(a-iv) Landslides?

According to the Safety Element Maps, the project site is located in an area with low potential for landslides to occur. In addition, the project site is predominantly flat and project construction would not require deep cuts into steep slopes or other actions that may result in landslides. In addition, habitable structures on-site (e.g., processing and office building) would be subject to CBC regulations to reduce the potential for the project to result in substantial adverse effects involving landslides. Compliance with existing state and local regulations would ensure the project does not result in risk of loss, injury, or death in the event of a landslide; therefore, impacts would be *less than significant*.

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

The project would result in 2.67 acres of ground disturbance including 1,472 cubic yards of earthwork. There is potential for construction activities to temporarily increase erosion and sedimentation on-site. The project proposes a 100-foot setback from the on-site drainage, which is consistent with the LUO and RWQCB regulations. The project would disturb more than 1 acre of soil and would be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the SWRCB Construction General Permit Order 2009-0009-DWQ. An Erosion and Sedimentation Control Plan is required for all construction and grading permit projects per LUO 22.52.120. The plan would be prepared by a qualified engineer to ensure effective erosion and sedimentation control measures prior to, during, and following project construction. In addition, standard Best Management Practices (BMPs) would be implemented during project construction to reduce erosion and pollution from

discharging into the on-site drainage. In addition, the applicant has submitted a drainage plan that is consistent with LUO 22.52.110, which requires the preparation and approval of a drainage plan. Compliance with existing regulations and implementation of standard BMPs would reduce erosion and sedimentation from discharging into the on-site drainage and violating water quality; therefore, impacts would be *less than significant*.

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

According to the USGS Areas of Land Subsidence in California Map, the project site is not located in an area of recorded land subsidence. Based on the Safety Element maps, the project site is also located in an area with low potential for liquefaction and landslides. The project does not propose construction or operational features that have the potential to result in unstable soil conditions; 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?

Expansive soils are soils with a high shrink/swell capacity. Typically, soils with a high shrink/swell capacity are comprised of clay or clay materials. The project site is underlain by Diablo Clay, 5 to 9 percent slopes, MRLA 15, which is comprised of clay and would have a moderate-to-high shrink/swell capacity. New development would be subject to applicable CBC and other engineering standards for development on expansive soils. Compliance with existing standards and regulations would ensure the project would not result in substantial risk to life or property due to its location on expansive soils; therefore, impacts would be *less than significant*.

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

The project proposes the development of permanent restrooms and a new 1,200-gallon capacity septic tank and leach field system. In addition, the project proposes the use of portable restrooms, which would connect to the proposed septic tank. The soils at the project site consist of clay materials, which typically do not function properly for a septic leach field because of the slow permeability and depth to rock of clay soils. Using sandy backfill or trench lines and increasing the size of the absorption field helps to compensate for the slow permeability (USDA 1984). The proposed septic tank and leach field area is located beyond 100 feet of any creeks or bodies of water and is located on soils with less than 20 percent slopes. Prior to installation, the proposed septic system would be required to demonstrate compliance with all Tier 1 standards of the California Onsite Wastewater Treatment Systems Policy permitting requirements. Compliance with existing engineering standards for development of a new septic tank would ensure soils at the project site could support the new septic tank; therefore, impacts would be *less than significant*.

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

According to the USGS, the project site is underlain by older alluvium (Qoa), which has a high potential for fossil yield (USGS 2021; SWCA 2017). The project requires 2.67 acres of ground disturbance, including 1,472 cubic yards of earthwork on previously undeveloped land, with a maximum cut depth of 3.5 feet. Based on the NRCS Web Soil Survey database, the soils on-site consist entirely of Diablo clay, 5 to 9 percent slopes, which have a typical depth to bedrock of 4.4 feet to 6.6 feet (USDA 2021). Proposed grading and excavation would consist of installation of building foundations for proposed structures on a relatively flat surface. Since earthwork for the project would not reach into the bedrock

and would not require deep cuts into established slopes, discovery of unknown paleontological resources is not anticipated. Therefore, proposed earthwork activities would not directly or indirectly destroy a unique paleontological resource or unique geological feature and potential impacts would be *less than significant.*

Conclusion

New development would be subject to the CBC and other state and local engineering standards to reduce the risk of loss, injury, or death. The project is not expected to substantially increase erosion or sedimentation based on compliance with existing regulations. Therefore, potential impacts associated with geology and soils would be less than significant.

Mitigation

None necessary.

VIII. GREENHOUSE GAS EMISSIONS

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

Setting

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 CO_2, methane (CH_4), nitrous oxide (N_2O), and fluorinated gases. These are most commonly emitted through the burning of fossil fuels (oil, natural gas, and coal), agricultural practices, decay of organic waste in landfills, and a variety of other chemical reactions and industrial processes (e.g., the manufacturing of cement). CO_2 is the most abundant GHG and is estimated to represent approximately 80–90% of the principal GHGs that are currently affecting the earth's climate. According to the 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 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, implementing 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 EO S-3-05 extended the state's GHG reduction goals and require the 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 the CARB is the 2017 Climate Change Scoping Plan, which was released in November 2017. The 2017 Climate Change Scoping Plan incorporates strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05.

When assessing the significance of potential impacts for CEQA compliance, an individual project's GHG emissions will generally not result in direct significant impacts because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation. Accordingly, in March 2012, the SLOAPCD approved thresholds for GHG impacts, which were incorporated into the 2012 CEQA Air Quality Handbook. The Handbook recommended applying a Bright Line Threshold of 1,150 metric tons of carbon dioxide equivalent emissions ($MTCO_2e$) per year 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 AB 32 and the 2017 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: Climate Action Plans conforming to CEQA Guidelines Sections 15183 and 15183.5 would be qualified and eligible for project streamlining under CEQA.

  The 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% below 1990 levels by the year 2030. According to the *California Greenhouse Gas Emissions for 2000 to 2018, Trends of Emissions and Other Indicators* published by the CARB, emissions of GHG statewide in 2018 were 425 million $MTCO_2e$, which was 6 million MTCO2e *below* the 2020 GHG target of 431 million $MTCO_2e$ established by AB 32 (California Air Resources Board [CARB] 2020). At the local level, an update of the County's EWP prepared in 2016 revealed that overall GHG emissions in San Luis Obispo County decreased by approximately 7% between 2006 and 2013, or about one-half of the year 2020 target of reducing GHG emissions by 15% relative to the 2006 baseline.[1] Therefore, application of the 1,150 $MTCO_2e$ Bright Line Threshold in San Luis Obispo County, together with other statewide and local efforts to reduce GHG emissions, proved to be an effective approach for achieving the reduction targets set forth by AB 32 for the year 2020. It should be noted that the 1,150 $MTCO_2e$ per year Bright Line Threshold was based on the assumption that a project with the potential to emit less than 1,150 $MTCO_2e$ per year would result in impacts that are less than significant and less than cumulatively considerable and would be consistent with state and local GHG reduction goals.

Since SB 32 requires the state to reduce GHG levels by 40% below 1990 levels by the year 2030, the application of an interim "bright line" SB 32-based working threshold that is 40% below the 1,150 $MTCO_2e$ Bright Line threshold (1,150 x 0.6 = 690 $MTCO_2e$) would be expected to produce comparable GHG reductions "in the spirit of" the targets established by SB 32. Therefore, for the purpose of evaluating the significance of GHG emissions for a project after 2020, emissions estimated to be less than 690 $MTCO_2e$ per year GHG are considered *de minimus* (too trivial or minor to merit consideration) and will have a less-than-significant impact that is less than cumulatively considerable and consistent with state and local GHG reduction goals.

Discussion

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

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. The project requires 1,472 cubic yards of cut and fill activity that could generate fugitive emissions during project construction that would be similar to other projects within the county. Construction activity would adhere to federal and state regulations regarding release of emissions and construction impacts would be less than significant.

Employee vehicle trips to and from the project site and building energy use would be the predominant sources of GHG emissions during project operation. The project's electricity demand would be supplied by Pacific Gas and Electric Company. In 2019, approximately 25% of electricity provided by

[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.

PG&E was sourced from renewable resources, 45% was sourced from nuclear energy, 28% was sourced from large hydrological energy, and 2% was sourced from nuclear gas (PG&E 2020).

Table 4 below provides an estimate of GHG emissions that would result from the project with the conservative assumption that the project energy demand would be 889,440 kWh per year (20% more than that of a commercial building of the same size).

Table 1. Estimate of Project Related GHG Emissions

Component	Size	Emissions Rate (Annual $MTCO_2e$/sf)		Estimated Projected Annual CO_2 Emissions (MT/year)
		Construction[1]	Operation[2]	
Existing single family residence	1 dwelling	n/a	4.200[3]	4.20
Existing Baseline GHG Emissions				**4.20**
Proposed Cultivation and Nursery Area	33,880 sq. ft.	0.0022	0.0116	467.544
Typical Commercial Building Equivalent to Proposed Processing Building	1,000 sq. ft	0.0022	0.0116	13.8
Net Change (Increase)				**481.34**

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

Notes:

1. Total construction-related GHG emissions divided by the floor area of a typical indoor cannabis cultivation building (22,000 sf). Assumes 34 total construction days, including site preparation, grading and building construction; 13 VMT per construction day for workers; and 1,000 cubic yards of cut and fill.
2. Total operational emissions based on an energy demand of 889,440 kWh/year (see Section VI, Energy) and energy provided by PG&E. Emission factor derived from CalEEMod and includes emissions associated with energy use, VMT and water use.
3. Based on 18,000 kWh/household/year.

As shown in Table 4, with the conservative assumption the project would require an operational energy demand of 889,440 kWh per year, the project would result in approximately 481.34 $MTCO_2e$ per year. For the purpose of evaluating the significance of GHG emissions for a project, the County considers project that result in emissions estimated to be less than 690 $MTCO_2e$ per year are considered *de minimus* (too trivial or minor to merit consideration) and would have a less-than-significant impact. Therefore, potential impacts on the environment associated with GHG emissions would be *less than significant*.

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

The project has been evaluated for consistency with applicable regional and statewide GHG reduction plans and policies, as described below.

San Luis Obispo County 2019 Regional Transportation Plan and Sustainable Communities Strategy

The *San Luis Obispo County 2019 Regional Transportation Plan and Sustainable Communities Strategy* (RTP/SCS), which was adopted by the San Luis Obispo Council of Governments (SLOCOG) Board in June 2019, includes the region's SCS and outlines how the region will meet or exceed its GHG reduction

targets by creating more compact, walkable, bike-friendly, and 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/SCS provides guidance for the development and management of transportation systems county-wide to help achieve, among other objectives, GHG reduction goals. The RTP/SCS recommends strategies for community planning, such as encouraging mixed-use, infill development that facilitate the use of modes of travel other than motor vehicles.

The project consists of a commercial enterprise located in a predominantly agricultural area. As discussed in Section III, Air Quality, the project does not include development of retail or commercial uses that would be open to the public; therefore, land use planning strategies, such as mixed-use development and planning compact communities, are generally not applicable. The project would result in the establishment of activities that are agricultural in nature and would employ up to six full-time regular employees and no 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. Therefore, the project would not conflict with any goals or policies set forth in the RTP/SCS.

California Air Resources Board 2017 Climate Change Proposed Scoping Plan

Pursuant to AB 32, the CARB 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 5 years.

The 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 SB 350, which is aimed at reducing 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 VMT.
- Implement SB 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, transitioning to zero emission technologies, and increasing 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 Scoping Plan are programmatic and intended to be implemented state-wide and industry-wide. They are therefore not applicable at the level of an individual project. However, as discussed in Section XVII, Transportation, the project is not expected to generate a

significant increase in construction-related or operational traffic trips or VMT, which is consistent with Scoping Plan strategies for reducing VMT. Therefore, the project would be consistent with the strategies set forth in the CARB 2017 Scoping Plan.

Conclusion

Overall, the project is consistent with adopted plans and policies aimed at reducing GHG emissions and potential impacts would be *less than significant*.

Conclusion

The project would not generate significant GHG emissions above existing levels and would not exceed any applicable GHG thresholds, contribute considerably to cumulatively significant GHG emissions, or conflict with plans adopted to reduce GHG emissions. Therefore, potential impacts related to GHG emissions would be less than significant.

Mitigation

None necessary.

IX. HAZARDS AND HAZARDOUS MATERIALS

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

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

Setting

The Hazardous Waste and Substances Site List (Cortese List), which is a list of hazardous materials sites compiled pursuant to California Government Code (CGC) Section 65962.5, is a planning document used by the state, local agencies, and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. The project would not be in an area of known hazardous material contamination and is not on a site listed on the Cortese List (SWRCB 2015; California Department of Toxic Substance Control [DTSC] 2020). Based on the SLOAPCD NOA screening, map, the project is not located in an area with potential for soils containing naturally occurring asbestos.

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 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 high FHSZ. Based on the County Fire/CAL FIRE referral response letter, it would take approximately 6 to 7 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 indoor cannabis cultivation and nursery activities. Commonly used hazardous substances within the project site include biological insecticides and wettable sulfur for pest control, which would be transported, stored, and used according to regulatory requirements and existing procedures for the handling of common hazardous materials. The project would result in four delivery trips per week, three of which would be for cultivation materials and one to transport products to markets. Delivery trips for cultivation materials could include fertilizers, pesticides, or other common household materials, which would be transported according to regulatory requirements and existing procedures to significantly reduce the risk for upset.

Cannabis waste would be composted on-site within a 2,200-square-foot, fenced composting area enclosed by a 4-foot-tall chain-link fence with two secured access gates. The compost area would be capable of supporting 391 cubic yards of compost mixture. Cannabis waste would be collected in 50-gallon roller waste bins labelled for waste in each greenhouse and in the processing building. Cannabis waste, including roots, stalks, and leaves, would be mixed with organic soils and mulch in the compost area and used for amending soil in the cultivation area. Composted material would be properly disposed of in accordance with Best Management Operational Practices for cannabis waste materials.

Non-cannabis waste would be disposed of in 50-gallon Uline roller trash/recycling bins located outside of the processing and distribution building. Non-cannabis waste would be self-hauled to the local landfill or recycling on an as-needed basis. Waste would be handled according to existing state and local regulations to ensure waste disposal does not result in hazard to the public. Compliance with existing regulations would ensure the project would not result in significant hazard to the public; therefore, impacts 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 site is currently used for agricultural uses and supports row crops and orchards. Although the project site is currently used for agricultural cultivation, there is low potential for the historical use of organochlorine pesticides (OCPs); therefore, project activities are not anticipated to result in the release of hazardous OCPs. 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.

During operation, 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. The project proposes processing, which involves trimming and drying of cannabis product; however, no extraction or manufacturing of cannabis products would take place on-site. The applicant has prepared a Hazard Response Plan in the event of an accidental pesticide or other release that would be enacted in the unlikely event of a hazardous materials upset. In addition, employees would undergo safety training for handling and use of pesticides to ensure safe practices are employed. Compliance with existing regulations and proposed safety measures would reduce the potential for reasonably foreseeable

upset and accident conditions involving the release of hazardous materials; however, due to the proximity of the on-site creek and riparian habitat, Mitigation Measures HAZ-1 and HAZ-2 have been identified to ensure project activities do not result in upset involving sensitive habitat areas. The identified measures ensure staging and construction equipment are located outside of the 100-foot setback in order to avoid potential for accidental upset involving hazardous materials; therefore, potential impacts would be *less than significant with mitigation.*

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

The nearest school facility is Nipomo Elementary School, located approximately 0.81 mile 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 1,000 feet of the project site. The nearest Cortese List site is Nipomo Community Services District, located 0.96 mile southwest of the project site, and cleanup status of the site has been listed as closed (SWRCB 2021). The proposed project site is not listed on or located near a site listed on the Cortese List; therefore, *no impacts would occur.*

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

The project would be not located within an Airport Review Area and there are no active public or private landing strips within the immediate project vicinity; therefore, *no impacts would occur.*

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

The project does not require any road closures and would be designed to accommodate emergency vehicle access. Any potential temporary traffic controls would be compliant with local standards regarding notice and signage. The project would not impair implementation of or physically interfere with County hazard mitigation or emergency plans; therefore, impacts would be *less than significant.*

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

According to the CAL FIRE referral response letter received for the project, the project site is located within an State Responsibility Area designated as "high" and response times to the project site would be approximately 5 minutes. The project proposes structures including greenhouses, nurseries, a processing building, and storage structures that would be required to comply with California Fire Code (CFC) and PRC regulations and standards for development. According to the CAL FIRE referral response letter, a qualified Fire Protection Engineer (FPE) is required to design and/or approve the commercial fire sprinkler system, water storage system, underground piping, fire hydrants, and fire pump for the proposed project and provide a written technical analysis of the fire protection system. The project proposes a new water storage tank for fire suppression purposes, upgraded emergency

access, and a new fire hydrant, which is consistent with the requirements outlined in CAL FIRE's referral response letter. The project would be required to implement water storage, fire hydrants/pumps, emergency access, alarms, occupancy classification, and proper addressing prior to final inspection and occupancy. Compliance with existing regulations and CAL FIRE requirements would ensure implementation of the project would not expose people to risk of loss, injury, or death involving wildfire; therefore, impacts would be *less than significant*.

Conclusion

The project would not result in potentially significant impacts associated with routine use or transport of hazardous materials, hazardous emissions within .25-mile of a school, location near an airport, interfere with an evacuation plan, or expose people or structures to significant risk involving wildfires. Implementation of Mitigation Measures HAZ-1 and HAZ-2 would reduce potential impacts associated with the accidental release of hazardous materials during construction activities; therefore, project impacts associated with hazards and hazardous materials would be reduced to less than significant with mitigation.

Mitigation

HAZ-1 During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be on-site at all times during construction.

HAZ-2 During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas outside of the 100-foot creek buffer located north of the proposed development area. The staging areas shall conform to all BMPs applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

X. HYDROLOGY AND WATER QUALITY

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
(b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐

Initial Study – Environmental Checklist

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

Setting

The RWQCB *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 Public Works Department is responsible for ensuring that new construction sites implement BMPs during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1 acre or more must obtain coverage under the SWRCB 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 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.

Discussion

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

There is an on-site drainage located north of the proposed project site, which is a tributary to Nipomo Creek, located approximately 1.38 miles west of the property. The project would result in 2.67 acres of ground disturbance, including 1,472 cubic yards of earthwork. There is potential for construction activities to temporarily increase erosion and sedimentation on-site. In addition, construction equipment and vehicles have the potential to temporarily increase polluted runoff on-site. The project proposes a 100-foot setback from the on-site drainage, which is consistent with the LUO. The project would disturb more than 1 acre of soil and would be required to prepare a SWPPP in accordance with the SWRCB Construction General Permit Order 2009-0009-DWQ. An Erosion and Sedimentation Control Plan is required for all construction and grading permit projects per LUO 22.52.120. The plan would be prepared by a qualified engineer to ensure effective erosion and sedimentation control measures prior to, during, and following project construction. In addition, standard BMPs would be implemented during project construction to reduce erosion and pollution from discharging into the on-site drainage. In addition, the applicant has submitted a drainage plan to be approved by the County, which is consistent with LUO 22.52.110, which requires the preparation and approval of a drainage plan. Compliance with existing regulations and implementation of standard BMPs would reduce erosion and sedimentation from discharging into the on-site drainage and violating water quality; therefore, impacts would be *less than significant*.

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

Water for the project would be supplied by an existing on-site well located in the northern portion of the project site (noted as AG Water Well #3 on project site plans). The project proposes a new 5,000-

gallon water storage tank for cultivation irrigation located in the southern portion of the area of disturbance. A well pump test performed by Brand X Water Well Service (Brand X Well Water Service 2020) revealed that the well has a sustained yield of 5 gallons per minute (GPM).

The project site is not located within the Santa Maria Groundwater Basin or the Nipomo Mesa Management Area. Therefore, the project site is not located within a groundwater basin that has been assigned a Level of Severity by the Resource Management System (RMS). Under the RMS, a groundwater basin that has not been assigned a Level of Severity is not in a state of overdraft and is presumed to be capable of meeting water demand over at least the next 15 years. The project site is not subject to a water use offset requirement.

According to GRDC Design and Construction (GRDC 2020), the water demand of the project (cultivation greenhouses, nursery greenhouses, processing building, and stored fire water) would be 1.30 AFY. The domestic water demand for the project (employee water use) would be an additional 0.05 AFY. However, the project proposes portable restrooms, which would further reduce domestic water usage.

Separate from the project, there is potential for approximately 16.59 acres of additional avocado groves to be planted on site in the future. Therefore, additional avocado groves planted on-site may result in an additional water demand of 30.53 AF per year. These uses would be in addition the existing avocado orchards and rotating row crops being cultivated on-site. Water usage would be similar in scale to historic agricultural uses on-site and surrounding agricultural operations and would be supplied by on-site wells. Based on the proposed water usage, the ongoing ability of on-site wells to support existing and historic agricultural operations, and location of the project site outside of an impacted groundwater basin, the project would not significantly decrease groundwater supply or interfere with management of a groundwater basin; therefore, 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?

The project would result in 2.67 acres of ground disturbance, including 1,472 cubic yards of earthwork. There is potential for construction activities to temporarily increase erosion and sedimentation on-site. There is an on-site drainage north of the project site that would be set back 100 feet from proposed site disturbance activities. The project is not expected to directly alter the drainage; however, grading activity has the potential to temporarily alter drainage patterns and increase erosion and siltation on-site. A new 2,025-square-foot 3.5-foot-deep retention basin is proposed in the northern portion of the project area that would be used for erosion control on-site. The project would disturb more than 1 acre of soil and would be required to prepare a SWPPP. All construction and grading activities within the County are required to prepare an Erosion and Sedimentation Control Plan for all construction and grading permit projects per LUO 22.52.120. The plan would be prepared by a qualified engineer to ensure effective erosion and sedimentation control measures prior to, during, and following project construction. In addition, the applicant has submitted a preliminary drainage plan as required by LUO 22.52.110. In addition, standard BMPs would be implanted during project construction to reduce erosion and pollution from discharging into the on-site drainage. Compliance with existing regulations would ensure temporary construction activities do not substantially increase erosion or siltation on-site; therefore, impacts would be *less than significant*.

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

The project proposes the development of 27,000 square feet of greenhouses, 6,880 square feet of nursery cultivation, a 1,000-square-foot processing/office building, a 144-square-foot storage shed, a 6-foot-tall chain-link fence enclosing project activities, and ancillary improvements, including driveways, parking, and interior roads. New greenhouses and buildings have the potential to increase impervious surface area within the project site that could increase surface water runoff water. The applicant has submitted a preliminary drainage plan to be approved by the County, as required by LUO 22.52.110, and would be required to incorporate measures to prevent on-site or off-site flooding per the LUO. Compliance with existing regulations would ensure implementation of the project does not substantially increase surface water runoff in a manner that could increase flooding on- or off-site; therefore, impacts would be *less than significant*.

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

The project proposes the development of indoor mixed-light cannabis cultivation that would increase impervious surface area through new buildings on-site. New development would include 27,000 square feet of greenhouses, 6,880 square feet of nursery cultivation greenhouses, a 1,000-square-foot processing/office building, a 144-square-foot storage shed, 6-foot-tall chain-link fence enclosing project activities, and ancillary improvements, including all-weather unpaved driveways, parking, and interior roads. Construction of the project requires 1,472 cubic yards of earthwork, which has the potential to temporarily increase erosion and sedimentation on-site. In addition, temporary construction activity has the potential to increase sources of pollution on-site. Construction and operational features have the potential to result in an increase of polluted or erosive runoff. The project proposes a new retention pond for erosion control on-site. In addition, the project would be required to prepare a Sedimentation and Erosion Control Plan (LUO 22.52.120) and a Drainage Plan (LUO 22.52.110). A drainage plan has already been submitted by the applicant to be approved by the County. Preparation and implementation of an Erosion and Sedimentation Control Plan and Drainage Plan would ensure project activities would not create substantial additional sources of polluted runoff. Based on project design features and compliance with existing regulations, impacts would be *less than significant*.

(c-iv) Impede or redirect flood flows?

Based on the County Flood Hazard Map, the project site is not located within a 100-year flood zone and flooding is not expected to occur on-site. The project would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation per LUO 22.52.110 and 22.52.120. In addition, consistent with LUO 22.52.110, the applicant has submitted a drainage plan to be reviewed and approved by the County. Compliance with existing regulations would ensure the project includes proper drainage features and erosion and sedimentation control measures to avoid redirection of flood flows or increased erosive or polluted runoff in the unlikely event of a flood event. Therefore, impacts 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 (CDOC 2019). The

project site is not located within close proximity to a standing body of water with the potential for a seiche to occur. Therefore, 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 site is not located within a groundwater basin that is under a state or local Basin Management Plan. Cultivation would be supplied by the on-site well and would significantly deplete groundwater or interfere with groundwater recharge. The project would be consistent with erosion and sedimentation control measures and drainage requirements per the LUO to avoid degradation of water quality in the area; therefore, impacts would be *less than significant*.

Conclusion

The project would be subject to an Erosion and Sedimentation Control Plan and Drainage Plan per the LUO to reduce construction and operational erosive and other sources of runoff. In addition, construction activities would implement BMPs to further reduce potential erosive runoff. The project would not interfere with a basin management plan or significantly decrease groundwater resources. Therefore, impacts would be less than significant, and no mitigation is required.

Mitigation

None necessary.

XI. LAND USE AND PLANNING

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

Setting

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

Initial Study – Environmental Checklist

The *County of San Luis Obispo General Plan Land Use Element* (LUE) provides policies and standards for the management of growth and development in each unincorporated community and rural areas of the county and serves as a reference point and guide for future land use planning studies throughout the county. The LUE identifies strategic 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 Agriculture land use designation.

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 South County Inland subarea of the South County Planning Area.

Discussion

(a) Physically divide an established community?

The project does not propose project elements or components that would physically divide the site from surrounding areas and uses. The project would be consistent with the general level of development within the project vicinity and would not create, close, or impede any existing public or private roads, or create any other barriers to movement or accessibility within the community. Therefore, the proposed project would not physically divide an established community and *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 site is located within the Agriculture land use designation within the South County Inland sub area of the South County planning area. Based on the Land Use Category Standards for the South County Subarea, cannabis cultivation, nurseries, dispensaries, and processing facilities are all permitted uses within the Agriculture land use category in the Nipomo and Santa Maria Valleys (LUO 22.98.072). The project would be consistent with the property's land use designation and the guidelines and policies for development within the applicable area plan and inland LUO. The COSE identifies goals, policies, and implementation strategies for the protection of natural resources, including air quality, biological resources, cultural resources, energy, mineral resources, open space, soil resources, visual resources, and water resources. The project would implement measures to mitigate potential impacts associated with air quality, biological resources, energy use, and noise, which would be consistent with the COSE and other General Plan Elements. With implementation of the identified mitigation measures, the project would be consistent with standards and policies set forth in the *County of San Luis Obispo General Plan*, the *South County Area Plan*, the SLOAPCD CAP, and other land use policies for this area. In addition, the project would be required to be consistent with standards set forth by County Fire/CAL FIRE and the County Public Works Department; therefore, 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 air quality, biological resources, energy use, hazards and hazardous materials, and noise.

Mitigation

Implement Mitigation Measures AQ-1, AQ-2, BIO-1, HAZ-1, HAZ-2, N-1, and N-2.

XII. MINERAL RESOURCES

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

Setting

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

Discussion

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

Based on the CGS Information Warehouse for Mineral Land Classification, the project site is located within an area that is being evaluated for mineral resources (CDOC 2021). However, the project site is not in close proximity to an active mine and is not located within a designated mineral resource zone or within an EX or EX-1 combining designation. Due to its location, the project site is not expected to damage mineral resources in the area; therefore, impacts would be *less than significant*.

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

Based on the CGS Information Warehouse for Mineral Land Classification, the project site is located within an area that is being evaluated for mineral resources (CDOC 2021). The COSE dedicates areas where mineral or petroleum is expected to occur and requires protection of those resources from development projects. The project site is not in close proximity to an active mine and is not located within a designated mineral resource zone or within an EX or EX-1 combining designation. The project would not result in work within an EX or EX-1 area, which is consistent with the COSE; therefore, impacts would be *less than significant.*

Conclusion

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

Mitigation

None necessary.

XIII. NOISE

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

Setting

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

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

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

- Hotels and motels
- Bed and breakfast facilities
- Outdoor sports and recreation
- Offices

All sound levels referred to in the Noise Element are expressed in A-weighted decibels (dBA). A-weighting 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 (see Table 5). Exterior noise levels are measured from the property line of the affected noise-sensitive land use.

Table 5. Maximum Allowable Exterior Noise Level Standards[1]

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

1. When the receiving noise-sensitive land use is outdoor sports and recreation, the noise level standards are increased by 10 db.
2. Applies only to uses that operate or are occupied during nighttime hours.

Discussion

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

The project proposes cannabis cultivation and ancillary activities on land that is designated for agricultural uses. Surrounding areas include agricultural land and scattered residences in all directions. The nearest sensitive receptor location is a residence located 96 feet west of the western property boundary and over 200 feet from the proposed greenhouses.

Construction-Related Noise

The project would require temporary construction activity that would occur between the hours of 7:00 a.m. to 10:00 p.m., as required by the LUO. Construction includes development of 27,000 square feet of cultivation greenhouses, 6,880 square feet of nursery cultivation greenhouses, a 1,000-square-foot processing/office building, a 144-square-foot storage shed, 6-foot-tall chain-link fence enclosing project activities, and ancillary improvements, including driveways, parking, and interior roads. The project would result in 2.67 acres of ground disturbance including 1,472 cubic yards of earthwork. Construction noise would be temporary in nature and similar to other development projects within the county. The nearest sensitive receptor is within 100 feet of the proposed project site and may be adversely affected by temporary construction noise. Mitigation Measures N-1 and N-2 have been identified to implement noise-reduction strategies to reduce construction-related noise near sensitive receptor locations.

Operation-Related Noise

The proposed cultivation greenhouses would be located approximately 200 feet from the nearest sensitive receptor property line located west of the project site. The project would operate between the hours of 6:30 a.m. and 6:00 p.m. Monday through Saturday. Operational components include indoor mixed-light cannabis cultivation, nursery cultivation, and ancillary processing and ancillary transport of cannabis products off-site. Cultivation would require irrigation and new development would be equipped with odor-reduction technology that has the potential to increase the ambient noise levels in the area. Circulation fans and ventilation sidewall fans would generate a maximum of 70 dBA at a distance of 5 feet from the source. Noise attenuates (diminishes) at a rate of 6 dB per doubling of distance. Therefore, maximum noise levels generated from the odor control system during harvest periods would be between 40 and 46 dB at the nearest property line assuming a distance of 100 feet, which would be below the maximum exterior noise level set forth by the Noise Element.

Other components of the proposed odor control system, such as the exhaust louvers with carbon filters or Can-Fan 50 Carbon Filter would produce maximum noise levels of 55 dBA and 65 dBA at 5 feet from the source, however, these components would operate 24 hours a day, 7 days a week. Maximum noise levels generated from the odor control system during non-harvest periods would be between 35 and 41 dB at the nearest property line assuming a distance of 100 feet, which would be below the maximum exterior noise level set forth by the Noise Element.

During periods in which both odor control systems are operating, the resulting noise level at the nearest property line would be about 45 dBA which is still below the maximum hourly exterior nighttime noise level allowed by County standards.

Due to the project's location and design features, operational noise is not expected to exceed daytime or nighttime exterior noise thresholds established in the LUO. Construction-related noise has the potential to temporarily increase ambient noise levels near sensitive receptor locations. Implementation of Mitigation Measures N-1 and N-2 would ensure noise-reduction BMPs are implemented during construction activity in order to reduce construction-related noise near sensitive receptors. Operational noise would not exceed 45 dB at property boundaries due to project location and design features, which is consistent with the LUO. Therefore, impacts would be *less than significant with mitigation*.

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

The project would result in 2.67 acres of ground disturbance, including 1,472 cubic yards of earthwork. The project does not propose pile driving or other high-impact activities that would generate substantial groundborne noise or groundborne vibration during construction. Use of heavy equipment for excavation and other ground-disturbing activity would generate groundborne noise and vibration, but these activities would be limited in duration and consistent with other standard construction activities and would likely not be substantial enough to be detected by occupants of surrounding land uses. Therefore, potential impacts would be *less than significant.*

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

The project site is located approximately 10 miles east from the nearest airport (Oceano County Airport) and is not located within an Airport Review designation or adjacent to a private airstrip; therefore, *no impacts would occur.*

Conclusion

No significant long-term change in noise levels would occur due to project design features. Short-term construction-related noise would be limited in nature and duration and would only occur during appropriate daytime hours. Additional mitigation measures have been included due the to the project's proximity to nearby sensitive receptor locations. Therefore, potential noise impacts would be less than significant with implementation of Mitigation Measures N-1 and N-2.

Mitigation

N-1 For the entire duration of the construction phase of the project, the following BMPs shall be adhered to:

1. Stationary construction equipment that generates noise that exceeds 60 dBA at the project boundaries shall be shielded with the most modern noise control devises (i.e., mufflers, lagging, and/or motor enclosures).
2. Impact tools (e.g., jack hammers, pavement breakers, rock drills, etc.) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools.
3. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used.
4. All construction equipment shall have the manufacturers' recommended noise abatement methods installed, such as mufflers, engine enclosures, and engine vibration insulators, intact and operational.
5. All construction equipment shall undergo inspection at periodic intervals to ensure proper maintenance and presence of noise control devices (e.g., mufflers, shrouding, etc.).

N-2 Construction plans shall note construction hours, truck routes, and all construction noise BMP, and shall be reviewed and approved by the County Planning and Building Department prior to issuance of grading/building permits. The County shall provide and post signs stating these restrictions at construction entry sites prior to commencement of construction and maintained throughout the construction phase of the project. All construction workers shall be briefed at a preconstruction meeting on construction hour limitations and how, why, and where BMP measures are to be implemented.

XIV. POPULATION AND HOUSING

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

Setting

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

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

Discussion

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

The project proposes cannabis activities within a rural area and would employ up to six full-time employees and no additional employees during harvest times. Workers would likely be sourced from the local labor pool and would not require new or additional housing as a result of the proposed project. 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 and would not result in a need for a significant amount of new housing nor displace any housing in the area. Therefore, impacts associated with substantial unplanned population growth would be *less than significant.*

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

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

Conclusion

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

Mitigation

None necessary.

XV. PUBLIC SERVICES

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

Setting

Fire protection services in unincorporated San Luis Obispo County are provided by CAL FIRE, which has been under contract with the County to provide full-service fire protection since 1930. Approximately 180 full-time state employees operate the County Fire Department, supplemented by as many as 100 state seasonal fire fighters, 300 County paid-call and reserve fire fighters, and 120 state inmate fire fighters. CAL FIRE responds to emergencies and other requests for assistance, plans for and takes action to prevent emergencies and reduce their impact, coordinates regional emergency response efforts, and provides public education and

training in local communities. CAL FIRE has 24 fire stations located throughout the county, and the nearest station to the project site would be CAL FIRE Station #20, located approximately 1.6 miles west of the project site in the community of Nipomo. Based on the referral response letter received from County Fire/CAL FIRE regarding the proposed project, emergency personnel would be able to reach the site within 0–5 minutes of receiving a call (CAL FIRE 2019).

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 9 miles northwest of the project site in the community of Oceano.

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

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 CFC and 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 items to be completed prior to final inspection/operation of the project. Based on the referral response letter for this project, a qualified Fire Protection Engineer (FPE) is required to design and/or approve the commercial fire sprinkler system, water storage system, underground piping, fire hydrants, and fire pump for the proposed project and provide a written technical analysis of the fire protection system (CAL FIRE 2019). The project is required to implement water storage, fire hydrants/pumps, emergency access, alarms, occupancy classification, and proper addressing prior to final inspection and occupancy. The project proposes a new water storage tank, upgraded emergency access, and fire hydrants, which is consistent with the referral response letter. Based on the limited amount of development proposed, the project would not create a significant new demand for fire services. In addition, the project would

be subject to public facility fees to offset the increased cumulative demand on fire protection services. Therefore, impacts would be *less than significant*. Additional information regarding wildfire hazard impacts is discussed in Section XX, Wildfire.

Police protection?

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

Schools?

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

None necessary.

XVI. RECREATION

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
(b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Setting

The *County of San Luis Obispo General Plan Parks and Recreation Element* 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 *2015/2016 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 activities within a rural area and would employ up to six full-time employees and up to no additional part-time/temporary employees during harvest times. Workers would likely be sourced from the local labor pool and would not result in increased demand on existing or planned recreational facilities in the County. The project is not proposed in a location that 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

None necessary.

XVII. TRANSPORTATION

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

Setting

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 an 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 of San Luis Obispo Framework for Planning (Inland)* includes the *County of San Luis Obispo General Plan Land Use and Circulation Elements*. The framework establishes goals and strategies to meet pedestrian circulation needs by providing usable and attractive sidewalks, pathways, and trails to establish maximum access and connectivity between land use designations. The project site is located 0.5 mile east of the community of Nipomo. The nearest transit facility is 1 mile west.

Discussion

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

As described above, the County's Framework for Planning (Inland) identifies goals and strategies to meet pedestrian circulation needs by creating a connectivity between land use designations and providing usable walkways, trails, and bicycle lanes. The project site is located 1 mile east of a transit stop and 0.5 mile east of the community of Nipomo. The project would be closed to the public and therefore implementation of the project is not expected to generate any visitors or other trips outside of equipment and material deliveries, employee transportation, and cannabis product delivery trips.

The project proposes cannabis cultivation and processing activities that would employ up to six full-time employees and result in up to four deliveries per week. Employees would work from either 6:30 a.m. to 3:00 p.m. or 9:30 a.m. to 6:00 p.m.; therefore, employees would not be commuting to work during peak traffic hours. The project would be consistent with applicable programs and would not substantially increase vehicle trips to and from the project site; therefore, 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 up to six full-time employees, with no seasonal employees. According to the *Technical Advisory on Evaluating Transportation Impacts in CEQA* (OPR 2018), projects that would generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact. In 2021, the County released draft guidelines for evaluating transportation impacts using VMT consistent with recently mandated changes to the California Environmental Quality Act (CEQA). The guidelines describe screening criteria for projects presumed to have a less than significant impact. Based on the County of San Luis Obispo SB 743 Sketch VMT Tool, Version 6.4, the new VMT generated by the proposed project would fall below the suggested screening

threshold of 110 trips per day and would therefore be assumed to be less than significant. 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 project proposes the development of a new driveway per CAL FIRE standards, which includes a 22-foot-wide aggregate base access road, a new 24-foot-wide aggregate base turn out drive approach, and a new aggregate base fire department hammerhead turnaround area. New roadways and design features would be subject to CAL FIRE approval for efficient emergency access to the site. The Traffic Impact Study and VMT Analysis prepared for the project (Associated Transportation Engineers 2020) applies the County's sight distance standards to determine the minimum sight distance requirements at the existing and proposed driveways. Based on the County's standards, the minimum stopping sight distance is 360 feet for the 35–45 mph roadway adjacent to the site access connections. Sight distances from the east connection (existing) and west connection (proposed) would exceed the minimum sight distance requirements of 360 feet. In addition, the project does not propose other circulation design components that would create hazards on- or off-site due to geometric design feature. The project proposes upgrades to the existing driveway and an additional aggregate base road. So long as road designs comply with CAL FIRE and County Public Works Department design standards, impacts would be *less than significant*.

(d) Result in inadequate emergency access?

As described above, the project proposes the development of a new driveway per CAL FIRE standards, which includes a 22-foot-wide aggregate base access road, a new 24-foot-wide aggregate base turn out drive approach, and a new aggregate base fire department hammerhead turnaround area. New roadways and design features would be subject to CAL FIRE approval for efficient emergency access to the site. No public road closures are necessary to implement these improvements or other development features. Any temporary traffic controls would be temporary in nature and would follow proper protocol regarding notice and signage. Therefore, the project would provide for adequate emergency access and impacts would be *less than significant*.

Conclusion

Potential impacts related to transportation and circulation would be less than significant, and no mitigation is necessary.

Mitigation

None necessary.

XVIII. TRIBAL CULTURAL RESOURCES

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

Setting

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

1. Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
    a. Included or determined to be eligible for inclusion in the CRHR; or
    b. Included in a local register of historical resources as defined in 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 in PRC Section 5024.1(c).

In applying these criteria for the purposes of this discussion, 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, project notices were sent to four Native American tribes: Northern Salinan, Xolon Salinan, yak titᵛu titᵛu yak tiłhini Northern Chumash, and Northern Chumash Tribal Council in May 2019. No responses have been received to date (September 2021).

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)?*

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 tiłhini Northern Chumash, and Northern Chumash Tribal Council. There were no requests for consultation as of September 2, 2021.

Based on the results of the Phase 1 archaeological resources survey and records search, the project site does not contain any known tribal cultural resources that have been listed or been found eligible for listing in the CRHR or in a local register of historical resources as defined in PRC Section 5020.1. Potential impacts associated with the inadvertent discovery of tribal cultural resources would be subject to LUO 22.10.040 (Archaeological Resources), which requires that in the event resources are encountered during project construction, construction activities shall cease, and the County Planning and Building Department shall be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with federal and state law. Therefore, impacts related to a substantial adverse change in the significance of tribal cultural resources would be *less than significant.*

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

The County has provided notice of the opportunity to consult with appropriate tribes per the requirements of AB 52 and no requests for consultation were received. Based on the results of the Phase 1 archaeological resources survey and records search, the project site does not contain any

resources determined by the County to be a potentially significant tribal cultural resource. Impacts associated with potential inadvertent discovery would be minimized through compliance with existing standards and regulations (LUO 22.10.040). Therefore, potential impacts would be *less than significant.*

Conclusion

No tribal cultural resources are known or expected to occur within or adjacent to the project site. In the event unanticipated sensitive resources are discovered during project activities, adherence with LUO standards and 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

None necessary.

XIX. UTILITIES AND SERVICE SYSTEMS

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

Initial Study – Environmental Checklist

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Setting

The County Public Works Department provides water and wastewater services for specific County Service Areas (CSAs) that are managed through issuance of water/wastewater "will serve" letters. The County Public Works Department currently maintains CSAs for the communities of Nipomo, Oak Shores, Cayucos, Avila Beach, Shandon, Santa Margarita, and the San Luis Obispo County Club. 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 Public Works Department is responsible for ensuring that new construction sites implement BMPs during construction and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1 acre or more must obtain coverage under the SWRCB's Construction General Permit. PG&E is the primary electricity provider and both PG&E and SoCalGas provide natural gas services for urban and rural communities within the county.

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.

Discussion

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

The project proposes the development of a new septic tank and leach field system in the southeastern portion of the property and connections to the existing power line. The project also proposes the construction of a 1,000-gallon water storage tank per CAL FIRE requirements and a 5,000-gallon water storage tank to support the cultivation irrigation system. Installation of new utility infrastructure would contribute to potential impacts associated with air pollutant emissions, biological resources, and noise as discussed in the resource sections above. Implementation of Mitigation Measures AQ-1, AQ-2, BIO-1, HAZ-1, HAZ-2, N-1, and N-2 would reduce potential impacts related to installation of the new infrastructure.

The project would require the extension of existing electrical infrastructure from a power pole currently located on-site. Implementation of the above noted mitigation measures would reduce potential impacts associated with extension of new electrical infrastructure would be less than significant. Therefore, with implementation of Mitigation Measures AQ-1, AQ-2, BIO-1, HAZ-1, HAZ-2, N-1, and N-2, environmental impacts associated with installation of new 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 not located within an identified groundwater basin and has therefore not been assigned a Level of Severity by the County's Resource Management System nor is it subject to a basin management plan in accordance with the SGMA. A pump test performed by Brand X Water Well Service (Brand X Well Water Service 2020) revealed that the well proposed to support the project has a sustained yield of 5 GPM. According to GRDC (2020), the new water demand of the project site would be 1.30 AFY. The project site is not located within the Santa Maria Groundwater Basin or the Nipomo Mesa Management Area. Water usage would be similar in scale to surrounding agricultural operations and would be supplied by the on-site well. Based on the proposed water usage and location of the project site outside of an impacted groundwater basin, the project would have sufficient water supplies during normal, dry, and multiple dry years; therefore, 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 would be served by an individual on-site wastewater system and would not be connected to a community wastewater service provider; therefore, *no impacts would occur.*

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

Cannabis waste would be composted on-site within a 2,200-square-foot, fenced composting area enclosed by a 4-foot-tall chain-link fence with two secured access gates. The compost area is capable of supporting 391 cubic yards of compost mixture. Cannabis waste would be collected in 50-gallon roller waste bins labelled for waste in each greenhouse and in the processing building. Cannabis waste, including roots, stalks, and leaves, would be mixed with organic soils and mulch in the compost area and used for amending soil in the cultivation area. Composted material would be properly disposed of in accordance with Best Management Operational Practices for cannabis waste materials.

Non-cannabis waste would be disposed of in 50-gallon Uline roller trash/recycling bins located outside of the processing and distribution building. Non-cannabis waste would be self-hauled to the local landfill or recycling on an as-needed basis. The nearest landfills are the Cold Canyon Landfill, located approximately 15 miles north of the project site, and Santa Maria Landfill, located approximately 10 miles south of the project site. Construction activities would result in the generation of minimal solid waste materials; no significant long-term increase in solid waste would occur. Local landfills currently have adequate permit capacity to serve the project and the project does not propose to generate solid waste in excess of state or local standards or otherwise impair the attainment of solid waste reduction goals. Therefore, potential impacts associated with the generation of solid waste in excess of state or local standards or the capacity of local infrastructure 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 construction or operation. Construction waste disposal would comply with federal, state, and local management and reduction statutes and regulations related to solid waste; therefore, potential impacts would be *less than significant.*

Conclusion

The project proposes the development of a new septic tank and connection to the existing electricity infrastructure that would require the implementation of Mitigation Measures AQ-1, AQ-2, BIO-1, HAZ-1, HAZ-2, N-1, and N-2 to reduce environmental impacts during installation. Upon implementation of the identified mitigation measures, impacts related to utilities and service systems would be less than significant.

Mitigation

Implement Mitigation Measures AQ-1, AQ-2, BIO-1, HAZ-1, HAZ-2, N-1, and N-2.

XX. WILDFIRE

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

Setting

In central California, the fire season usually extends from roughly May to 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" and is located in the Santa Lucia Mountains, which extend parallel to the coast along the entire length of San Luis Obispo County. The project would be located within the State Responsibility Area in a high FHSZ. Based on County Fire/CAL FIRE's referral response letter, it would take approximately 5 minutes to respond to a call regarding fire or life safety (CAL FIRE 2019).

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

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

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

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

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

Discussion

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

The project does not require any road closures and would be designed to accommodate emergency vehicle access per CAL FIRE requirements. Implementation of the proposed project would not have a permanent impact on any adopted emergency response plans or emergency evacuation plans. Temporary construction activities and staging would not substantially alter existing circulation

patterns or trips. Access to adjacent areas would be maintained throughout the duration of the project. Any temporary traffic controls would follow proper protocol regarding notice and signage. Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan, and potential impacts would be *less than significant.*

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

The project site is located 0.5 mile east of the developed community of Nipomo. According to the CAL FIRE referral response letter, the project site is located within an SRA designated as "high" and response times to the project site would be approximately 5 minutes (CAL FIRE 2019). The average windspeed in Nipomo averages between 7.0 mph and 9.5 mph year-round (Weather Spark 2021). The project does not propose design features that would significantly increase the potential for a wildfire to occur. In addition, the project would be required to comply with CFC, PRC, and CAL FIRE requirements to ensure risk associated with structural damage and human safety are minimized in the event of a wildfire; therefore, 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 proposes structures including greenhouses, nurseries, and storage. In addition, the project proposes a habitable processing and office building that would be required to comply with CFC and PRC regulations and standards for development. According to the CAL FIRE referral response letter received for this project, a qualified FPE is required to design and/or approve the commercial fire sprinkler system, water storage system, underground piping, fire hydrants, and fire pump for the proposed project and provide a written technical analysis of the fire protection system. The project is required to implement water storage, fire hydrants/pumps, emergency access, alarms, occupancy classification, and proper addressing prior to final inspection and occupancy. The project proposes a new water storage tank, upgraded emergency access, and fire hydrants, which is consistent with the referral response letter. The project would be required to implement and follow other CAL FIRE requirements. Compliance with existing regulations and CAL FIRE requirements would ensure implementation of the project would not expose occupants to wildfire; 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 within an area with high potential for wildfire to occur; however, according to the Safety Element Maps, the project site is located in an area with low potential for landslides. In addition, the project site is relatively flat, which further reduce the likelihood for landslides to occur. All proposed structures would be designed in compliance with CBC, CFC, PRC, and CAL FIRE requirements in order to reduce risk of loss, injury, or death in the event of a wildfire or post-fire event; therefore, impacts would be *less than significant*.

Conclusion

No significant impacts as a result of wildfire are anticipated, and no mitigation measures are necessary.

Mitigation

None necessary.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

Discussion

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

As discussed in each resource section above, upon implementation of identified mitigation measures, the proposed project would not result in significant impacts to biological 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, or reduce the number or restrict the range of a rare or endangered plant or animal species. The project would be subject to state and County policies regarding the incidental discovery of archaeological resources and would not have an adverse effect on cultural resources that could eliminate important examples of the major

periods of California history or prehistory. Therefore, impacts would be *less than significant with mitigation incorporated.*

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

The State CEQA Guidelines define cumulative impacts as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts." 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 (February 22, 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 7 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 County[1]

Proposed Cannabis Activity Type	Total Number of Proposed Cannabis Activities[1,2]	Total Proposed Canopy (acres)	Approved Activities
Indoor Cultivation and Indoor Nursery	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 February 2021.
2. Total number of all cannabis activities for which an application has been submitted to the County to date. A project site may include multiple proposed cannabis activities.

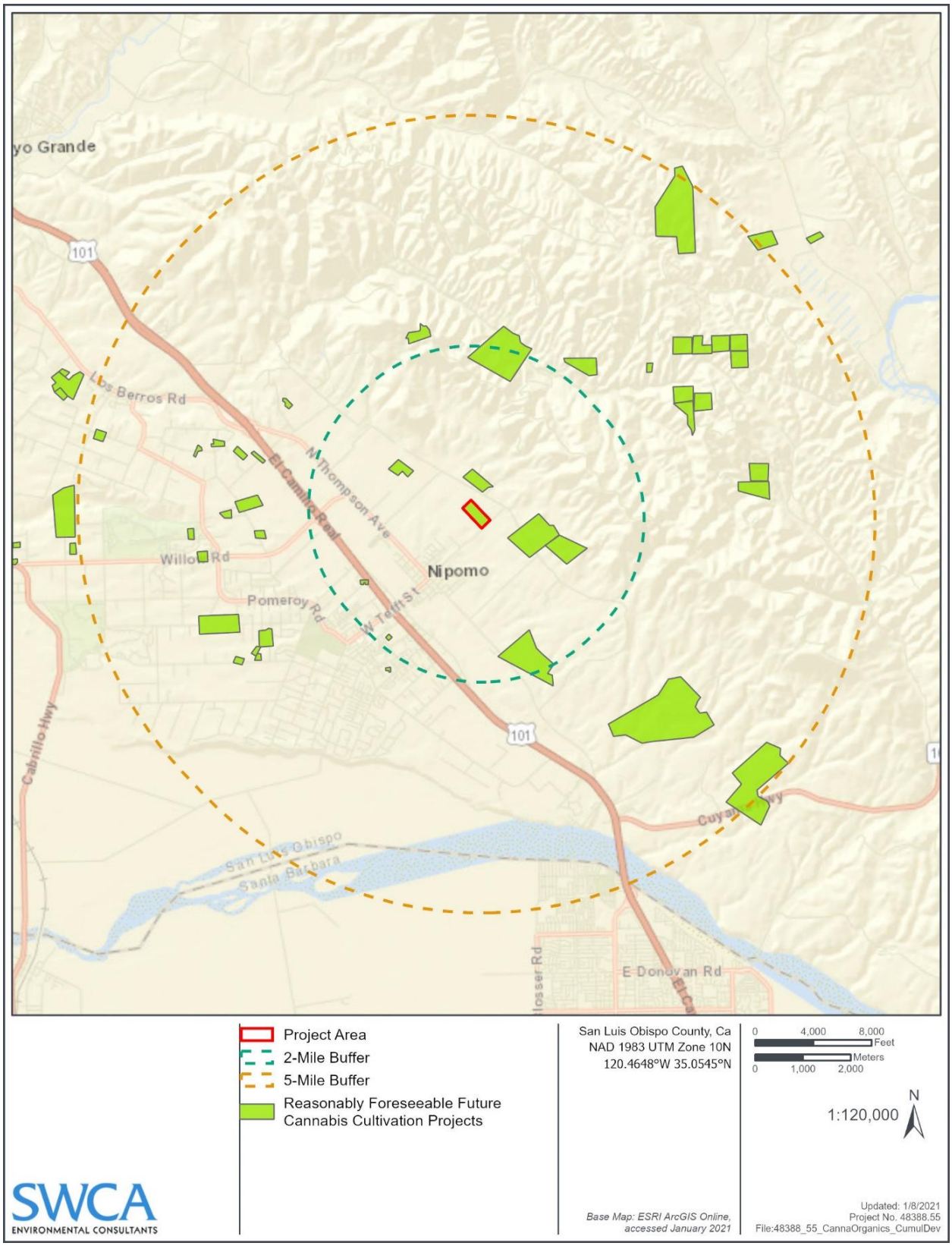

Figure 7. Reasonably Foreseeable Future Development Scenario Map.

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 six 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.*

Aesthetics

As discussed in the analysis provided in Section I, Aesthetics, views of the project components would be intermittently visible from public viewing areas through intervening avocado orchards and existing ornamental trees along the southern property line. The project proposes new sources of light and would be required to implement Mitigation Measure AES-1. Implementation of Mitigation Measure AES-1 would ensure the project does not result in adverse effects on aesthetic or visual resources in the area.

Based on the County of San Luis Obispo Land Use View online mapping tool, the project site is in an area with over 30 approved or potential cannabis facilities within 5 miles (as of February 22, 2021). Surrounding proposed cannabis cultivation operations would require discretionary permits and be evaluated for their potential to result in potentially significant environmental effects, including potential impacts to visual resources. Based on the rural and agricultural visual character of the area, newly proposed structures visible from surrounding public roadways would undergo evaluation for consistency with the surrounding visual character and may be required to implement visual screening and/or other measures if County staff identify potential impacts to visual resources. Proposed cannabis cultivation projects, including use of mixed-light growing techniques, would be subject to standard County mitigation measures to eliminate off-site nighttime light overspill.

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

Agriculture and Forestry Resources

The analysis provided in Section II, Agriculture and Forestry Resources, indicates that the project would not result in the permanent conversion of Prime Farmland, based on the FMMP, but would result in the less than significant semi-permanent conversion of up to 2.67 acres of prime farmland based on the classifications provided in the Conservation and Open Space Element. In addition, no potential impacts to forest land or timberland would occur. The project would not result in a conflict with existing zoning for agricultural use or Williamson Act contract. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the

unincorporated county, the contribution of the project's potential impacts to agriculture and forestry resources would be less than cumulatively considerable.

Air Quality

The analysis provided in Section III, Air Quality, concludes that construction and operational activities would not exceed SLOAPCD thresholds. However, due to the proximity of the nearest sensitive receptor, Mitigation Measures AQ-1 and AQ-2 have been identified to require diesel idling and dust control measures during construction activities.

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

The project site is in an area with four other reasonably foreseeable future cannabis cultivation project within 2 miles (as of February 22, 2021). The analysis provided in Section III, Air Quality, concludes that the project's potential for other emissions (such as those leading to odor) would be less than significant based on the implementation of odor control systems, the distance of proposed odor-emitting uses from the project property lines, and distance to surrounding receptors. All proposed cannabis development projects in the project vicinity would be required to comply with 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. All approved cannabis development projects in the project vicinity would also be required to enroll in the County Cannabis Monitoring Program to ensure that operational odor emissions maintain compliance with County standards.

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

Biological Resources

The analysis provided in Section IV, Biological Resources, concludes that the project site supports marginally suitable habitat for Cambria morning glory and marginally suitable foraging habitat for prairie falcon. The Addendum to the Biological Report did not identify any special-status plant species present on-site during appropriately timed field survey; therefore, no special-status plants are anticipated to occur on-site. Further, due to previously disturbed land and lack of suitable foraging habitat, prairie falcon species are not anticipated to forage on-site. Mitigation Measure BIO-1 requires nesting bird surveys to ensure construction activities do not result in adverse effects to any nesting bird species.

All surrounding proposed cannabis development projects would undergo evaluation for potential to impact biological resources. Proposed cannabis projects that are determined to have the potential to

impact sensitive species and/or their habitats, sensitive natural communities, federal or state wetlands, migratory corridors, native trees, or conflict with state or local policies or habitat conservation plans would be required to implement mitigation measures to reduce these impacts.

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

Energy Use

As discussed in Section VI, Energy, The project would not result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with applicable energy policies. Other reasonably foreseeable mixed-light cultivation, indoor cultivation, nursery, processing, and distribution projects would have the potential to result in significant consumption of energy resources and would be subject to discretionary review. Projects that are found to result in wasteful, inefficient, or unnecessary consumption of energy resources would be required to implement reduction and offset measures consistent with state and local policies. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to energy use impacts in the region would be less than cumulatively considerable.

Geology and Soils

The analysis provided in Section VII, Geology and Soils, concludes that development on the project site would not result in risk of loss, injury, or death. Construction activities would not have the potential to result in direct or indirect impacts to unique paleontological resources.

All surrounding proposed cannabis development projects would undergo evaluation for potential to impact paleontological resources. Proposed cannabis projects that are determined to have the potential to impact paleontological resources 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 geology and soils would be less than cumulatively considerable.

Hydrology and Water Quality

As discussed in Section X, Hydrology and Water Quality, project site disturbance activities would be setback 100 feet from the on-site drainage; therefore, the drainage is not expected to be adversely affected during project activities. The applicant is required to submit an Erosion and Sedimentation Control Plan and Drainage Plan to be approved by the County. Compliance with existing regulations would ensure the project does not result in the degradation of water quality.

All proposed cannabis cultivation projects located in the county are subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. All potentially hazardous materials, including minimal pesticide usage, 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.

According to GRDC Design and Construction (GRDC 2020), water demand of the project would be 1.30 AFY. As discussed in Section X, Hydrology and Water Quality , the project site is not located within the Santa Maria Groundwater Basin or the Nipomo Mesa Management Area. Therefore, the project site is not located within a groundwater basin that has been assigned a Level of Severity by the Resource Management System (RMS). Under the RMS, a groundwater basin that has not been assigned a Level of Severity is not in a state of overdraft and is presumed to be capable of meeting water demand over at least the next 15 years. The project site is not subject to a water use offset requirement.

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

Noise

As discussed in Section XIII, Noise, the project would result in construction-related noise that would be limited in nature and similar to other projects within the county. However, based on the proximity to the nearest sensitive receptor, Mitigation Measures N-1 and N-2 have been identified to reduce construction-related noise to surrounding areas. Operational features, including odor-reduction technology, are not expected to result in an increase in ambient noise levels above County thresholds based on and the attenuation associated with the distance from the property line to the various noise sources associated with the project. Therefore, the project's potential impacts associated with these thresholds would be less than significant. 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 unincorporated county, the contribution of the subject project to noise impacts would be less than cumulatively considerable.

Transportation

As discussed in Section XVII, Transportation, the project would result in a negligible number of vehicle and delivery trips to and from the project site. The project would be consistent with applicable plans, goals, and policies related to transportation planning and would not generate potentially significant new VMT. Therefore, the project's potential impacts associated with these thresholds would be less than significant.

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 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;
- Greenhouse Gas Emissions;
- Hazards and Hazardous Materials;
- Land Use and Planning;
- Mineral Resources;
- 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 Measures AQ-1, AQ-2, N-1, and N-2 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 with implementation of mitigation measures identified in the resource sections above.

Mitigation

Implement Mitigation Measures AQ-1, AQ-2, BIO-1, HAZ-1, HAZ-2, N-1, and N-2.

Exhibit A – Initial Study References and Agency Contacts

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

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

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

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

- ☒ Project File for the Subject Application

County Documents

- ☐ Coastal Plan Policies
- ☒ Framework for Planning (Coastal/Inland)
- ☒ General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:
  - ☒ Agriculture Element
  - ☒ Conservation & Open Space Element
  - ☐ Economic Element
  - ☒ Housing Element
  - ☒ Noise Element
  - ☒ Parks & Recreation Element/Project List
  - ☒ Safety Element
- ☒ Land Use Ordinance (Inland/Coastal)
- ☒ Building and Construction Ordinance
- ☒ Public Facilities Fee Ordinance
- ☐ Real Property Division Ordinance
- ☐ Affordable Housing Fund
- ☐ Airport Land Use Plan
- ☒ Energy Wise Plan
- ☒ South County Area Plan/South County sub area
- ☐ Design Plan
- ☐ Specific Plan
- ☐ Annual Resource Summary Report
- ☐ Circulation Study

Other Documents

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

Initial Study – Environmental Checklist

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

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Exhibit B – Other Agency Approvals That May Be Required

California Department of Food and Agriculture, CalCannabis Cultivation Licensing Division

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

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

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

Section 8102 – Annual State License Application Requirements

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

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

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

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

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

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

Section 8106 – Cultivation Plan Requirements

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

(3) A pest management plan.

Section 8108 -- Cannabis Waste Management Plans

Section 8216 – License Issuance in an Impacted Watershed

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

Section 8304 – General Environmental Protection Measures

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

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

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

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

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

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

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

Section 8305 – Renewable Energy Requirements

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

Section 8306 -- Generator Requirements

Section 8307 – Pesticide Use Requirements

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

Section 8308 – Cannabis Waste Management

Bureau of Cannabis Control

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

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

Federal Endangered Species Act

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

State Water Resources Control Board

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

California Department of Fish and Wildlife

Lake or Streambed Alternation

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

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

California Endangered Species Act

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

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.

DATE: March 24, 2022

DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM FOR CANNA ORGANIC FARMS MINOR USE PERMIT (DRC2019-00049)

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.

Aesthetics (AES)

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

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

Monitoring: The Light Pollution Prevention Plan (LPPP) shall be required at time of application for construction permits. Compliance will be verified by the County Department of Planning and Building.

Air Quality (AQ)

AQ-1 Prior to issuance of grading or construction permits or site disturbance activities, whichever occurs first, the following measures shall be implemented during all site disturbance activities and shown on all applicable plans:

1. Maintain all construction equipment in proper tune according to manufacturer's specifications;
2. Fuel all off-road and portable diesel-powered equipment with California Air Resources Board (CARB)-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
3. Use diesel construction equipment meeting the CARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
4. Use on-road heavy-duty trucks that meet the CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
5. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g., captive or nitrogen oxide [NO_x]-exempt area fleets) may be eligible by proving alternative compliance;
6. All on- and off-road diesel equipment shall not idle for more than 5 minutes;
7. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit;
8. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
9. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
10. Electrify equipment when feasible;
11. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
12. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.

AQ-2 During all construction activities and use of diesel vehicles, the applicant shall implement the following idling control techniques:

1. Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment.
    a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors if feasible;
    b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
    c. Use of alternative-fueled equipment shall be used whenever possible; and

d. Signs that specify the no idling requirements shall be posted and enforced at the construction site.

2. California Diesel Idling Regulations. On-road diesel vehicles shall comply with 13 California Code of Regulations (CCR) Section 2485. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California- and non-California-based vehicles. In general, the regulation specifies that drivers of said vehicles:

   a. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and
   b. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

   Signs must be posted in the designated queuing areas and job sites to remind drivers of the 5-minute idling limit. The specific requirements and exceptions in the regulation can be reviewed at the following website: www.arb.ca.gov/msprog/truck-idling/2485.pdf.

AQ-3 During all construction and ground-disturbing activities, the applicant shall implement the following particulate matter control measures and detail each measure on the project grading and building plans:

1. Reduce the amount of disturbed area where possible.
2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the San Luis Obispo County Air Pollution Control District (SLOAPCD) limit of 20% opacity for no greater than 3 minutes in any 60-minute period. Increased watering frequency shall be required whenever wind speeds exceed 15 miles per hour (mph) and cessation of grading activities during periods of winds over 25 mph. Reclaimed (non-potable) water is to be used in all construction and dust-control work.
3. All dirt stockpile areas (if any) shall be sprayed daily and covered with tarps or other dust barriers as needed.
4. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible, following completion of any soil-disturbing activities.
5. Exposed grounds that are planned to be reworked at dates greater than 1 month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.
6. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical binders, jute netting, or other methods approved in advance by the SLOAPCD.

7. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders or soil binders are used.
8. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
9. All trucks hauling dirt, sand, soil, or other loose materials, are to be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.
10. Install wheel washers where vehicles enter and exit unpaved roads onto streets or wash off trucks and equipment leaving the site. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads.
11. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible.
12. All PM_{10} (particulate matter with a diameter of 10 microns or less) mitigation measures required shall be shown on grading and building plans.
13. 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 the SLOAPCD's limit of 20% opacity for no greater than 3 minutes in any 60-minute period. 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 SLOAPCD 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 or site-disturbing activities. All measures shall be implemented at appropriate times during construction activities. Compliance will be verified by the County Department of Planning and Building.

Biological Resources (BIO)

BIO-1 **Preconstruction 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 1 week prior to the start of initial project activity, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged or the nest is no longer deemed active.

1. 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.

2. If special-status avian species (aside from burrowing owl [*Athene cunicularia*]) 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.

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

If 2 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: If work is planned to occur between February 1 and September 15, compliance will be verified through submittal of the survey results, which shall be submitted to the County Department of Planning and Building prior to initial project ground-disturbing activities.

Hazards and Hazardous Materials (HAZ)

HAZ-1 During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be on-site at all times during construction.

HAZ-2 During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas outside of the 100-foot creek buffer located north of the proposed development area. The staging areas shall conform to all Best Management Practices (BMPs) applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

Monitoring: Measures shall be implemented at appropriate times during all construction activities. Compliance will be verified by the County Department of Planning and Building.

Noise (N)

N-1 For the entire duration of the construction phase of the project, the following BMPs shall be adhered to:

1. Stationary construction equipment that generates noise that exceeds 60 A-weighted decibels (dBA) at the project boundaries shall be shielded with the most modern noise control devices (i.e., mufflers, lagging, and/or motor enclosures).

2. Impact tools (e.g., jack hammers, pavement breakers, rock drills, etc.) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools.
3. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used.
4. All construction equipment shall have the manufacturers' recommended noise abatement methods installed, such as mufflers, engine enclosures, and engine vibration insulators, intact and operational.
5. All construction equipment shall undergo inspection at periodic intervals to ensure proper maintenance and presence of noise control devices (e.g., mufflers, shrouding, etc.).

N-2 Construction plans shall note construction hours, truck routes, and all construction noise BMPs, and shall be reviewed and approved by the County Planning and Building Department prior to issuance of grading/building permits. The County shall provide and post signs stating these restrictions at construction entry sites prior to commencement of construction and maintain them throughout the construction phase of the project. All construction workers shall be briefed at a preconstruction meeting on construction hour limitations and how, why, and where BMP measures are to be implemented.

Monitoring: All measures shall be included on all project plans prior to issuance of grading or construction permits or site-disturbing activities and during project construction. All measures shall be adhered to during construction activities. 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.

DocuSigned by:
Luis Garcia
03D850D4512847F...

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

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF AGRICULTURE / WEIGHTS & MEASURES
Martin Settevendemie, Agricultural Commissioner / Sealer of Weights & Measures

DATE: September 25, 2020

TO: Ian Landreth, Project Manager

FROM: Lynda L. Auchinachie, Agriculture Department

SUBJECT: Canna Organic Farms - Cisneros Minor Use Permit DRC2019-00049 (3098)

The applicant is requesting a minor use permit to allow for indoor cannabis cultivation, nursery and processing. The approximately 35-acre project site is located within the Agriculture land use category off E. Tefft Road, east of Nipomo. The property is under Williamson Act contract as are the properties surrounding the site.

The proposal has been reviewed for ordinance and policy consistency as well as potential impacts to on and off-site agricultural resources and operations. The following conditions of approval are recommended:

- Williamson Act contract requirements should be maintained.
- Prior to commencing permitted cultivation activities, the applicant shall consult with the Department of Agriculture regarding potential licensing and/or permitting requirements and to determine if an Operator Identification Number (OIN) is needed. An OIN must be obtained prior to any pesticides being used in conjunction with the commercial cultivation of cannabis; "pesticide" is a broad term, which includes insecticides, herbicides, fungicides, rodenticides, etc., as well as organically approved pesticides.
- Parking area should be minimized to protect farmland for agriculture production and the use of pervious and semi pervious surfaces should be maximized to promote groundwater recharge and minimize erosion and sedimentation.
- Throughout the life of the project, best management water conservation practices shall be maintained.

Additionally, the Agriculture Department has become aware of potential incompatibility issues between cannabis activities and traditional crop production. The proposed indoor cannabis activities are located proximate to lemon and avocado orchards. These crops are known to use pesticides, in some cases applied aerially, that cannabis is required to be tested for by California law to ensure there are no pesticide residues above the established tolerance levels. The establishment of the proposed project has the potential to cause traditional agricultural

operations to cease, curtail or not expand their crop production activities near the proposed site because of the state regulations which have imposed pesticide residue thresholds for cannabis which are significantly lower than the residue thresholds allowed for traditional crops.

The Agriculture Element has policies to protect and encourage agricultural operations and conserve agricultural resources. As stated in Section 22.40.020 of the San Luis Obispo County Code, cannabis is not an agricultural commodity with respect to local "right to farm" ordinances nor is it considered "crop production and grazing" as a land use type. In this regard, the County has significant interest in ensuring the continued viability of agricultural operations adjacent and near cannabis cultivation operations. For this reason, the following conditions of approval and finding for project approval are recommended to address the incompatibility issue:

Setbacks

Maintain the setbacks represented in the site plan or increase distance away from adjacent properties.

Waiver and Release of Liability – Pesticide Use By Neighboring Agricultural Operations Condition of Approval

The applicant, and their representatives, agents, officers, employees, successors, landlords, tenants, insurers, assigns and any other party claiming a direct or indirect financial, ownership or commercial interest in the project or the cannabis or cannabis products produced or located on the site (Releasing Parties"), shall, as a condition of approval of this land use permit, release, waive, discharge, hold harmless and covenant not to sue any property owner, property operator/tenant or pest control business, pest control advisor or qualified applicator, including their owners, agents, officers, employees and authorized representatives ("Released Parties"), for any claim, loss or damage to cannabis or cannabis products located on the project site arising out of the recommendation or application of a registered pesticide on an agricultural commodity located outside the project site by a person or business who holds the required state license or certificate and local Operator Identification Number and, if applicable, Restricted Materials Permit, and who follows required state and local pesticide use reporting and does not grossly depart from industry norms, standards and practices regarding the application of said pesticide. This condition does not extend to any loss or damage caused by the gross negligence or willful misconduct of a Released Party, or a violation of Food and Agricultural Code Section 12972 verified by the County Agricultural Commissioner. This condition expressly extends to any statutory violations, except as set forth herein, including but not limited to actual or alleged violations of Food and Agricultural Code Section 12973, so long as the violations are not caused by the gross negligence or willful misconduct of a Released Party. Approval of this land use permit, as a land use decision, is a quasi-judicial action regulatory in nature involving the application of preexisting laws or standards to a

specific project and does not involve negotiated consideration by both the County and the application, unlike a development agreement (see 78 Ops.Cal.Atty.Gen. 230), and therefore is not subject to the limitations of Civil Code section 1668 because this land use decision is not contractual in nature. This condition of approval shall have no impact on the enforcement or application of State pesticide laws and regulations by state or local agencies, including but not limited to licensing and certification requirements, pesticide use reporting and operator identification numbers, pesticide use enforcement inspections and investigations, issuance of cease and desist orders, initiation of administrative or criminal enforcement actions, and imposition of administrative, civil and criminal penalties.

Finding for Project Approval

It is the declared policy of this County under Chapter 5.16 of the San Luis Obispo County Code and the County Agriculture Element to protect and encourage agricultural operations and conserve agricultural resources. Pursuant to Section 22.40.020 of the San Luis Obispo County Code, cannabis is not an agricultural commodity with respect to local "right to farm" ordinances nor is it considered "crop production and grazing" as a land use type. In this regard, the County has significant interest in ensuring the continued viability of agricultural operations adjacent and near cannabis cultivation operations. The County acknowledges that the establishment of the proposed project has the potential to cause traditional agricultural operations to cease or curtail their crop production activities near the proposed site because of state regulations which have imposed pesticide residue thresholds for cannabis which are significantly lower than the residue thresholds allowed for traditional agricultural crops. More specifically, the County has received substantial evidence indicating pesticide applicators would refuse to serve an agricultural operation if a cannabis site is permitted in close proximity to the agricultural operation because fear of potential crippling liability should a nearby cannabis operation be able to allege their cannabis has been made unmarketable by an offsite pesticide application, even if the levels of pesticide residue on the cannabis would otherwise be well within the amounts allowed for traditional agricultural food crops, like citrus, avocado, vineyards, vegetables and strawberries. The County has received reports in other jurisdictions, such as the County of Santa Barbara, of agricultural operations curtailing activities because of nearby cannabis operations, as well as lawsuits being filed by cannabis operations against nearby traditional agricultural operations and pesticide applicators related to cannabis allegedly made unmarketable by pesticide applications in nearby traditional agricultural fields. In accordance with the rights afforded to the County by Article XI, section 7 of the California Constitution, and in order to adequately protect agricultural operations and conserve agricultural resources within the County, the imposition and enforceability of the condition of approval requiring the applicant to release, waive, discharge, hold harmless and covenant not to sue for any claim, loss or damage to cannabis or cannabis products related to an

offsite pesticide application, as set forth within the condition of approval, is a condition to the issuance of the land use permit and making the findings required to approve this land use permit under County Code, specifically, the findings required by Sections 22.62.050.C.1 and 22.62.060.C.4c and d. If any clause or provision of this condition of approval is asserted by Releasing Party to be illegal, invalid or unenforceable, or is determined by a court of competent jurisdiction to be illegal, invalid, or unenforceable under present or future laws and the applicant does not provide or agree to adequate alternatives, this land use permit may be deemed void ab initio and there would be no vested rights to commence or continue cannabis activities on the site.

The above comments and recommendations are based on policies in the San Luis Obispo County Agriculture Element, the Conservation and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA) and on current departmental objectives to conserve agricultural resources and to provide for public health, safety and welfare, while mitigating negative impacts of development to agriculture.

If you have any questions, please call me at 805.781.5914.

Mindy Fogg

From: Cassidy McSurdy <cmcsurdy@co.slo.ca.us>
Sent: Tuesday, April 16, 2019 9:09 AM
To: Mindy Fogg; Jourdan Riedy; Rob Mullane
Subject: FW: DRC2019-00049 DALE_CISNEROS, SOUTH COUNTY E-Referral, MINOR USE PERMIT, NIPOMO

Best Regards,

Cassidy McSurdy | **Land Use Technician**
(p) 805-788-2959 cmcsurdy@co.slo.ca.us
Website | Facebook | Twitter | Map
COUNTY OF SAN LUIS OBISPO
Planning & Building

From: Michael Stoker <mstoker@co.slo.ca.us>
Sent: Monday, April 15, 2019 1:17 PM
To: Cassidy McSurdy <cmcsurdy@co.slo.ca.us>
Cc: Don C. Moore <dcmoore@co.slo.ca.us>; Cheryl Journey <cjourney@co.slo.ca.us>
Subject: Re: DRC2019-00049 DALE_CISNEROS, SOUTH COUNTY E-Referral, MINOR USE PERMIT, NIPOMO

Cassidy,

Please find buildings recommendations for DRC2019-00049 below. Please let me know if you have any questions.

In regards to this preliminary review, a building permit is required. The drawings specify the work to be completed consists of 3 acres outdoor cultivation, ancillary cannabis nursery, processing, ancillary distribution transport-only. A California State licensed design professional (Architect/Engineer) shall prepare plans in compliance with current codes adopted by the County of San Luis Obispo (Current version of the California Building Standards Codes and Title 19 of the SLO County Codes at time of permit submittal).

While a thorough plan review will be conducted at the time of the building permit application, the following items are noted to assist design review;

1. A California licensed Architect or Engineer is required to submit the plans for this project per BPC 5536.1.
2. A pre application meeting will be needed prior to submitting for a building permit to answer any questions and / or discuss code related issues.
3. Separate building permits will be required for separate structures located on the site.
4. Specify the occupancy classification and Type of Construction on the cover sheet of the plans to verify compliance with the current version of CBC.
5. Provide a building tabulation on the plans clarifying the floor area (square footage) for each proposed use/occupancy within each structure and for the overall structure.
6. Provide floor plans, elevations, sections, etc. to accurately show the work being completed and layout of the proposed uses within each structure.
7. Any fire resistive walls or ceilings due to occupancy separations will need to be detailed on the plans to comply with the requirements of with CBC, including Chapter 5, 6 and 7. The specific details for the wall construction on the plans will need to reference an approved UL listing or gypsum manual listing.
8. Mixed occupancy buildings will need to comply with the CBC, specifically CBC Chapter 5 Section 508.
9. The fire and smoke protection features (i.e. exterior walls, projections, openings, rated wall assemblies, shaft enclosures, parapet, etc) shall be shown, calculated and detailed on the plans to comply with CBC, including Chapter 7.
10. Provide an occupant load and exiting analysis on the plans to verify compliance with CBC, including Chapter 10.
11. The accessibility elements throughout will need to be shown, detailed, and / or noted on the plans to verify compliance with CBC Chapter 11B. (i.e. accessible parking, path of travel, restroom design, accessible amenities, rooms, doors, electrical outlets, etc.).
12. Provide plans which clearly show the structural design to verify compliance with the 2016 California Building Code and referenced standards. The plans and supporting calculations will need to be prepared by a California Licensed Design Professional (Architect or Engineer) justifying the structural design.
13. Membrane structures will need to comply with the provisions of CBC Section 3102.
14. Provide isometric / single line drawings for the electrical, plumbing, and mechanical elements to verify compliance with the current versions of the California Electrical, Plumbing, and Mechanical Codes.
15. Provide a plumbing fixture analysis on the plans to verify the number of fixtures provided are sufficient for the proposed use and complies with CPC Chapter 4 and Table A and Table 422.
16. Provide an equipment schedule on the plans and any referenced standards or spec sheets that are applicable.
17. Provide details for anchorage for all equipment. For equipment weighing more than 400 lbs, provide calculations for seismic anchorage in accordance with ASCE 7-10, Chapter 13 or current version.
18. If there are any hazardous materials, provide HIMS sheet to specify the types and quantities. Also, show proper storage location on the plans.
19. Energy Calculations will need to be provided to verify compliance with current California Energy Code.
20. Compliance with the current California Green Building Code and County of San Luis Obispo Green Building Ordinance will need to be show on the plans.
21. The building(s) will need to be provided with fire sprinklers and an alarm system under a separate permit. At the time of the permit application provide plans and calculations showing the design of the system.

thanks

County Of San Luis Obispo
Planning & Building
Michael Stoker, CASp
Building Division Supervisor
(p) 805-781-1543
mstoker@co.slo.ca.us

From: Mail for PL_Referrals Group
Sent: Tuesday, April 9, 2019 12:05 PM
To: Cassidy McSurdy
Cc: Caleb Mott; Lynda Auchinachie; Jeff Stranlund; Alyssa Roslan; Michael Stoker; McRoberts, Loree@CALFIRE; Clint Bullard; Leslie Terry; Edward Reading; Peter Moreci; David Grim; Mark K. Davis; Kathleen Martinelli; Anthony J. Hernandez; duane.whittemore@lmusd.org; brandon.sanderson@wildlife.ca.gov; Linda.Moua@wildlife.ca.gov; sarah.paulson@wildlife.ca.gov; Schudson, Jenna@DOT; julie_vanderwier_fws.gov; roger_root@fws.gov; glen_knowles@fws.gov; collette_thogerson@fws.gov; tpresser@waterboards.ca.gov; phammer@waterboards.ca.gov; alyssa.bucci@waterboards.ca.gov; Lucas.Sharkey@waterboards.ca.gov; William_Woodson_hotmail.com; richard@nipomoproperties.com; afherbon_gmail.com; kevin.beauchamp@kw.com; istardoc@verizon.net
Subject: DRC2019-00049 DALE_CISNEROS, SOUTH COUNTY E-Referral, MINOR USE PERMIT, NIPOMO

County of San Luis Obispo
Department of Planning & Building

DRC2019-00049 DALE_CISNEROS, SOUTH COUNTY E-Referral, MINOR USE PERMIT, NIPOMO
APN(s): 090-051-042

This application was recently filed with the Planning Department for review and approval. Because the proposal may be of interest or concern to your agency or community group, we are notifying you of the availability of a referral on the project.

DIRECT LINK TO DALE_CISNEROS REFERRAL PACKAGE

Link to webpage for all referral packages on new website (07/26/2017 and later):

http://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Informational/Planning-Referrals.aspx

Planning Referrals - San Luis Obispo County

www.slocounty.ca.gov

The San Luis Obispo Permit Center (downtown) will be closing at 2:00 pm each day until further notice. The North County Ser
to the public for permit issuance, permit intake or fee payment until further notice.

Link to Archive Referrals: http://archive.slocounty.ca.gov/planning/referrals.htm

Community Advisory Groups: You will want to contact the applicant and/or agent for the project to request a presentation to your group, or simply to answer questions about the project. The telephone number and address for the applicant/agent are provided in the link below.

****

Please comment on all issues associated with this project **within 14 days** of receiving this e-mail
(Community Advisory Groups:** please respond within **60 days)

Direct your comments to the project manager(s):

Cassidy McSurdy (805-788-2959 or cmcsurdy@co.slo.ca.us**)**

Referral Response:
As part of your response to this referral, please answer the following questions:

Are there significant concerns, problems or impacts in your area of review?

If Yes, please describe the impacts along with any recommendations to reduce the impacts in your response.

If your community has a "vision" statement in the Area Plan - does the community feel this project helps to achieve that vision? If No, please describe.

What does the community like or dislike about the project or proposal?

Is the project compatible with surrounding development, does it fit in well with its surroundings? If No, are there changes in the project that would make it fit in better?

Does the community believe the road(s) that provide access to the site is(are) already overcrowded?

Does the community wish to have a trail in this location?

If the proposal is a General Plan Amendment, does the community feel the proposed change would encourage other surrounding properties to intensify, or establish intense uses that would not otherwise occur?

Please feel free to include information or questions other than those listed above. You may also choose to respond that you have no comments regarding the proposal.

RECEIVED APR 10 REC'D

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
TREVOR KEITH, *DIRECTOR*

RECEIVED
14 MAY 2019
PLANNING & BUILDING

THIS IS A NEW PROJECT REFERRAL

DATE: 4/9/2019

TO: 4th District Legislative Assistant, Agricultural Commissioner, Assessor, Air Pollution Control Board (APCD), Building Division, Cal Fire/County Fire, Environmental Health, Public Works, Sheriff, Lucia Mar, Caltrans, U.S. Fish and Wildlife, CA Fish and Wildlife, RWQCB, South County Advisory Committee, Williamson Act

FROM: Cassidy McSurdy (cmcsurdy@co.slo.ca.us or 805-788-2959)

PROJECT NUMBER & NAME: DRC2019-00049 DALE_CISNEROS
PROJECT DESCRIPTION: Proposed Minor Use Permit for 3 acres outdoor cultivation, ancillary cannabis nursery, processing, ancillary distribution transport-only to be located at 514 E Tefft St. Nipomo, CA
APN(s): **090-051-042**

Return this letter with your comments attached no later than 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART I: IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ❑ YES (Please go on to PART II.)
- ❑ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II: ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ❑ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)
- ❑ NO (Please go on to PART III.)

PART III: INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.
Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

SEE FIRE SAFETY LETTER

4-19-19	DELL WELLS	805 593 3427
Date	**Name**	**Phone**

CAL FIRE
San Luis Obispo
County Fire Department

635 N. Santa Rosa • San Luis Obispo, CA 93405
Phone: 805.543.4244 • Fax: 805.543.4248
www.calfireslo.org

Scott M. Jalbert, Unit Chief

April 19, 2019

San Luis Obispo County
Department of Planning & Building
County Government Center
San Luis Obispo, CA 93408

Subject: DRC2019-00049 SLO CULTIVATION

Cassidy McSurdy,

CAL FIRE/San Luis Obispo County Fire Department has reviewed the New Project Referral information, the Supplemental Development Statement for the proposed Minor Use Permit. This project includes 3 acres outdoor cannabis cultivation. Ancillary cannabis, processing, ancillary distribution transportation-only. This project will be located at 514 E. Tefft St. Nipomo, CA 93444.

Special Concerns:
The cumulative effects of commercial development within areas such as this continue to place challenges upon CAL FIRE/County Fire's ability to provide effective and efficient emergency services within rural areas.

The nearest CAL FIRE/County Fire station (#20-Mesa) is located at 450 Pioneer Street, Nipomo, CA. This station has an approximate 1.5-mile vehicular travel distance and a 5-minute response time. At a minimum, 2 full-time firefighters are on duty at this station throughout the entire year regardless of weather conditions.

This geographic location is within lands classified as State Responsibility Area (SRA) having a **"High"**

The following are requirements that must be satisfied prior to final inspection and occupancy.

- A Registered Fire Protection Engineer (F.P.E.) is required to design and/or approve of the commercial fire sprinkler system(s), water storage system; underground piping; fire hydrants and fire pump for the proposed project(s).

- **Any new structures or converted structures that required new occupancy classification associated with the current proposal will require the installation of a properly designed and installed commercial fire sprinkler system. An NFPA 13 system will be required. Permits for new or converted building will be reviewed by**

CAL FIRE to determine fire sprinkler requirements based on County Ordnances
(Greenhouse exception will be done through county Building)

- Greenhouse structure must be approved by County Building Department and CAL FIRE/County Fire with an Alternate Materials and Methods document. Occupancy of greenhouse will meet California Building Code If this provision is met, no fire sprinklers will be required in the greenhouse.

- The Registered Fire Protection Engineer must provide a detailed written technical analysis of the entire fire protection system. This technical analysis must account for the phased approach to the project. The required water storage upon buildout should be detailed within this report. Fire Protection Engineer would be required for any fire suppression system that might be required.

- Steel containers will be used for storage and not for continued human occupancy. The use of the steel containers for drying can be supported by CAL FIRE/ County Fire.

- ***WATER STORAGE*** - "Poly" and or plastic style water storage tanks shall not be allowed. Multiple or "daisy chained" tanks are not allowed to be utilized to provide water held in storage dedicated to fire suppression purposes. A single water storage tank or properly designed, engineered and installed water storage pond shall be allowed. The Registered Fire Protection Engineer must determine the amount of water required to be held in storage dedicated to fire suppression purposes. System will meet NFPA 1142 standards. Water storage for this project would require a minimum 10,000 gallon capacity.

- ***FIRE PUMP/HYDRANTS*** – Fire hydrants for this project may be draft and not pressurized. Fire Hydrant placement and proper sizing/type of all underground piping shall be addressed within building permit. A minimum distance from permitted structures for this project will be within 50 to 150 feet. If fire sprinklers are required based on fire code, a fire protection engineer will determine if a fire pump is required for fire sprinklers.

- ***ACCESS***- The grade for all roads, streets, private lands and driveways shall not exceed 16 percent. Design criteria shall be in accordance with San Luis Obispo County Public Works public improvement standards. Roads 12%-16% shall be a nonskid asphalt or concrete surface as specified in San Luis Obispo County public improvement standards, specifications and drawings.

  All roads shall:

  - Be able to support Fire Apparatus 75,000 pounds
  - Provide a vertical clearance of 13 feet 6 inches
  - Provide a 10-foot fuel modification zone on both sides (Combustible Vegetation)

  The current property access road will need to meet an 18 foot width requirement.

  1) Turn Radius on all access roads will meet Access Road Standards.

2) Fire access shall be provided to within 150 feet of the furthest outside building perimeter including green houses.

Parking is only allowed where an additional 8 feet of width is added to each side of the road to accommodate parking. "No Parking - Fire Lane" signs may be required in areas determined by County Fire.

Turn arounds will be provided for access exceeding 150 feet.

- ***ALARMS/DETECTION*** – The required fire sprinkler system shall be monitored in accordance with all relative standards set forth within NFPA 72 and 13. A properly designed and installed heat/smoke detection system shall be required. All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels, and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electrically monitored for integrity and to ensure valves are locked in the open position. Monitoring shall be provided by a central station listed by Underwriters Laboratories for receiving fire alarms.

- ***OCCUPANCY CLASSIFICATION*** – An occupancy classification will be set based on California Building Code. The San Luis Obispo County Building Department will set occupancy.

- ***EMERGENCY ACCESS*** – A Knox Corporation key switch shall be installed on all electric gates and rapid entry. Knox box(s) shall be attached to commercial structure(s) agreed upon by County Fire.

- ***ADDRESSING*** – Address numbers shall meet current commercial standards of 8 inch high with ½ inch stroke. Building identification may be required. Proper signage shall be required onsite in order to properly identify access and egress routes.

The proposed project(s) will require a Fire Safety Plan review for issued permits and rough and final inspection prior to occupancy. Please contact this office at (805) 593-3490 to schedule the final inspection once all requirements have been satisfied.

If I may be of additional assistance regarding this matter, please do not hesitate to contact me at (805) 593-3427.

Sincerely,

Dell Wells
Fire Captain / Inspector

SAN LUIS OBISPO COUNTY
SHERIFF'S OFFICE

MEMORANDUM

TO: **ENVIRONMENTAL PLANNING MANAGER XZANDREA FOWLER**

FROM: **SHERIFF'S SERGEANT TREVOR MCKIM**

DATE: **FEBRUARY 8, 2022**

SUBJECT: **PRELIMINARY BACKGROUND CHECK APPROVAL-CANNA ORGANICS FARMS- MINOR USE PERMIT #DRC2019-00049**

Canna Organics Farms has received preliminary background check approval from the Sheriff's Office pursuant to County Code section 22.40.040.A.4.

If Canna Organics Farms receives land use permit approval, the applicant will be required to receive a final background check approval from the Sheriff's Office for issuance of a business license pursuant to County Code chapter 6.90.

Canna Organics Farms security plan has been reviewed by Sheriff's Office personnel. The security plan has been determined to be satisfactory at this time, pending final approval by Sheriff's Administration pursuant County Code chapter 22.40.040 D.

Respectfully,

Sergeant Trevor McKim

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
TREVOR KEITH, *DIRECTOR*

THIS IS A NEW PROJECT REFERRAL

DATE: 4/9/2019

TO: 4th District Legislative Assistant, Agricultural Commissioner, Assessor, Air Pollution Control Board (APCD), Building Division, Cal Fire/County Fire, Environmental Health, Public Works, Sheriff, Lucia Mar, Caltrans, U.S. Fish and Wildlife, CA Fish and Wildlife, RWQCB, South County Advisory Committee, Williamson Act

FROM: Cassidy McSurdy (cmcsurdy@co.slo.ca.us or 805-788-2959)

PROJECT NUMBER & NAME: DRC2019-00049 DALE_CISNEROS
PROJECT DESCRIPTION: Proposed Minor Use Permit for 3 acres outdoor cultivation, ancillary cannabis nursery, processing, ancillary distribution transport-only to be located at 514 E Tefft St. Nipomo, CA
APN(s): **090-051-042**

Return this letter with your comments attached no later than 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART I: IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☐ YES (Please go on to PART II.)
- ☐ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II: ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)
- ☐ NO (Please go on to PART III.)

PART III: INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.
Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Please see attached.

4.11.19	Ke Ghiglia	x5551
Date	**Name**	**Phone**

COUNTY OF SAN LUIS OBISPO HEALTH AGENCY
PUBLIC HEALTH DEPARTMENT
Jeff Hamm *Health Agency Director*
Penny Borenstein, MD, MPH *Health Officer/Public Health Director*

April 11, 2019

To: Cassidy McSurdy, cmcsurdy@co.slo.ca.us
SLO County Planning and Building

From: Environmental Health
Kealoha Ghiglia , 805-781-5551, klghiglia@co.slo.ca.us

RE: DRC2019-00049 Dale Cisneros MUP

Applicant to return attached Hazardous Materials Declaration Flowchart to this office. Be advised that threshold levels are 55 gallons, 500 pounds or 200 cubic feet and common materials include (but are not limited to): fuel, paint, lubricants, pesticides, pool chemicals and compressed gases. Contact Matheson Bliss at (805) 781-5557 or mbliss@co.slo.ca.us with any questions regarding this form and send completed form directly to her.

Applicant/property owner is advised that if the on-site population (including all uses on property) reaches 25 persons or more for at least 60 days per year, including residents and employees, water supply would be required to permit as a public water system. If the property does not currently meet the threshold to become a public water system, but onsite population increases at a later date, property owner/manager to contact this office to determine if a public water system is required. Please be advised for future planning purposes that water system requirements will be reviewed if/when any building permit application is submitted. Applicant or property owner/manager to contact Kealoha Ghiglia at klghiglia@co.slo.ca.us or (805) 781-5551 for questions regarding water supply.

HAZARDOUS MATERIALS BUSINESS PLAN EXEMPTION FLOWCHART

Under penalty of law, I declare that I have followed the flowchart and checked the boxes that are appropriate for this business's operations. I also understand that the SLO County CUPA must be notified if our operations or procedures change and make the above statement inaccurate.

Name (print)

Signature

Business Name

Address

Date

START HERE
Do you generate hazardous waste in ANY quantity?

YES

NO

Do you store, use, or handle hazardous material at any one time during a calendar year in quantities equal to or greater than 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a compressed gas at standard temperature and pressure?

Sign and submit this document – you need not submit a business plan or pay a fee ☐

NO

YES

Are you a physician, veterinarian, pharmacist, dentist, or podiatrist who stores ONLY oxygen, nitrogen or nitrous oxide and the total quantity of each gas on-site is 1,000 cubic feet or less?

YES

NO

Is your facility either a :

Agricultural Business ☐

Other Business ☐

Do you store **ONLY** motor vehicle fuel in above or underground tanks at 1,100 gallons or less capacity and the TOTAL volume of fuel is less than 20,000 gallons?

YES

Submit Form S, Form I, and Form M one time only and pay a one time fee. ☐

NO

Do you store **ONLY** motor or lubricating oil and is the total volume less than 275 gallons? (Does not include waste oil)

YES

Sign this document – you need not submit a business plan or pay a fee ☐

Do you store ONLY motor or lubricating oil and is the total volume less than 275 gallons? (Does not include waste oil)

YES

NO

Do you store **ONLY** N-P-K fertilizers (excluding ammonium nitrates) less than 10,000 pounds total?

YES

NO

Do you apply liquid fertilizer no more than four times a year, apply and store it over period of less than seven days, and is the quantity less than 1,190 gallons and you do not store any other hazardous materials in reportable quantities?

YES

NO

Is your facility:
A): a remote site (a remote site is defined as an unstaffed facility located in an isolated, sparsely populated area. The facility is secured and not accessible to the general public) and
B): is the inventory less than: 500 cubic feet compressed inert gas, 500 gallons combustible liquid fuel, 200 gallons electrolytes in closed containers, 500 gallons lubricating and hydraulic fluids, and 1,200 gallons of flammable gas used as fuel (propane)?

YES

NO

Submit a one time business plan, complete exemption form R and pay a one time fee. ☐

Submit a business plan and pay an annual fee to:

Within San Luis Obispo city limits:
SLO City Fire Dept, 2160 Santa Barbara Ave
San Luis Obispo, CA 93401-5240
Ph: (805) 781-7380 ☐

All other cities and unincorporated areas:
San Luis County CUPA, PO Box 1489
2156 Sierra Way
San Luis Obispo, CA 93406
Ph: (805) 781-5544 ☐

COMMON HAZARDOUS MATERIALS

- Lubricants
- Solvents
- Compressed Gases
- Fuel
- Pesticides
- Paint

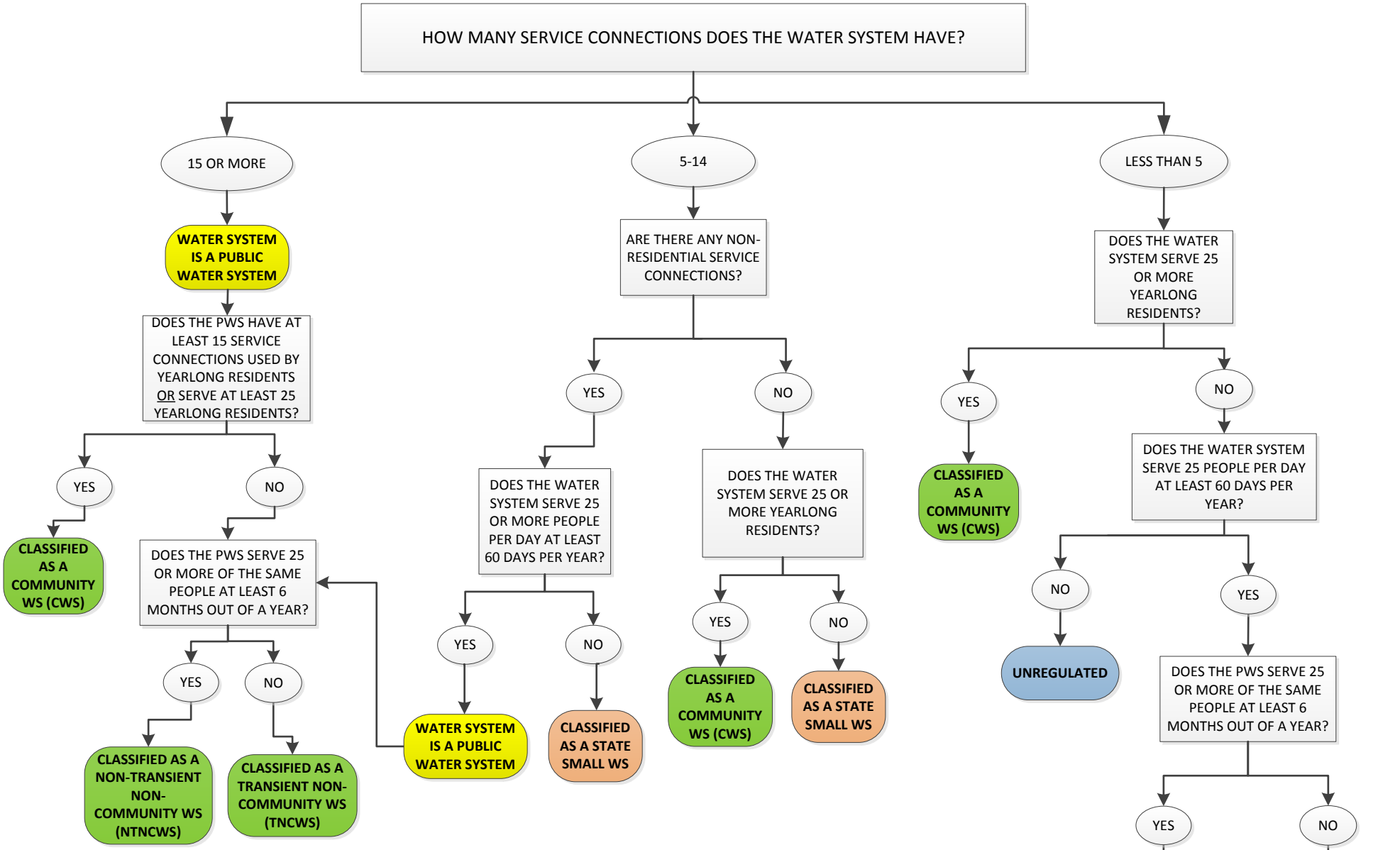
COMMON HAZARDOUS WASTES

- Crank Case Oil
- Used Anti-Freeze
- Paint
- Used automotive batteries
- Spent solvents

Not sure?

Please contact The County of San Luis Obispo
Public Health Department
Division of Environmental Health
at
(805) 781-5544

DECISION TREE FOR CLASSIFICATION OF WATER SYSTEMS



- *PUBLIC WATER SYSTEMS WITH 200 OR LESS SERVICE CONNECTIONS MAY BE REGULATED BY A LOCAL PRIMACY AGENCY (COUNTY).*
- *STATE SMALL WATER SYSTEMS ARE NOT PUBLIC WATER SYSTEMS (Refer to CCR Sections 64211-64217).*
- *YEARLONG RESIDENT → >=183 DAYS/YEAR*

Primacy Liaison Unit-WKK 12/2/2016

COUNTY OF SAN LUIS OBISPO
Department of Public Works
John Diodati, *Interim Director*

RECOMMENDED CONDITIONS

Date: April 12, 2019 (revised April 18, 2021)

To: Cassidy McSurdy, Project Planner

From: David E. Grim, Development Services

Subject: DRC2019-00049 Dale Cisneros (Canna Organic Farms) MUP, 514 East Tefft St., Nipomo, APN 090-051-042

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

Public Works Comments:

A. The project site is located on Tefft Street, a County-maintained roadway.

B. The project is expected to generate 8 average daily trips (ADT) with 1 afternoon peak hour trip (PHT) based on the following project description:

- Proposed: 33,880 SF greenhouse (6 ADT; 1 PHT)
- Proposed: 1,464 SF office/support (7 ADT; 1 PHT)
- Existing, to be replaced: 2.5 acres agriculture (5 ADT; 1 PHT)

C. The proposed project is within the South County Area 1 Road Improvement Fee Area. Payment of Road Improvement Fees to mitigate cumulative development impacts is required prior to commencing permitted activities.

D. The project site driveway approach should be reconstructed to current County standards to protect the County public road from edge of pavement damage and minimize tracking soil and rocks onto the roadway surface.

E. The proposed project is within a drainage review area, the applicant must ensure all proposed site grading and new impervious surfaces are constructed in compliance with the County drainage standards, Chapter 22.52.110 of the Land Use Ordinance and the Public Improvement Standards.

F. This project appears to not meet the applicability criteria for Stormwater Management, it is located outside a Stormwater Management Area, or is within but creates or replaces less than 2,500 sf of impervious area.

G. If the project site disturbs 1.0 acre or more the applicant must enroll for coverage under California's Construction General Permit, which may require preparation of a project Stormwater Control Plan even though it is located outside a Stormwater Management Area.

H. The site is within the Santa Maria groundwater basin and is therefore subject to the Sustainable Groundwater Management Act (SGMA). However, the Groundwater Sustainability Agency responsible for overseeing SGMA compliance has not completed the planning efforts that will define the need for any groundwater mitigation requirements. In the interim, consideration of the project's impacts on the groundwater basin should be included in the project's CEQA analysis.

Recommended Project Conditions of Approval:

Access

1. **Prior to commencing permitted activities**, the applicant shall submit to the Department of Public Works an encroachment permit application, plans, fees, and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plans are to include, as applicable:

   a. Reconstruct the existing Tefft Street project site access driveway approach to current B-1a and A-5 standards.

   b. Except for the primary and secondary access driveways, all other existing property connections to Tefft Street shall be removed, scarified, revegetated, and fenced (or otherwise blocked) to prohibit access. The adjacent shoulder shall be restored to County road standards.

2. **Prior to commencing permitted activities**, all work in the public right-of-way must be constructed or reconstructed to the satisfaction of the Public Works Inspector and in accordance with the County Public Improvement Standards; the project conditions of approval, including any related land use permit conditions; and the approved improvement plans.

3. **Prior to commencing permitted activities,** the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

4. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; landscaping; agricultural operations; etc. without a valid Encroachment Permit issued by the Department of Public Works.

Fees

5. **Prior to commencing permitted activities,** and in accordance with Title 13.01 of the County Code, the applicant must pay to the Department of Public Works the South County Area 1 Road Improvement Fee based on the latest adopted area fee schedule and 1.00 peak hour trips as estimated in the project traffic study prepared by *Associated Transportation Engineers, July 1, 2020*. The estimated fee is $5,248 ($5,248/PHT x 1.00 PHT).

   The fee schedule is subject to change by resolution of the Board of Supervisors. The applicant shall be responsible for paying the fee in effect at the time of payment.

Drainage

6. **At the time of application for construction permits,** the applicant may be required to submit complete drainage plans for review and approval in accordance with Section 22.52.110 of the Land Use Ordinance.

7. **At the time of application for construction permits,** the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with Section 22.52.120 of the Land Use Ordinance.

Stormwater Pollution Prevention Plan (SWPPP)

8. **At the time of application for construction permits**, if the project disturbs more than 1.0 acre or is part of a common plan of development, the applicant must enroll for coverage under California's Construction

General Permit. Sites that disturb less than 1.0 acre must implement all required elements within the site's erosion and sediment control plan as required by San Luis Obispo County Codes.

G:\Development_DEVSERV Referrals\Land Use Permits\MUP\DRC2019\DRC2019-00049 Dale Cisneros MUP East Tefft, Nipomo\DRC2019-00049 Dale Cisneros MUP East Tefft, Nipomo.docx

County Govt Center, Room 206 | San Luis Obispo, CA 93408 | (P) 805-781-5252 | (F) 805-781-1229
pwd@co.slo.ca.us | slocounty.ca.gov

South County Advisory Council Meeting NCSD

August 27, 2021, 6:30 PM

Summary Notes:

1. **PROJECT NUMBER & NAME: DRC2019-00049 Canna Organic PROJECT DESCRIPTION: Proposed Minor Use Permit for 22,000 square feet of indoor cultivation, 5,500 square feet of indoor ancillary nursery, 1,000 square foot structure for processing and ancillary transport. The project is located at 514 E. Teft Street, Nipomo, CA 93444. APN(s): 090-051-042.**

   Presentation summary:

   - **The agent provided a brief description of the project and updated the council members about their request to notify additional adjacent neighbors.**
   - **The agent was able to provide the council members with a document illustrating the parcels within 1,000 feet of the property line, who received a a letter to by certified mail, sent by the applicant discussing pesticide drift.**
     - **14 letters were sent out.**
   - **County Staff provided a map of all the proposed cannabis cultivation within the vicinity of the project.**
   - **County Staff provided information regarding Hold Harmless Agreement.**

   The SCAC had the following comments:

   - **The council requested a revised referral with a current project description from County Staff.**

   Conclusion:

   - **The SCAC recommended to approve the project.**