Initial Study – Environmental Checklist

EC Grow, LLC Minor Use Permit ED23-044 N-CNBS2021-0002

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.

SWCA Environmental Consultants	Brandi Cummings		April 13, 2023
Prepared by (Print)	Signature		Date
Eric Hughes		Principal Environmental Specialist	March 3, 2023
Reviewed by (Print)	Signature		Date

Initial Study – Environmental Checklist

Project Environmental Analysis

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

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

A. Project

DESCRIPTION: A request by **EC Grow, LLC** for a Minor Use Permit (N-CNBS2021-0002) to allow for the phased establishment of up to 3 acres of outdoor cannabis cultivation, 22,000 square feet of indoor (mixed-light) cannabis cultivation, 17,856 square feet of outdoor ancillary nursery canopy, 18,144 square feet of indoor (mixed-light) ancillary cannabis nursery canopy, 14,060 square feet of ancillary processing, 250 square feet of ancillary use area, a 230-square-foot office, a 330-square-foot storage area, and ancillary transport of cannabis grown on-site. The project includes other related site improvements, including the installation of a waste disposal area, a septic leach field, water storage tanks, driveway improvements, on-site parking, utility infrastructure, fencing, and portable restrooms. The project includes a request for modification from the parking standards to reduce the number of required parking spaces from 80 to 22. The project would result in 8.9 acres of site disturbance, including 2,600 cubic yards of cut and 2,600 cubic yards of fill on a 123.67-acre parcel. The project is located within the Agriculture and Rural Lands land use categories, at 2675 Cuyama Highway, approximately 11.6 miles east of the community of New Cuyama, in the Shandon-Carrizo subarea of the South County planning area.

Phase 1

Phase 1 of the proposed project would establish 3 acres of outdoor cultivation canopy within three different areas on the project site, totaling 3.51 acres (Figures 2 and 3). Area 1 would be 60,900 square feet (1.4 acres) and consist of 52,051 square feet (1.19 acres) of canopy. Area 2 would be 31,500 square feet (0.72 acre) and consist of 26,923 square feet (0.62 acre) of canopy. Area 3 would be 60,500 square feet (1.39 acres) and consist of 51,709 square feet (1.18 acres) of canopy. The total walkway area would be equal to 14% of the total outdoor cultivation area and 17% of the outdoor cultivation canopy area. Outdoor cultivation plants would be planted in aboveground grow bags and would not be located within hoop houses or other structures. The outdoor cultivation operation would yield one harvest per year in October or November.

Phase 1 of the proposed project would also establish 17,856 square feet of ancillary outdoor nursery canopy within seven new 2,160-square-foot hoop houses and three new 2,400-square-foot hoop houses, which would be located to the north of Outdoor Cultivation Area 3. Outdoor nursery plants would be planted in aboveground pots or growbags. The total walkway area would equal to 25% of the ancillary nursery canopy

area. Nursery plants would be limited to on-site use and the project would not include the off-site sale of nursery plants.

Site improvements for Phase 1 would include the construction of a waste disposal area with a 600-square-foot composting area and 48 square feet of dumpsters and the installation of two portable restrooms, which would be located adjacent to Outdoor Cultivation Area 2. Phase 1 includes the installation of nine new 5,000-gallon water tanks for outdoor cultivation irrigation, a 6-foot-tall chain-link security fence with privacy slats and barbed wire on top surrounding the proposed outdoor cultivation areas and ancillary nursery hoop houses, and additional security equipment. Additional security equipment would include a new 6-foot secure electric/solar entrance gate at the property entrance and security cameras. Phase 1 activities would utilize the existing 796-square-foot metal shed for pesticide, fertilizer, and tool storage and the existing 12-foot-wide aggregate-based road for site access. Phase 1 also includes the removal of the existing residence and woodshed.

Phase 2

Phase 2 of the proposed project would establish 14,060 square feet of ancillary processing, 330 square feet of ancillary storage, a 230-square-foot office, and 250 square feet of ancillary uses (i.e., restrooms, breakrooms) within a new 15,000-square-foot barn structure (Figures 2 and 3). The proposed barn structure would be located within the northeastern portion of the property. Product grown on-site would be dried, cured, trimmed, and packaged entirely within the building. The entire drying, curing, trimming, and packaging process (processing) would occur over a 2-week period, following each harvest. The processing area would include carbon filters to eliminate any nuisance odors from being detected off-site. Once dried and trimmed, product will be packaged into totes and transported off-site to a licensed facility for further processing, packaging, and distribution. The proposed processing area would be equipped with carbon scrubbers for odor control.

During Phase 2, an existing access road would be improved to a new 20-foot-wide all-weather road with 2-foot shoulders on each side and would extend approximately 2,000 feet from Cuyama Highway (State Route [SR] 166) from the north to the proposed barn structure. The roadway would end in a hammerhead turnaround in accordance with California Department of Forestry and Fire Protection (CAL FIRE) requirements. Establishment of the proposed access road would require an Encroachment Permit from the California Department of Transportation (Caltrans). Phase 2 would also establish a 3,726-square-foot parking area with 22 parking spaces, including one Americans with Disabilities Act (ADA) parking space, 10 all-weather parking spaces, and 11 unimproved (dirt) parking spaces. Phase 2 includes the installation of up to 80,000 gallons of fire water storage tanks, a new septic leach field, a 6-foot-tall chain-link security fence with privacy slats and barbed wire on top surrounding the proposed barn structure, and additional security cameras.

Phase 3

Phase 3 of the proposed project would establish up to 22,000 square feet of indoor (mixed-light) cultivation canopy within six new 4,536-square-foot greenhouses, totaling 27,216 square feet (Figures 2 and 3). Indoor cultivation plants would be placed in pots on top of raised benches within the greenhouses. The total walkway area would be equal to 23.7% of the indoor cultivation canopy area. Indoor cultivation is expected to yield a harvest every 2-4 months. No seasonal employees would be required for indoor cultivation harvest.

Phase 3 would also establish 18,144 square feet of indoor (mixed-light) ancillary nursery canopy within five 4,536-square-foot greenhouses, totaling 22,680 square feet. Indoor ancillary nursery plants would be placed in pots on top of raised benches within the greenhouses. The total walkway area would be equal to 25% of

the indoor ancillary nursery canopy area. Nursery plants would be limited to on-site use and the project would not include the off-site sale of nursery plants.

Site improvements for Phase 3 include the installation of eight 5,000-gallon water storage tanks for greenhouse irrigation, a 6-foot-tall chain-link security fence with privacy slats and barbed wire on top surrounding the proposed greenhouses, and additional security equipment. Additionally, the proposed greenhouses would be equipped with carbon scrubbers for odor control.

Operation

The project would employ up to 10 full-time employees and 10 additional seasonal employees (for a total of 20 employees) during the harvest period for outdoor cannabis cultivation. No additional seasonal staff is proposed to assist in the indoor cultivation harvest. During Phase 1, harvest times would be 2 weeks long because cannabis would be cut on-site but transferred to an off-site processing facility. During Phases 2 and 3, harvest times would be 2 to 3 weeks long because ancillary processing area would occur within the proposed processing area on-site prior to transportation off-site for further preparation and distribution/sale. The project would operate between dawn and dusk, 7 days per week.

As part of the proposed project, the applicant would obtain a distribution license (Type 11 or Type 13) to transport product grown on-site (excluding nursery plants, seeds, or clones) to an off-site, state-licensed facility. In the event the applicant has not obtained a state license for distribution by the time the cannabis is ready to be transported off-site, the applicant will contract with a licensed third-party distributor. All cannabis products will be transported in enclosed containers. Between one and five trips are anticipated after each harvest and would occur during the standard hours of operation. The project is anticipated to generate a total of 87 average daily trips as a result of employee vehicle trips, ancillary transport, and delivery trips to and from the site (Orosz Engineering Group 2021).

The proposed project would be consistent with setback requirements (LUO Sections 2.40.050 and 22.30.150) from all property lines. In accordance with the Regional Water Quality Control Board (RWQCB) Cannabis Cultivation policy, all cultivation activities would be located more than 50 feet from the top of bank of the two ephemeral watercourses that transect the site. All cultivation activities would occur within the 6-foot-tall chain-link security fence with either green or tank privacy slats and barbed wire on top. Outdoor cultivation areas would be sited within flat or southward-sloping hills to limit off-site visibility from SR 166, located to the north of the project site. No outdoor lighting or exterior signage is proposed as a part of the project. Per CAL FIRE requirements, 8-inch address numbers would be installed at the entrance of the project property.

Requested Modifications: The project includes a request for the modification of the parking standards of LUO Section 22.18 to reduce the number of required parking spaces from 80 to 22.

Baseline Conditions: The project site is characterized by relatively flat to moderately sloping topography with grassland and scrub habitats. Four jurisdictional hydrologic features occur within the project area, including two unnamed ephemeral blue-line drainages located along the northeastern and western boundaries of the project site, respectively, and two swales, which extend east toward the project site from the western drainage (Terra Verde Environmental Consulting, LLC [Terra Verde] 2022).

The project site consists of existing development, including a 2,500-square-foot residence, a 796-square-foot metal shed, a 675-square-foot woodshed, and an existing well. There is an existing 5-foot-tall steel pipe fencing along the northern property line and 4-foot-tall four-strand barbed wire fencing located along the southern, eastern, and western property lines. Areas surrounding existing structures consist of previous disturbance as a result of vegetation removal and other ground-disturbing activities. The project site is currently accessed via an existing 12-foot-wide aggregate-based driveway and a two-track dirt road from

SR 166 from the north. The access roads experience annual disturbance as a result of maintenance for fire protection. The project site has previously supported residential land uses but is currently vacant. No crop production has occurred on the project site. Surrounding land uses include scattered rural residences and agricultural activities. The nearest off-site residence is located approximately 0.23 mile (1,240 feet) northwest of the project site.

ASSESSOR PARCEL NUMBER(S): 096-201-002

Latitude: 35º 56' 06.23" N **Longitude:** 119º 28' 37.38" W **SUPERVISORIAL DISTRICT #** 4

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:** Shandon-Carrizo(South) **Comm:** Rural

Land Use Category: Rural Lands; Agriculture

Combining Designation: Renewable Energy Overlay

Parcel Size: 123.67acres

Topography: Nearly level to moderately sloping

Vegetation: Grasses ;scrub

Existing Uses: Residential

Surrounding Land Use Categories and Uses:

North: Agriculture; undeveloped

East: Agriculture; Rural Lands;scattered residence(s); undeveloped; blue line creek

South: Rural Lands; undeveloped

West: Kern County; scattered residence(s) ; blue line creek

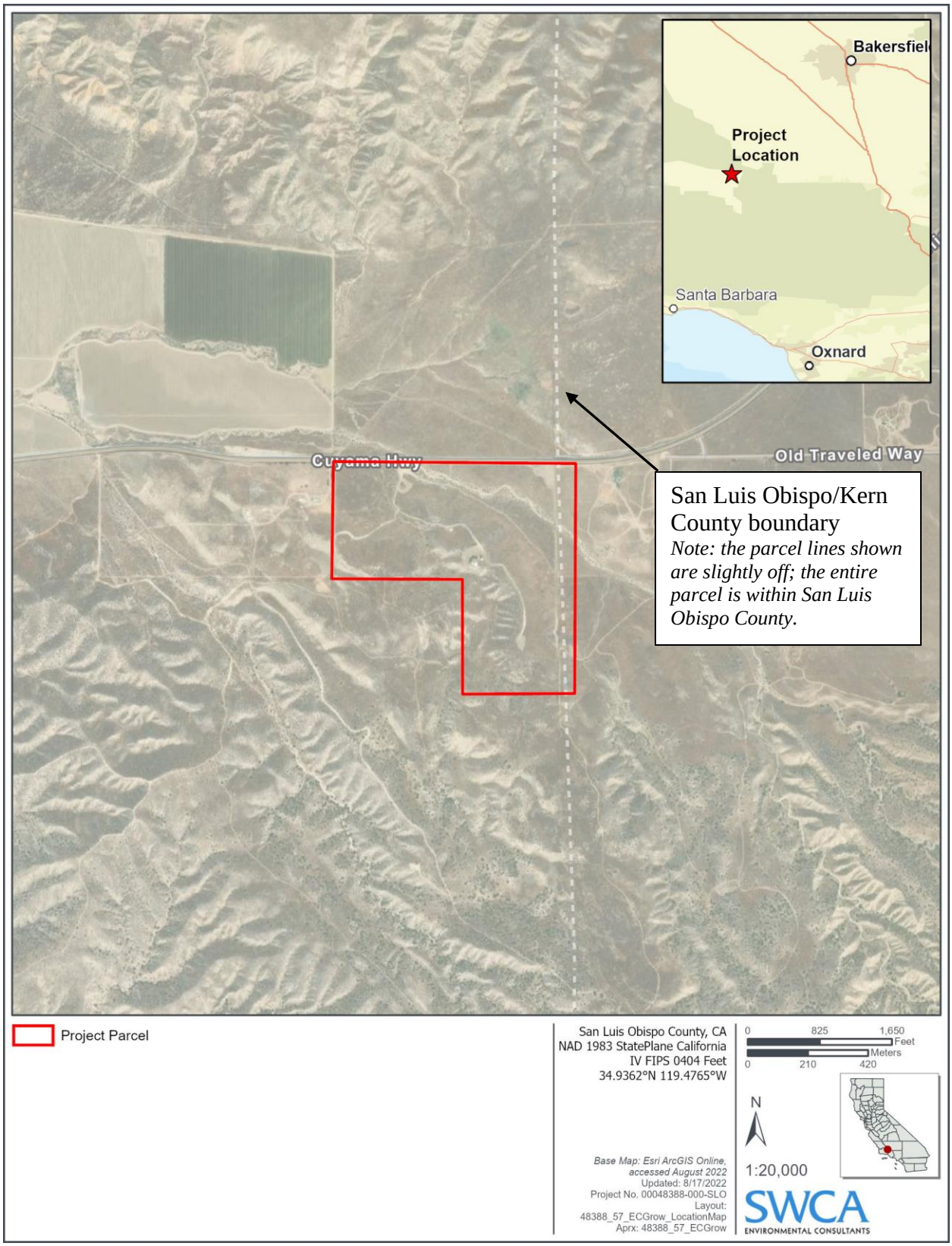

Figure 1. Project Location Map.

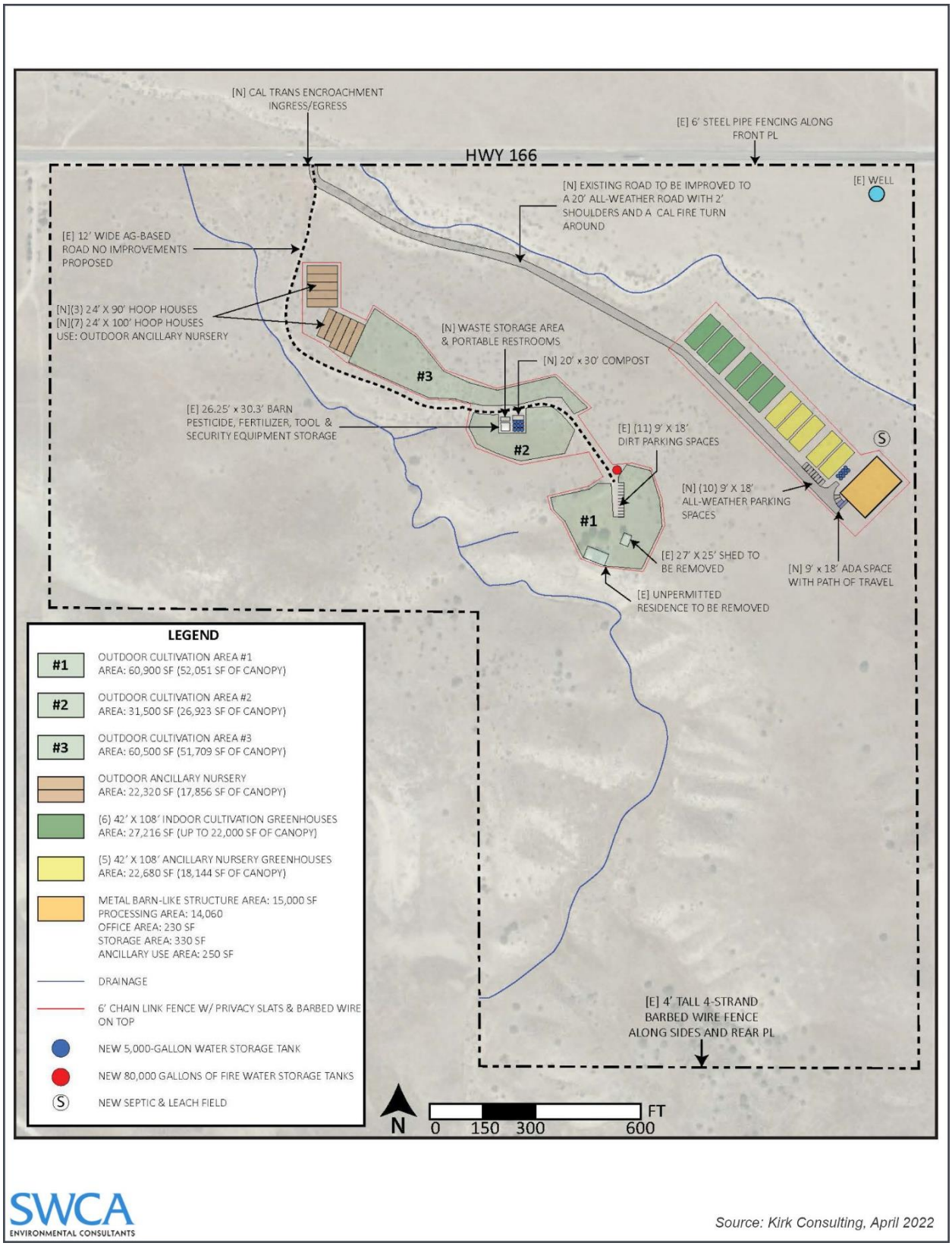

Figure 2. Project Site Plan.

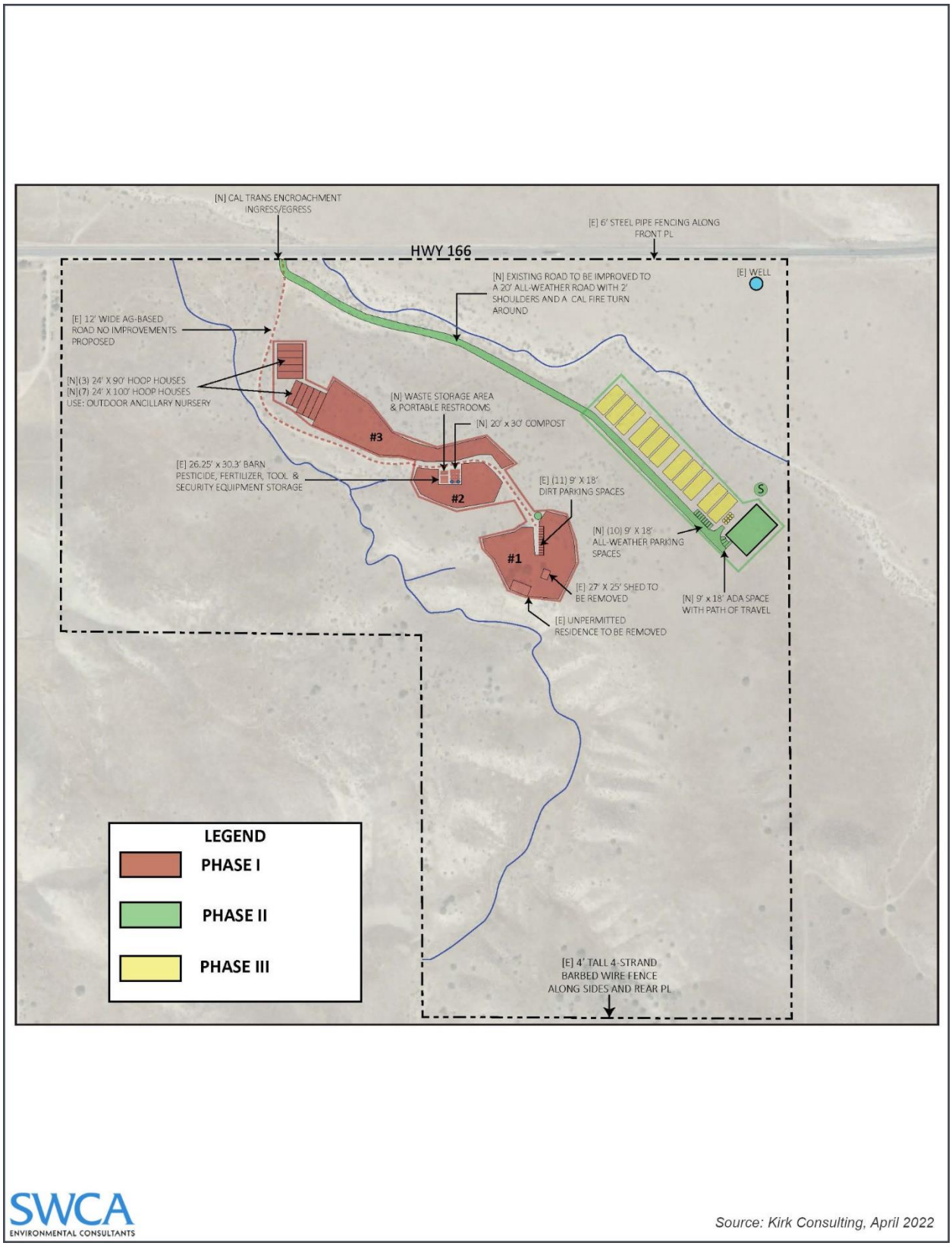

Figure 3. Project Phasing Plan.

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 on 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 upon the traveler's enjoyment of the view. There are no officially designated scenic highways within the vicinity of the project site. The nearest eligible scenic highway is the intersection of SR 166 and SR 33, located approximately 2 miles northeast of the project site (Caltrans 2018).

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

Countywide Design Guidelines

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

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

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

California Department of Food and Agriculture Regulations

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 site is characterized by relatively flat to moderately sloping topography with grassland and scrub habitats. Two unnamed ephemeral blue-line drainages occur along the eastern and western boundary of the project site. The project site consists of existing development, including a 2,500-square-foot residence, a 796-square-foot metal shed, a 675-square-foot woodshed, and an existing well. There is existing 5-foot-tall steel pipe fencing along the northern property line and 4-foot-tall four-strand barbed wire fencing located along the southern, eastern, and western property lines. Surrounding land uses include scattered rural residences and agricultural activities.

Discussion

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

A scenic vista is generally defined as a high-quality view displaying good aesthetic and compositional values that can be seen from public viewpoints and may be officially or informally designated by public agencies or other organizations. Vistas are inherently expansive views, usually from an open area or an elevated point. 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. The project site is not designated as a Sensitive Resource Area by the LUO and is not located in the view of an informal or official scenic vista; therefore, *no impacts* would occur.

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

There are no officially designated scenic highways within the vicinity of the project site and the nearest eligible scenic highway is the intersection of SR 166 and SR 33, located approximately 2 miles northeast of the project site (Caltrans 2018). Due to distance and intervening topography, the project site would not be visible within the viewshed of SR 166 or SR 33; therefore, implementation of the project would not damage scenic resources within a state scenic highway and *no impacts* would occur.

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

The project site is located in a rural area, approximately 11.6 miles east of the community of New Cuyama. The project site would be accessed via a private driveway from SR 166 from the north, which serves as the primary public viewing area of the project site. Implementation of the proposed project would result in 3 acres of outdoor cultivation canopy, 22,320 square feet of hoop houses for outdoor ancillary nursery cultivation, 27,216 square feet of greenhouses for indoor cultivation, 22,680 square feet of greenhouses for indoor nursery cultivation, a 15,000-square-foot barn structure for ancillary processing and office uses, and associated site improvements. The project property consists of nearly level to moderately sloping topography. The outdoor component of the proposed project would be screened from the viewshed of SR 166 by the natural topography of the property and distance from the highway. The indoor components of the project involve the construction of greenhouses and a

metal barn-like structure for ancillary activities. These structures will be visible from SR 166 but mainly for a short distance by cars travelling westbound on SR 166. The design of the proposed structures are typical for those found in agricultural practices, and while visible, they are not inconsistent with other agriculture facilities and development in the area. Furthermore, the project includes the installation of a 6-foot-tall chain-link fence with privacy slats to further screen the project from surrounding areas. In accordance with the County Code, all cannabis plants and activities must be screened from public view, and proposed fencing would be consistent with the rural character of the area and would not include design features that could detract from the existing visual character of the project area. Based on natural topography, construction of agrarian style structures and installation of proposed fencing, the project would be screened and would not substantially degrade public views in the area and 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 and rural area, approximately 11.6 miles east of the community of New Cuyama. Existing lighting in the area consists of vehicle headlights along SR 166 and light from nearby agricultural activities and scattered rural residences. Operation of the project would occur from dusk to dawn, 7 days per week. The project does not include the use of any outdoor lighting that could contribute to nighttime lighting in the project area. 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. Additionally, the project will likely have outdoor lighting for security purposes. Without appropriate light shielding and prevention, nighttime lighting within the greenhouse structures and other buildings 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. It also requires all outdoor lighting to be shielded and comply with the County's requirements for nighttime lighting and glare. 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 Prior to issuance of construction permits, a Light Pollution Prevention Plan (LPPP) shall be submitted to the County of San Luis Obispo Planning and Building Department. 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. All outdoor lighting shall comply with the County's requirements for nighttime lighting and glare.

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?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☒	☐

Setting

The California Department of Conservation (CDOC) Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and current land use. For environmental review purposes under CEQA, the FMMP categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land are considered "agricultural land." Other non-agricultural designations include Urban and Built-up Land, Other Land, and Water. Based on the FMMP, soils at the project site are within the Grazing Land and Farmland of Local Potential designation (CDOC 2016).

Based on the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (NRCS 2022), the project property is underlain by the following soil types:

- (BcE) Ballinger silty clay, 15 to 30 percent slopes: This well-drained soil has a very high runoff class and a depth to restrictive feature of 20 to 40 inches to paralithic bedrock. The typical soil profile consists of silty clay and weathered bedrock. This soil is not included in Table SL-2 of the COSE.
- (KtG) Kettleman fine sandy loam, 30 to 75 percent slopes: This well-drained soil has a high runoff class and a depth to restrictive feature of 18 to 24 inches to paralithic bedrock. The typical soils profile consists of fine sandy loam, loam, and weathered bedrock. This soil is not included in Table SL-2 of the COSE.
- (MnC2) Metz loamy sand, 2 to 9 percent slopes, eroded: This somewhat excessively drained soil has a very low runoff class and a depth to restrictive feature of more than 80 inches. The typical soil profile consists of loamy sand and stratified sand to loamy sand. This soil is designated as Prime Farmland and Highly Productive Rangeland Soils in Table SL-2 of the COSE.
- (PcC) Panoche sandy loam, 2 to 9 percent slopes: This well-drained soil has a medium runoff class and a depth to restrictive feature of more than 80 inches. The typical soil profile consists of sandy loam and stratified loamy fine sand to silty clay loam. This soil is designated as Prime Farmland and Highly Productive Rangeland Soils in Table SL-2 of the COSE.
- (PdB) Panoche sandy loam, overflow, 2 to 5 percent slopes: This well-drained soil has a low runoff class and a depth to restrictive feature of more than 80 inches. The typical soil profile consists of sandy loam and stratified sandy loam to fine sandy loam. This soil is designated as Prime Farmland and Highly Productive Rangeland Soils in Table SL-2 of the COSE.

The Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agriculture or related open space use. In return, landowners receive property tax assessments that are much

lower than normal because they are based upon farming and open space uses as opposed to full market value. The project site is located within the Agriculture and Rural Lands land use designation but is not subject to a Williamson Act contract.

According to 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.

Discussion

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

The project site is designated as Grazing Land and Farmland of Local Potential by the FMMP (CDOC 2016). The project site does not contain land classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the FMMP (California Department of Conservation [DOC] 2016). The County COSE designates two of the five soil units onsite as being Prime Farmland. However, the project site has not been historically farmed. Additionally, project activities and disturbance will occur outside areas of Prime Farmland.

In order to be shown on FMMP's maps as Prime Farmland or Farmland of Statewide Importance, land must have been used for irrigated agricultural production at some time during the four years prior to FMMP designation, and the soil must meet the physical and chemical criteria for Prime Farmland or Farmland of Statewide Importance as determined by the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS). Since none of the soils onsite meet both of these criteria, the project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the FMMP to non-agricultural use, and impacts would be *less than significant.*

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

The project site is located on land within the Agriculture and Rural Lands land use category. Cannabis cultivation and ancillary processing are allowed uses within the Agriculture land use category (LUO Section 22.06.030). Neither the project site nor any of the adjacent properties are currently under a Williamson Act contract. Therefore, the project would not result in a conflict with existing zoning for agricultural use or a Williamson Act contract and *no impacts* would occur.

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

The project site is within the Agriculture and Rural Lands land use designation and does not include land use designations or zoning for forest land or timberland. Therefore, the project would not conflict with or cause rezoning of forestland or land for timber production, and *no impacts* would occur.

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

The project site is not zoned for forestland and is not considered forestland as defined by PRC Section 12220(g). The project does not include the removal of any trees; therefore, implementation of the project would not result in the loss of or conversion of forestland to non-forest use, and *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 site is generally surrounded by agricultural operations and scattered rural residences. Surrounding agricultural uses could 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 majority of soils at the project site are designated as important agricultural soils by Table SL-2 in the COSE. Implementation of the proposed project would result in 3 acres of outdoor cultivation canopy, 22,320 square feet of hoop houses for outdoor ancillary nursery cultivation, 27,216 square feet of greenhouses for indoor cultivation, 22,680 square feet of greenhouses for indoor nursery cultivation, a 15,000-square-foot barn structure for ancillary processing and office uses, and associated site improvements. As discussed in Impact Discussion II(b), cannabis cultivation activities are allowed uses within the property's Agriculture land use designation (LUO Section 22.06.030 and 22.40.070). The project site has been historically used for residential uses and has not supported agricultural row crops; therefore, implementation of the project would not interfere with any existing agricultural activities. Following the lifespan of the project, structures could be removed to allow for crop production or other agricultural activities.

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 the 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

Mitigation is not 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 2001 Clean Air Plan

The San Luis Obispo County Air Pollution Control District (SLOAPCD) San Luis Obispo County 2001 Clean Air Plan (2001 CAP) is a comprehensive planning document intended to evaluate long-term air pollutant emissions and cumulative effects and provide guidance to the SLOAPCD and other local agencies on how to attain and maintain the state standards for ozone and particulate matter 10 micrometers or less in diameter (PM_{10}). The 2001 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 2001 CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the 2001 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 [SLOAPCD 2017]) 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). General screening criteria are used by the SLOAPCD to determine the type and scope of air quality assessment required for a particular project (Table 1-1 in the Air Quality Handbook). These criteria are based on project size in an urban setting and are designed to identify those projects with the potential to exceed the SLOAPCD's significance thresholds. A more refined analysis of air quality impacts specific to a given project is necessary for projects that exceed the screening criteria below or are within 10% of exceeding the screening criteria.

The SLOAPCD has also estimated the number of vehicular round trips on an unpaved roadway necessary to exceed the 25 pounds per day (lbs/day) threshold of significance for the emission of particulate matter (PM_{10}). According to the SLOAPCD estimates, an unpaved roadway of 1 mile in length carrying six 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 is an off-site residence located approximately 0.23 mile (1,240 feet) northeast of the proposed project.

Naturally Occurring Asbestos

Naturally Occurring Asbestos (NOA) is identified as a toxic air contaminant by the California Air Resources Board (CARB). Serpentine and other ultramafic rocks are fairly common throughout San Luis Obispo County and may contain NOA. If these areas are disturbed during construction, NOA-containing particles can be released into the air and have an adverse impact on local air quality and human health. The project site is not located in an area identified as containing NOA by the SLOAPCD (SLOAPCD 2022).

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 CAP, a project must be consistent with the land use planning and transportation control measures and strategies that are outlined in the 2001 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 10 full-time regular employees and 10 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-to-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 10 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.

Based on the analysis provided, above, the project would not conflict with or obstruct implementation of the 2001 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 8.9 acres (387,684 square feet) of site disturbance, including 2,600 cubic yards of cut and 2,600 cubic yards of fill material (for a total of 5,200 cubic yards of earthwork) to be balanced on-site. This would result in the creation of construction dust, as well as short-term vehicle emissions. Based on the SLOAPCD *CEQA Air Quality Handbook* (2012) and Clarification Memorandum (2017), estimated construction-related emissions were calculated and are shown in Table 1 below.

Table 1. Proposed Project Estimated Construction Emissions

Pollutant	Total Estimated Project Emissions	SLOAPCD Emissions Quarterly Threshold	Mitigation Required?
ROG+NO_x (combined)	587.6 lbs[1]	2.5 tons	No
DPM	25.48 lbs[2]	0.13 tons	No

[1] Based on 5,200 cubic yards of material moved and 0.113 pounds of combined ROG and NO_x emissions per cubic yard of material moved.

[2] Based on 5,200 cubic yards of material moved and 0.0049 pounds of DPM per cubic yard of material moved.

Based on the estimated daily emissions shown in Table 1, the project would not exceed SLOAPCD daily emissions thresholds for both combined ROG+NOx and DPM 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 8.9 acres of site disturbance, which would exceed the screening threshold of 4.0 acres of disturbance area. Mitigation Measure AQ-1 has been included to reduce PM_{10} emissions during project construction. With implementation of Mitigation Measure AQ-1, implementation of the proposed project would not exceed SLOAPCD threshold 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 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 10 full-time employees and 10 part-time/temporary employees during harvest season in October and November. Seasonal employees are expected to arrive in van pools, which is typical for the agricultural industry. The project also includes ancillary transport of cannabis grown on-site, which is expected to generate up to five truck trips following the harvest season. Other vehicle trips would include up to six commercial delivery trips per year and up to 26 additional trips to South County Sanitation District to treat wastewater generate by the project. 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. Based on the Trip Generation Analysis prepared for the proposed project, the project is anticipated to generate a total of 87 trips per day, including 13 PM peak hour trips during normal operations; therefore, the project would not exceed established vehicle miles traveled (VMT) thresholds (see Section XVII, *Transportation*, for a detailed analysis of project VMT).

The proposed project includes the improvement of an existing access road to a new 20-foot-wide all-weather road with 2-foot shoulders on each side, which would extend approximately 2,000 feet from SR 166 to the project site. The proposed access driveway would be paved and, therefore, would not generate substantial amount of operational dust emissions.

Based on the analysis provided above, with implementation of Mitigation Measure AQ-1, 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; therefore, impacts would be *less than significant with mitigation*.

(c) Expose sensitive receptors to substantial pollutant concentrations?

According to the Air Quality Handbook, projects that occur within 1,000 feet of sensitive receptors have the potential to result in adverse impacts involving construction emissions. The nearest sensitive receptor is an off-site residence located approximately 0.23 mile (1,240 feet) northeast of the project site. Due to distance, construction activities would not expose sensitive receptors to substantial pollutant concentrations. As evaluated in Impact Discussion III(b), Mitigation Measure AQ-1 has been identified to reduce PM_{10} emissions during project construction and would further reduce the potential to expose sensitive receptors to PM_{10} emissions. Operation of the project does not include any features or components that could expose sensitive receptors to substantial pollutant concentrations. Due to distance, implementation of the proposed project would not expose sensitive receptors to substantial pollutant concentrations; therefore, impacts would be *less than significant*.

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

Typically, construction activities have the potential to emit odors from diesel equipment, paints, solvents, fugitive dust, and adhesives. Any odors generated by construction activities would be intermittent and temporary, and generally would not extend beyond the construction area. The project site is not located in an area with the potential for NOA to occur (SLOAPCD 2022). In addition, the project does not require the demolition of any existing on-site buildings or structures that may contain asbestos-containing material (ACM) or lead-based paint.

Cannabis cultivation could produce objectionable odors during the maturing and harvest of the cannabis cultivation as well as ancillary cannabis storage on-site. Harvest of outdoor cultivation plants would occur once a year during October and November and harvest of indoor (mixed) light cultivation plants would occur every 2 to 4 months. In compliance with LUO Section 22.40.050.D.3, the proposed outdoor cultivation areas would be setback greater than 300 feet from the property boundary. The nearest sensitive receptor is an off-site residence is located approximately 1,240 feet northwest of the project site; therefore, odors would be expected to be undetectable at the nearest off-site sensitive receptor. In compliance with LUO 22.40.050.D8, the proposed greenhouses and processing area would be equipped with carbon scrubbers, which would effectively prevent cannabis nuisance odors from being detected outside the property. 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. Based on the distance from the nearest sensitive receptor, installation of odor control systems, and mandatory quarterly monitoring, potential odors from proposed indoor cannabis cultivation 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

Mitigation Measure AQ-1 has been identified to reduce construction-related emissions. Operational emissions would not exceed SLOAPCD thresholds. The project would be consistent with the 2001 CAP. Further, based on the installation of odor control systems and mandatory quarterly monitoring, potential odors from proposed indoor cannabis cultivation activities would not result in nuisance odors. Therefore, with implementation of Mitigation Measure AQ-1, potential impacts associated with air quality would be less than significant.

Mitigation

AQ-1 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 of 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 limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible.

3. All dirt 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 soil binders, jute netting, or other methods approved in advance by the San Luis Obispo County Air Pollution Control District.
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 are used.
8. Vehicle speed for all construction vehicles shall not exceed 15 miles per hour 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. "Track out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code Section 13304. To prevent track out, access points shall be designated and all employees, subcontractors, and others shall be required to use them. A "track-out prevention device" shall be installed and operated where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked-out soils, the track-out prevention device may need to be modified.
11. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. 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 should be shown on grading and building plans.
13. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the San Luis Obispo County Air Pollution Control District limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and

telephone number of such persons shall be provided to the San Luis Obispo County Air Pollution Control District 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?	☐	☒	☐	☐
(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?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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 (FESA) of 1973 provides legislation to protect federally listed plant and animal species. The California Endangered Species Act (CESA) of 1984 ensures legal protection for plants listed as rare or endangered, and wildlife species formally listed as endangered or threatened, and also maintains a list of California Species of Special Concern (SSC). SSC status is assigned to species that have limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. Under state law, the California Department of Fish and Wildlife (CDFW) has the authority to review projects for their potential to impact special-status species and their habitats. 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 (MBTA) of 1918 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.

County of San Luis Obispo 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 oak species: blue (*Quercus douglasii*), coast live (*Quercus agrifolia*), interior live (*Quercus wislizeni*), valley (*Quercus lobata*), and California black (*Quercus kelloggii*). The ordinance applies to clear-cutting of oak woodland only and does not apply to the removal of other species of trees, individual oak trees (except for Heritage Oaks), or the thinning, tree trimming, or removal of oak woodland trees that are diseased, dead, or creating a hazardous condition. Heritage Oaks are any individual oak species, as defined in the Oak Woodland Ordinance, of 48 inches diameter at breast height (dbh) or greater, separated from all Stands and Oak Woodlands by at least 500 feet.

California Department of Food and Agriculture Requirements

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

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

The following information is based on the Revised Biological Resources Assessment (BRA) prepared for the project (Terra Verde 2022). The BRA includes the results of desktop-level background review and multiple field surveys. Background review conducted for the project included a review of aerial imagery and relevant databases, including the NRCS Web Soil Survey, USFWS National Wetlands Inventory (NWI) Wetlands Mapper, CDFW California Natural Diversity Database (CNDDB), Consortium of California Herbaria (CCH), and California Native Plant Society (CNPS) Inventory of Rare and Endangered Vascular Plants of California Database. Twenty-six focused and protocol-level field surveys were conducted for the proposed project between October 2020 and April 2022.

Existing Conditions

The project area is characterized by relatively flat to moderately sloping topography and consists of California joint fir scrub, wild oats and brome grasslands, and allscale scrub habitats. Existing development on the project site includes a vacant 2,500-square-foot residence, a 796-square-foot metal shed, a 675-square-foot woodshed, and an existing well. Areas surrounding existing structures consist of previous disturbance as a result of vegetation removal and other ground-disturbing activities. In addition, there is an existing 5-foot-tall steel pipe fencing along the northern property line and 4-foot-tall four-strand barbed wire fencing located along the southern, eastern, and western property lines. The project site is currently accessed via an existing 12-foot-wide aggregate-based driveway and a two-track dirt road from SR 166 from the north. The access roads experience annual disturbance as a result of maintenance for fire protection. Surrounding land uses include scattered rural residences and agricultural activities.

Four jurisdictional hydrologic features were identified within the project area, including two unnamed ephemeral blue-line drainages located along the northeastern and western boundary of the project site, respectively, and two swales, which extend east toward the project site from the western drainage. Table 2 summarizes the hydrologic features within the project area.

Table 2. Hydrologic Features within the Project Area

Hydrologic Feature	Description
Drainage 1	An unnamed ephemeral blue-line drainage that flows southeast to northwest across the northeastern edge of the survey area. According to U.S. Geological Survey (USGS) topographic maps, this drainage outlets into another unnamed blue-line drainage that flows west into the eastern end of Cuyama Valley where it terminates. The bed of this drainage is wide, sandy, and in some places braided. The banks are low with scattered shrubs.
Drainage 2	An unnamed ephemeral blue-line drainage that flows southeast to northwest across the western edge of the survey area. According to USGS topographic maps this drainage historically flowed into Drainage 1 northwest of the property. The drainage has a narrow, incised channel with steep banks vegetated in annual grasses and scattered shrubs with a few sparse occurrences of invasive plant species.
Swale 1	A short swale that appears to drain runoff from the adjacent slopes, flowing west into Drainage 1. Swale 1 exhibits little to no distinction from the surrounding grassland habitat.
Swale 2	A short swale that appears to drain runoff from the adjacent slopes, flowing west into Drainage 1. Swale 2 is located southeast of Swale 1 and also exhibits little to no distinction from the surrounding grassland habitat. Swale 2 had no clearly defined bed and bank, though it was identified by the CDFW during the November 2020 site visit.

Source: Terra Verde (2022)

Special-Status Plants

The background review conducted for the project area determined there was suitable habitat within the project area for 18 special-status plant species. Of those 18 special-status plant species with potential to occur within the project area, five special-status plant species were observed within the project area during appropriately timed botanical surveys (Terra Verde 2022).

The following special-status plant species were observed within the project area:

- Howell's onion (*Allium howellii* var. *howellii*; CRPR 4.3): This species was observed during the April 2022 survey in the southern portions of the survey area.
- California jewelflower (*Caulanthus californicus*; Federal Endangered, State Endangered, CRPR 1B.1): A species of *Caulanthus* was observed during the April 2022 survey near the property entrance. Due to the poor condition of the few individuals, positive identification was not made. Based on the characteristics of the individuals, it was assumed the species observed was California jewelflower.
- Kern mallow (*Eremalche parryi* ssp. *kernensis*; Federal Endangered, CRPR 1B.2): This species was observed during the April 2022 survey near the property entrance and by the existing developed area.
- San Benito poppy (*Eschscholzia hypecoides*; CRPR 4.3): This species was observed in disturbed areas including the margins of the existing driveway and margins of roads during the Aril 2022 survey.
- San Joaquin bluecurls (*Trichostema ovatum*; CRPR 4.2): This species was observed on-site during the October 2020 survey.

Suitable habitat for the following special-status-plant species occurs within the project area; however, these species were not observed during appropriately timed botanical surveys and, therefore, are not expected to occur within the project area (Terra Verde 2022):

- California androsace (*Androsace elongata* ssp. *acuta*; CRPR 4.2)
- Salinas milkvetch (*Astragalus macrodon*; CRPR 4.3)

- Mojave paintbrush (*Castilleja plagiotoma*; CRPR 4.3)
- Lemmon's jewelflower (*Caulanthus lemmonii*; CRPR 1B.2)
- recurved larkspur (*Delphinium recurvatum*; CRPR 1B.2)
- Hoover's eriastrum (*Eriastrum hooveri*; CRPR 4.2)
- temblor buckwheat (*Eriogonum temblorense*; CRPR 1B.2)
- Tejon poppy (*Eschscholzia lemmonii* ssp*. kernensis*; CRPR 1B.1)
- Cuyama gilia (*Gilia latiflora* ssp. *cuyamensis*; CRPR 4.3)
- pale-yellow layia (*Layia heterotricha*; CRPR 1B.1)
- Jared's peppergrass (*Lepidium jaredii*; CRPR 1B.2)
- Davidson's bush mallow (*Malacothamnus davidsonii*; CRPR 1B.2)
- San Joaquin woollythreads (*Monolopia congdonii*; Federal Endangered, CRPR 1B.2)

Special-Status Wildlife

The background review conducted for the project area determined there was suitable habitat within the project area for 20 special-status wildlife species as well as migratory birds. Of the 20 special-status wildlife species with potential to occur within the project area, five special-status wildlife species were observed and suitable habitat for 12 special-status wildlife species was identified within the project area during field surveys (Terra Verde 2022).

The following five special-status wildlife species were observed within the project area during field survey efforts:

- Nelson's antelope squirrel (*Ammospermophilus nelson*; State Threatened): This species was observed within the project area during protocol-level blunt-nosed leopard lizards surveys in 2021.
- San Joaquin coachwhip (*Masticophis flagellum ruddocki*; SSC): This species was observed on-site during the April 2021 survey. In addition, suitable habitat with small mammal burrows is present along Drainage 1 and within the scrub and grassland habitats on-site.
- coast horned lizard (*Phrynosoma blainvillii*; SSC): The scrub habitat and sandy washes within the survey area are suitable for this species and this species was observed on-site during 2021 surveys.
- loggerhead shrike (*Lanius ludovicianus*; SSC): This species was observed within the project site on multiple occasions, including during the April 2021 survey, the protocol-level blunt-nosed leopard lizard surveys, and the 2022 surveys.
- northern harrier (*Circus hudsonius*; SSC): One female individual of this species was observed on a foraging flight within the project area and there is marginally suitable nesting habitat in the vicinity of the project area.

Suitable habitat and/or evidence of the following 12 special-status wildlife species were observed within the project area during field survey efforts (Terra Verde 2022):

- pallid bat (*Antrozous pallidus*; SSC): Potentially suitable roosting habitat for this species is present within the existing buildings on-site.
- American badger (*Taxidea taxus*; SSC): Characteristic claw marks on the interior sides of den entrances, horizontally oriented elliptical den openings, and frequent prey excavations of this species were observed on-site during protocol-level blunt-nosed leopard lizard surveys in 2021.

- San Joaquin kit fox (SJKF) (*Vulpes macrotis mutica*; Federal Endangered, State Threatened): There are several previously recorded occurrences of this species within a 5-mile radius of the project area. Characteristic keyhole-shaped burrows with long dirt aprons were observed on-site during protocol-level blunt-nosed leopard lizard surveys in 2021.
- western spadefoot toad (*Spea hammondii*; SSC): The drainages within the project area may provide suitable breeding habitat for this species during periods of ponded water.
- California legless lizard (*Anniella* sp.) and northern California legless lizard (*Anniella pulchra*; SSC): There is suitable habitat for these species along the drainages within the project area.
- California glossy snake (*Arizona elegans occidentalis*; SSC): The nearest previously recorded occurrence of this species is less than 1 mile west of the project site along SR 166 and suitable habitat for this species is present within the sandy drainages within the project area.
- blunt-nosed leopard lizard (*Gambelia sila*; Federal Endangered, State Endangered and Fully Protected): There are several previously recorded occurrences of this species within a 5-mile radius of the project area and there is suitable habitat for this species along Drainage 1 in the open, flat areas of the scrub habitat.
- Kern primrose sphinx moth (*Euproserpinus perotis californicus*; Federal Threatened): Suitable habitat for this species is present within the sandy wash along Drainage 1 and a host plant was observed within the project area during April 2021 and February, March, and April 2022 survey efforts. Focused surveys during the species typical flight season were conducted on February 3, 10, and 17, 2022. Appropriately sized and colored moths were observed within suitable habitat within the project area; however, a positive identification was not made.
- western burrowing owl (*Athene cunicularia*; SSC): Suitable burrowing habitat for this species is present within the annual grassland within the project area.
- California horned lark (*Eremophila alpestris actia*; State Watch List): This species is known to nest in the Carrizo National Monument approximately 4 miles north of the project area and there is suitable nesting and foraging habitat for this species is present on site.
- California condor (*Gymnogyps californianus*; Federal Endangered, State Endangered and Fully Protected): This species has been previously recorded approximately 1 mile east of the project site. This record encompasses the USFWS Bitter Creek National Wildlife Refuge (NWR) and adjacent lands. Land within the Bitter Creek NWR serves as essential foraging habitat for this species. Due to the proximity of the project site to Bitter Creek NWR, there is potential for this species to forage on-site.
- Le Conte's thrasher (*Toxostoma lecontei*; SSC): Suitable nesting and foraging habitat for this species is present within the project area.

Five protocol-level giant kangaroo rat trapping surveys were conducted in 2021 to determine if small mammals occur within the project area. During protocol-level surveys, no giant kangaroo rat (*Dipodomys ingens*), short-nosed kangaroo rat (*Dipodomys nitratoides brevinasus*), or Tulare grasshopper mouse (*Onychomys torridus tularensis*) were observed within the project area and, therefore, are not expected to occur within the project area (Terra Verde 2022).

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?*

Construction and ground-disturbing activities have the potential to result in direct removal of special-status plant species if present within the proposed area of disturbance during construction. In addition, construction activities have the potential to result in direct (i.e., take) or indirect (i.e., noise, dust, light pollution) disturbance to special-status wildlife species if present within the project area during project construction. Based on the results of the BRA, five special-status plant species occur, five special-status wildlife species have been observed, and 12 special-status wildlife species have potential to occur within the project area (Terra Verde 2022). Mitigation Measure BIO-1 has been included to require environmental awareness training for construction personnel to be made aware of potential sensitive biological resources that may occur within the area and avoidance measures for those resources. In addition, Mitigation Measure BIO-2 identifies general construction measures to reduce potential impacts to biological resources within the project area during construction activities. Potential impacts to special-status plant and wildlife species are described in detail, below.

Special-Status Plants

As previously identified, Howell's onion, California jewelflower, Kern mallow, San Benito poppy, and San Joaquin bluecurls occur within the project area (Terra Verde 2022). The project would require approximately 8.9 acres of site disturbance, which could result in direct removal of special-status plant species if present within the proposed area of disturbance during construction. BIO-1 requires environmental awareness training for staff. Mitigation Measure BIO-2 requires site maintenance and general operations management such as clearly delineating works areas and staging equipment outside of sensitive habitats. Mitigation Measure BIO-3 requires avoidance of special-status species within the project area and identifies the proper protocol to be implemented if special-status plants cannot be avoided. With implementation of Mitigation Measures BIO-1 through BIO-3, the project would not adversely affect special-status plant species.

Special-Status Wildlife

As previously identified, five special-status wildlife species were observed and suitable habitat for 12 special-status wildlife species was identified within the project area during field surveys (Terra Verde 2022). Proposed construction activities have the potential to result in direct (i.e., take) or indirect (i.e., noise, dust, light pollution) disturbance to special-status wildlife species if present within the project area during project construction.

Special-Status Reptile and Amphibian Species

During field survey efforts of the project area, coast horned lizard was observed within the project area and suitable habitat for San Joaquin coachwhip, western spadefoot toad, California legless lizard, and California glossy snake was identified within the project area (Terra Verde 2022). Ground-disturbing activities have the potential to disturb special-status amphibian and reptile species if present within the proposed disturbance area during project construction. Mitigation Measure BIO-4 requires preconstruction surveys for coast horned lizard, San Joaquin coachwhip, western spadefoot toad, California legless lizard, and California glossy snake prior to the start of construction activities and identifies the proper protocol to be implemented if any special-status reptile and/or amphibian

species are observed within the project area. With implementation of Mitigation Measure BIO-1, BIO-2, and BIO-4, the project would not adversely affect special-status amphibians or reptiles.

Special-Status Mammals

Nelson's antelope squirrel was observed within the project area during field surveys. Ground-disturbing and other construction activities have the potential to result in adverse impacts to individuals of this species if present within the proposed work area during project construction. Mitigation Measure BIO-5 requires preconstruction surveys and construction monitoring for this species and identifies the proper protocol to be implemented if observed within the project area.

The project area supports suitable habitat for American badger and SJKF (Terra Verde 2022). Construction activities have the potential to adversely affect these species if present within the proposed work area during project construction. Mitigation Measures BIO-7 and BIO-9 requires preconstruction surveys and identifies the proper protocol to be implemented if individuals of these species are observed within the project area. Additionally, the project site is located within a 3:1 mitigation area for SJKF and implementation of the proposed project would result in the loss of SJKF habitat. Mitigation Measures BIO-6 through BIO-8 requires implementation of standard County measures to reduce impacts related to SJKF habitat.

In addition, there is marginally suitable roosting habitat for pallid bat within the existing, vacant buildings within the project area. Construction-related noise and removal of existing structures may adversely affect pallid bat if present within the project area during project construction. Mitigation Measure BIO-10 has been identified to require preconstruction roosting bat surveys and identifies protocol to be implemented if individuals are observed within the project area.

With implementation of Mitigation Measures BIO-6 through BIO-8, the project would not adversely affect special-status mammals.

Special-Status Insects

Suitable habitat for Kern primrose sphinx moth is present along Drainage 1 and a host plant for this species was observed within the project area. Further, appropriately sized and colored moths were observed within the potentially suitable habitat within the project area; however, a positive identification of this species was not made. Proposed ground-disturbing activities and vegetation removal have the potential to adversely affect Kern primrose sphinx moth if present within the project area during project construction. Mitigation Measure BIO-14 requires avoidance of the host plant for this species and identifies the proper protocol to be implemented if avoidance is not possible. Mitigation Measure BIO-15 requires work within the drainages to occur during the dry season along with erosion control measures.

With implementation of Mitigation Measures BIO-14 and BIO-15, the project would not adversely affect special-status insects.

Special-Status and Migratory Birds

One northern harrier was observed within the project area and there is potential for loggerhead shrike, California horned lark, Le Conte's thrasher, California condor, western burrowing owl, and migratory birds to occur within the project area. Implementation of the proposed project has the potential to result in direct and/or indirect disturbance to special-status and/or migratory birds. Mitigation Measures BIO-11 and BIO-12 require preconstruction burrowing owl and nesting bird surveys and identifies the protocol to be implemented if burrowing owl or nesting birds are observed

within the project area. In addition, implementation of Mitigation Measure BIO-13 would further reduce impacts to foraging habitat within the project area by requiring the removal of microtrash items (e.g., coins, screws, other small metal or plastic debris) from the project site.

With implementation of Mitigation Measures BIO-11 through BIO-13, the project would not adversely affect special-status or migratory birds.

In addition to specific Mitigation Measures for various species, general Mitigation Measures requiring training (BIO-1), site maintenance (BIO-2), and regular surveys (BIO-16 through BIO-18) will be applicable to special-status species and habitats. Based on the analysis provided above, potential impacts associated with substantial adverse effects on special-status species or their habitats 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?

There are four ephemeral hydrologic features located within the project area; however, based on the results of the BRA, the project area consists of California joint fir scrub, wild oats and brome grasslands, and scrub habitats and does not support riparian habitat or vegetation. Proposed development and project activities would be limited to the scrub habitat on-site, which is not identified as a sensitive natural community (Terra Verde 2022). Because no riparian habitat or sensitive natural communities occur on-site, implementation of the proposed project would not adversely affect riparian habitat or other sensitive natural communities, and *no impacts* would occur.

(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?

Four ephemeral, jurisdictional hydrologic features occur within the project area, including two unnamed ephemeral blue-line drainages located along the northeastern and western boundary of the project site, respectively, and two swales, which extend east toward the project site from the western drainage (see Table 2). The project includes a 50-foot setback from the top of bank for all hydrologic features within the project area; therefore, project activities would not result in direct impacts to the drainages. Implementation of Mitigation Measure BIO-2 would reduce the potential for construction-related spills and other pollutant releases to occur within the project area that could runoff and indirectly affect the on-site drainages. In addition, Mitigation Measures BIO-14 and BIO-15 requires the implementation of additional measures to further reduce indirect impacts to the hydrologic features, including permitting requirements, setback requirements, and erosion best management practices (BMPs). Implementation of the proposed project would not adversely affect the hydrologic features within the project area because the project would avoid direct disturbance to the features and implementation of the identified mitigation measures would reduce indirect impacts related to erosive and polluted runoff; therefore, impacts would be *less than significant with mitigation*.

(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 CNDDB Essential Habitat Connectivity Viewer, the project site is located in an essential habitat connectivity area (CDFW 2022). However, the project site consists of an existing residence and accessory structures as well as 5-foot-tall steel pipe fencing along the northern property line and 4-foot-tall four-strand barbed wire fencing located along the southern, eastern, and western

property lines. In addition, SR 166 is located directly north of the project site and surrounding land uses include scattered residences, accessory structures, and agricultural uses. Existing development and use of the project site and surrounding area reduces the ability to utilize the area as an essential wildlife corridor; therefore, implementation of the proposed project would not preclude use of the site as a terrestrial wildlife corridor. In addition, the on-site drainages and swales do not support flowing or pooled water and would not provide suitable migratory or breeding habitat to support fish or amphibian species. The project would not require the removal of any trees that could reduce the potential to provide nesting habitat for migratory birds. Therefore, implementation of the proposed project would not interfere with the movement of migratory species, and impacts would be *less than significant.*

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

LUO Chapter 22.58 establishes regulations for clear-cutting oak woodlands. The project does not include the removal of any trees and would not be subject to regulations included in LUO Section 22.58. In addition, the proposed project was reviewed for consistency with other local policy and regulatory documents relating to biological resources (e.g., County LUO, General Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used); therefore, the project would not conflict with the LUO, and *no impacts* would occur.

(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 does not overlap with any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other conservation plans. Therefore, the project would not conflict with any approved local, regional, or state habitat conservation plans, and *no impacts* would occur.

Conclusion

With implementation of Mitigation Measures BIO-1 through BIO-13 to reduce potential impacts to special-status plants, special-status wildlife, and native oak trees, potential impacts to biological resources would be less than significant.

Mitigation

BIO-1 **Environmental Awareness Training.** Prior to the start of any project activities, an environmental awareness training shall be presented to all personnel by a qualified biologist. The training shall include color photographs and a description of the ecology of all special-status species known or with potential to occur on-site, as well as other sensitive resources requiring avoidance near the project site. The training shall include a description of protection measures required by discretionary permits, an overview of the Federal and State Endangered Species Acts, and implications of noncompliance with these regulations. The biologist shall provide an overview of the required avoidance, minimization, and mitigation measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the environmental awareness trainees shall be kept. A fact sheet conveying the information provided in the environmental awareness training shall be provided to all project personnel and anyone else who may enter the project site. If new personnel join the project after the initial training period, they shall receive the environmental awareness training from the qualified biologist or their designee before beginning work. A

qualified biologist shall provide refresher trainings during site visits or other monitoring events.

BIO-2 **Site Maintenance and General Operations.** During construction activities, the following general measures shall be implemented to minimize impacts during ground-disturbing activities:

1. The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area and staging area shall be clearly defined and marked with high-visibility fencing or flagging, such as t-post and yellow rope; orange safety fencing shall not be used for fencing on-site to avoid impacts to San Joaquin kit fox by entanglement. No work shall occur outside these limits.
2. In the vicinity of sensitive resources and habitats (e.g., swales, drainages), signs shall be posted at the boundary of the work area indicating the presence of sensitive resources.
3. Project plans, drawings, and specifications shall show the boundaries of all sensitive resource areas and the location of erosion and sediment controls, delineation of construction limits, and other pertinent measures to ensure the protection of sensitive habitats and resources.
4. Staging of equipment and materials shall occur in designated areas with appropriate demarcation and perimeter controls. No staging areas shall be located within 100 feet of drainages (Drainage 1, Drainage 2, Swale 1, or Swale 2).
5. Secondary containment, such as drip pans, shall be used to prevent leaks and spills of potential contaminants.
6. Washing of concrete, paint, or equipment and refueling and maintenance of equipment shall occur only in designated staging areas. These activities shall occur at a minimum of 50 feet from Drainage 1, Drainage 2, Swale 1, and Swale 2. Sandbags and/or absorbent pads and spill control kits shall always be available for use in the event of a spill or leak.
7. Construction equipment shall be inspected by the operator daily to ensure that equipment is in good working order and that there are no fuel or lubricant leaks.
8. Plastic monofilament netting (erosion control matting) or similar material shall not be used on-site due to the potential for entangling special-status small mammals or reptiles.
9. Acceptable substitutes are coconut coir matting or tackified hydroseeding compounds.

BIO-3 **Special Status Plant Species Avoidance and Minimization Measures.** Prior to initial ground disturbance and staging activities in areas of known and suitable habitat for special-status plants, focused surveys shall be completed by a qualified biologist, and all sensitive plant populations shall be flagged for avoidance. The surveys shall be floristic in nature and shall be seasonally timed to coincide with the blooming period of the target species. Surveys shall be conducted in accordance with the most current protocols established by the CDFW and

USFWS, and consistent with the County's policies. If special status plant species are identified within the proposed development footprint, impacts to these species will be avoided to the extent feasible.

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

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

The restoration plan shall include, at a minimum, the following components:

1. Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type).
2. Discuss the proposed construction methods, construction schedule, and implementation schedule of activities proposed as part of the plan.
3. Identify each special-status species observed on-site, including a description of the mitigation activities proposed for each.
4. Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved].
5. Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values).
6. Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan).
7. A detailed description of topsoil salvage procedures and soil stockpile storage methods.

8. Methods and timing of any proposed seed collection and storage.
9. Locations and demarcation of full-time avoidance areas during construction.
10. Locations and methods for restoration, replanting, and/or reseeding (e.g., decompaction, recontouring, scarification, mulching, hand broadcasting, hydroseeding, etc.); and,
11. Short- and/or long-term monitoring protocols and/or vegetative growth success criteria for mitigation and restoration.
12. Maintenance activities during the monitoring period, including weed removal as appropriate (activities, responsible parties, schedule).
13. Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports).
14. Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type.
15. An adaptive management program and remedial measures to address any shortcomings in meeting success criteria.
16. Notification of completion of compensatory mitigation.
17. Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).
18. Include a requirement for photographic documentation and a post-implementation report.
19. The restoration plan shall be prepared and submitted to the County Department of Planning and Building for approval prior to initial site disturbance.

BIO-4 **Pre-construction Survey for Special-status Reptiles and Amphibians.** Prior to issuance of grading and/or construction permits and immediately prior to initiation of site disturbance and/or construction, a qualified biologist shall conduct a pre-construction survey immediately before any initial ground disturbances (i.e., the morning of the commencement of disturbance). Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.). To minimize the potential for impacts to dispersing amphibians, work within 100 feet of drainages and swales shall occur during dry conditions. If special-status wildlife is found within the work area, it shall be allowed to leave on its own volition and as appropriate, the resource agencies shall be contacted.

If any additional ground- or vegetation-disturbing activities occur on the project site, the above surveys and monitoring shall be repeated. The results of the survey shall be provided to the County of San Luis Obispo within 1 week of monitoring.

BIO-5 **Pre-construction Survey for Nelson's Antelope Squirrel.** Within 30 days prior to the start of initial project activities, a qualified biologist shall conduct a preconstruction survey to

ensure that Nelson's antelope squirrel is not present within the proposed work areas and an approximate 50-foot buffer. If Nelson's antelope squirrel is present, active burrows shall be mapped and a 50-foot exclusion buffer shall be established and maintained until all project-related disturbances including initial set-up (not operational) have been terminated. The results of the survey shall be provided to the County of San Luis Obispo prior to initial project activities. If a 50-foot exclusion buffer is not feasible, consultation with CDFW shall be initiated. Work shall not begin at the location until authorization to continue is provided by CDFW, or until applicable measures from a permit issued by CDFW for the project are successfully implemented.

BIO-6 **San Joaquin Kit Fox (*Vulpes macrotis multica*; SJKF) Habitat Mitigation Alternatives.** Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County that states that one or a combination of the following three San Joaquin kit fox (SJKF) mitigation measures has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 26.7 acres of suitable habitat in the kit fox corridor area (e.g., within the San Luis Obispo County kit fox habitat area), either on site or off site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the CDFW and the County.

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

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

   Mitigation alternative (b.) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-unit of $2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities. The fee, payable to "The Nature Conservancy", would total $66,750 based on $2,500 per acre (8.9 acres impacted * 3 *$2,500 per acre).

c. Purchase 26.7 (8.9 acres * 3) credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

   Mitigation alternative (c.) can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF

habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total $66,750 (8.9 acres * 3 * $2,500). This fee is calculated based on the current cost-per-credit of $2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

BIO-7 San Joaquin Kit Fox Protection Measures.

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

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

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

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

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

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

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

BIO-8 **Standard SJKF Avoidance and Protection Measures.** Throughout the life of the project,

1. If a SJKF is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County will be notified, and they will consult with other agencies as needed.
2. A maximum of 25 mph speed limit shall be required at the project site during project activities. Speed limit signs shall be installed on the project site prior to start of all work.
3. All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.
4. To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes or trenches greater than two feet deep shall be completely covered at the end of each work day by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If a SJKF is entrapped, CDFW, USFWS, and the County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.
5. All pipes, culverts, or similar structures with a diameter of 4 inches or greater, stored overnight at the project site shall be thoroughly inspected for sheltering SJKF before burying, capping, or moving. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day. No pipes, culverts, similar structures, or materials stored on site shall be moved if there is a SJKF present within or under the material. A 50-foot exclusion buffer will be established around the location of the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.
6. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in animal-proof closed containers only and regularly removed from the site.
7. No deliberate feeding of wildlife shall be allowed.
8. Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.
9. Trash will be disposed of into containers rather than stockpiling on site prior to removal.
10. Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence shall be surveyed (consistent with pre-construction survey requirements) by a qualified biologist before they are moved.
11. The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which SJKF depend.
12. Permanent fences shall allow for SJFK passage through or underneath by providing frequent openings (8-inch x 12-inch) or an approximately 4-inch or greater passage gap

between the ground and the bottom of the fence. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

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

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

BIO-9 American Badger (*Taxidea taxus*) Protection Measures

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

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

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

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

BIO-8 Within 14 days prior to removal of existing structures, a sunset and acoustic survey shall be conducted by a qualified biologist to determine if bats are roosting in the structures. If roosts of special-status bat species are identified and will be impacted during the proposed project, the California Department of Fish and Wildlife shall be consulted to determine appropriate measures to be implemented. If it is determined that no special-status bats are present, the project shall proceed under the guidance of a qualified biologist, in a manner that minimizes impacts to individual non-special-status species of bats and their roosts (e.g., conducting work only during the day, installing one-way exclusions prior to work, or removing the roof of the structure just prior to sunset). The results of the survey shall be provided to the County of San Luis Obispo prior to initial project activities.

BIO-10 **Within 14 days prior to removal of existing structures,** a sunset and acoustic survey shall be conducted by a qualified biologist to determine if bats are roosting in the structures. If roosts of special-status bat species are identified and will be impacted during the proposed project, the California Department of Fish and Wildlife shall be consulted to determine appropriate measures to be implemented. If it is determined that no special-status bats are present, the project shall proceed under the guidance of a qualified biologist, in a manner that minimizes impacts to individual non-special-status species of bats and their roosts (e.g., conducting work only during the day, installing one-way exclusions prior to work, or removing the roof of the structure just prior to sunset). The results of the survey shall be provided to the County of San Luis Obispo prior to initial project activities.

BIO-11 If work will occur within 492 feet (150 meters) of burrowing owl habitat, within the breeding or non-breeding seasons, a qualified biologist shall conduct a preconstruction survey for this species within 14 days of the onset of construction. A second survey shall be completed immediately prior to construction (i.e., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the California Department of Fish and Wildlife 2012 Staff Report on Burrowing Owl Mitigation (Staff Report). Qualified biologists shall walk 20- to 65-foot-wide (7- to 20-meter) transects through the survey area and visually scan the entire project area for sign and individuals. These surveys may be completed concurrently with any other preconstruction surveys for special-status species. If occupied burrowing owl burrows are identified, the following buffer distances shall be observed by construction, unless otherwise authorized by California Department of Fish and Wildlife:

Burrowing Owl Exclusion Buffer Distances

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

BIO-12 **Pre-construction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within 1 week prior to initial project activity beginning, including ground disturbance

and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

1. A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone shall 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 the burrowing owl) are identified and nesting within the work area, no work shall begin until an appropriate exclusion zone is determined in consultation with the County of San Luis Obispo and any relevant resource agencies.
3. The results of the survey shall be provided to the County of San Luis Obispo 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).
4. 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.

BIO-13 The project site shall be regularly monitored by project personnel for microtrash that could be harmful to condors. All trash, including small microtrash items such as coins, screws, washers, and small metal or plastic debris, shall be placed in secure trash receptacles with lids (to prevent the container from being blown over and trash from blowing out of the container).

BIO-14 **Prior to initial project activities,** suitable habitat for Kern primrose sphinx moth present along Drainage 1 shall be avoided. No project activities shall occur within 50 feet of the top of bank of Drainage 1. This exclusion buffer shall be shown on all project plans and marked with high-visibility fencing or flagging. No work shall occur within these limits. If avoidance of suitable habitat is infeasible, the applicant shall contact the County of San Luis Obispo for further guidance prior to initial project activities.

BIO-15 During construction, the following measures shall be implemented to protect drainages and swales on-site:

1. Prior to project initiation, all applicable agency permits with jurisdiction over the project area should be obtained, as necessary. All additional mitigation measures required by these agencies shall be implemented as necessary throughout the project.

2. Construction activity within 100 feet of Drainage 1, Drainage 2, Swale 1, and Swale 2 shall occur only when conditions are dry.
3. To prevent erosion and sedimentation into drainages during construction, an Erosion and Sedimentation Control Plan shall be developed and implemented. It shall outline best management practices for temporary stabilization. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) rolls, jute or coir netting, and/or other industry standard materials. Erosion control devices shall be installed and maintained for the duration of the project.

BR-16 **Weekly Site Visits.** During the site disturbance and/or construction phase, a qualified biologist shall conduct weekly site visits during site-disturbance activities (e.g., clearing, grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, to check the site for special-status species. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by a biologist unless a potential SJKF den or special status small mammal burrow was identified on-site or the qualified biologist recommends monitoring for other sensitive species protection. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

BR-17 **Monthly Biological Monitoring.** Before (prior to ground disturbance), during, and after (one month following the end of annual operations) cannabis activities, the Applicant or project proponent must hire a qualified biologist to conduct monthly biological monitoring inspections. The qualified biologist will inspect the site to ensure compliance with the above-measures and to determine if any new activities have occurred. The biologist will provide a refresher survey and/or environmental training, as needed, during the monthly inspection. The biologist will be required to submit a report to the County within a week of the inspection. If major issues are identified during the inspection (e.g., encroachment into buffer zones, new activity outside previously surveyed area, etc.), then the biologist will notify the County immediately (via phone and/or in writing). If the results of monthly inspections show repeated noncompliance, the frequency of the inspections may be increased by the County. If the results of the monthly inspections consistently show compliance, the frequency of the inspections may be reduced by the County.

Alternatively, if the County implements a biological monitoring program, then the Applicant or project proponent will participate in that program and pay County-generated invoices in lieu of hiring the biologist directly.

BR-18 **Annual Biological Resource Surveys. Annual Pre-activity Survey for SJKF, Special-status Small Mammals, and Burrow Mapping.** Throughout the life of the project, the applicant or project proponent must hire a qualified biologist to complete an annual pre-activity survey for SJKF and special status small mammal species (e.g., giant kangaroo rat) no more than 14 days prior to the start of initial ground disturbance associated with the outdoor grow sites to ensure SJKF and special status small mammal species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active SJKF and special status mammal burrows within the grow site areas plus a 50-foot buffer for small mammals and 250-foot buffer for SJKF. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of state or federally-listed species burrows is not feasible, no work shall begin within 250 feet (for SJKF dens) or within 50 feet (state or federally-listed small mammal) and consultation with the applicable resource agency (CDFW,

USFWS, or both) shall be initiated, depending on the designated FESA/CESA listing status of the animal. Work shall not begin until authorization to continue is provided by the applicable resource agency, or until applicable measures from a permit issued by the resource agency (CDFW, USFWS, or both) for the project are successfully implemented.

V. CULTURAL RESOURCES

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

Setting

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

As defined by CEQA, a historical resource includes:

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

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

In the event of an accidental discovery or recognition of any human remains, 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 (CHSC). CHSC Section 7050.5 and LUO Section 22.10.040 (Archaeological Resources) require that in the event of accidental discovery or

recognition of any human remains, no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98.

A Revised Phase I Archaeological Study was prepared for the proposed project to determine the presence and likelihood of presence of cultural resources within the project area (Padre Associates, Inc. [Padre] 2022). The Phase I Archaeological Study includes the results and findings of background review and a Phase I pedestrian survey of the project area. A records search was conducted at the Central Coast Information Center (CCIC) located at the Santa Barbara Natural History Museum to identify any previously recorded cultural resources within the project area. The records search revealed that five archaeological resources have been identified within a 0.5-mile radius; however, no archaeological resources have been recorded within the project area. A Phase I pedestrian survey was conducted within the project area and no cultural resources or evidence of cultural resources were observed (Padre 2022).

Discussion

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

The project site consists of existing development, including a 2,500-square-foot residence, a 796-square-foot metal shed, a 675-square-foot woodshed, a well, and fencing. Based on the results of the Phase I Archaeological Study, the project site does not contain any buildings or structures that may be eligible for listing as a historical resource; therefore, removal of the existing residence and woodshed would not result in adverse impacts to any historical resources. In addition, there are two historic resources located within 0.5 mile of the project site (Padre 2022). Due to distance, implementation of the proposed project would not result in direct disturbance to these resources. Further, the project does not include the use of high-impact construction activities (i.e., pile driving) that could indirectly damage or result in adverse change to a nearby historical resource. Because there are no historical resources within the project site and the project does not include high-impact activities, implementation of the project would not have the potential to cause a substantial adverse change in the significance of a historical resource, and *no impacts* would occur.

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

Construction activities associated with the project would result in approximately 8.9 acres of ground disturbance, including approximately 2,600 cubic yards of cut and 2,600 cubic yards of fill. A records search was conducted at the CCIC to determine whether any previously recorded cultural resources have been recorded on or near the project area. The records search did not identify any previously recorded archaeological resources within the project area. A Phase I pedestrian survey of the project area was conducted, and no visible surface archaeological resources were found. Based on the results of the Phase I Archaeological Study prepared for the project, there are no known cultural archaeological resources within the project area (Padre 2022).

Because there are no known archaeological resources within the project area, the project would not result in adverse change to known archaeological resources. However, there is still some potential for inadvertent discovery of unknown cultural resources if present within the proposed work area. The project would be required to comply with LUO Section 22.10.040 for the protection of unknown cultural resources as a result of inadvertent discovery. Per LUO Section 22.10.040, in the event an unknown cultural resource site is encountered, all work within the vicinity of the find must be halted until a qualified archaeologist is retained to evaluate the nature, integrity, and significance of the find. Based on required compliance with the LUO and the limited amount of proposed ground disturbance

and excavation activities, the project is not anticipated to result in adverse impacts to known or unknown cultural archaeological resources, and impacts would be *less than significant.*

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

There are no known human resources located within or immediately adjacent to the project area; therefore, implementation of the proposed project would not result in disturbance to any known human remains. The project would require ground disturbance and excavation activities, which has the potential to uncover or disturb unknown human remains if present within the project area. The project would be required to comply with CHSC Section 7050.5 and LUO Section 22.10.040, which identifies the proper protocol in the event of inadvertent discovery of human remains, including the cessation of work within the vicinity of the discovery, identification of human remains by a qualified coroner, and if the remains are identified to be of Native American descent, contact with the Native American Heritage Council (NAHC). Based on required compliance with CHSC Section 7050.5 and LUO Section 22.10.040, implementation of the proposed project is not anticipated to disturb human remains; therefore, potential impacts would be *less than significant*.

Conclusion

No archaeological or historical resources are known or expected to occur within the project area. In the event unanticipated archaeological resources or human remains are discovered during project construction activities, adherence with LUO standards and CHSC 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

Mitigation is not 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 & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within San Luis Obispo County. PG&E utilizes clean energy sources, including 50% from renewable energy sources and 43% from other GHG-free energy sources (PG&E 2021).

PG&E offers two programs through which consumers may purchase electricity from renewable sources: the Solar Choice program and the Regional Renewable Choice program. Under the Solar Choice program, a customer remains on their existing electric rate plan and pays a modest additional fee on a per kilowatt-hour (kWh) basis for clean solar power. The fee depends on the type of service, rate plan, and enrollment level. Customers may choose to have 50% or 100% of their monthly electricity usage to be generated 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. This element provides the basis and direction for the development of the County's EnergyWise Plan (EWP), which outlines in greater detail the County's strategy to reduce government and community-wide GHG emissions through a number of goals, measures, and actions, including energy efficiency and development and use of renewable energy resources.

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 EnergyWise Plan 2016 Update to summarize progress toward implementing measures established in the EWP and outline overall trends in energy use and emissions since the baseline year of the EWP inventory (2006).

The goals and policies in the COSE and EWP address the 2005 GHG emissions reduction targets for California (Executive Order [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 non-residential 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 non-residential ventilation requirements, and non-residential lighting requirements. While the CBC has strict energy and green building standards, U-occupancy structures (such as greenhouses used for cultivation activities) are typically not regulated by these standards.

Vehicle Fuel Economy Standards

In October 2012, the U.S. Environmental Protection Agency (USEPA) and 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 the model year 2022 through 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 the 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 through 2025. The new rules strengthen the GHG standard for 2017 models and beyond. This will be achieved through existing technologies, the use of stronger and lighter materials, and more efficient drivetrains and engines. The program's zero-emission vehicle regulation requires a battery, fuel cell, and/or plug-in hybrid electric vehicles to account for up to 15% of California's new vehicle sales by 2025. The program also includes a clean fuels outlet regulation designed to support the commercialization of zero-emission hydrogen fuel cell vehicles planned by vehicle manufacturers by 2015 by requiring increased numbers of hydrogen fueling stations throughout the state. The number of stations will grow as vehicle manufacturers sell more fuel cell vehicles. By 2025, when the rules will be fully implemented, the statewide fleet of new cars and light trucks will emit 34% fewer global warming gases and 75% fewer smog-forming emissions than the statewide fleet in 2016 (CARB 2016).

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

An Energy Demand Analysis was prepared for the proposed project to determine the project's proposed energy use (Balance Green Consulting 2021). Energy use calculations are based on the indoor facilities designated for cultivation, a nursery, and ancillary processing space for cannabis production. Additionally, energy use calculations include typical back of house storage and employee spaces for a total indoor area of 65,050 square feet (Balance Green Consulting 2021).

Energy use calculations include the following assumptions of operational energy uses:

- Indoor cultivation grow lights operating 360 hours per month (approximately 12 hours per day) year-round

- Nursery lighting operating 540 hours per month (approximately 18 hours per day) year-round.
- All grow lights are taking advantage of industry leading LED fixtures for both working and growing applications. All spaces, including the back of house spaces, include 60-watt LED fixtures for wayfinding and are estimated to operate year-round at approximately 3 hours per day.
- Heating and cooling by approximately 14 heating and cooling units (specification has not been determined). Heating and cooling systems would operate year-round, averaging 18 hours per day at a conservative 3,000 watts per unit.
- The ventilation, water pumping, and carbon filtration equipment is assumed to be all electric per the ownership program and follows typical operational schedules for a normal year, provided by the operations staff.

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-Related Energy Consumption

The project would require the use of fossil fuels, electricity, and natural gas for construction vehicles and equipment during project construction. Proposed energy use during construction would be short term and limited in scale and would not result in unnecessary, wasteful, or inefficient energy consumption. Further, the project would be required to comply with state and local diesel-idling restrictions and the use of alternative fuels as applicable to ensure avoidance of unnecessary, wasteful, and inefficient energy consumption during construction; therefore, energy consumed during construction would be temporary and would not represent a significant or wasteful demand on available resources, and construction-related impacts would be *less than significant.*

Operational Energy Consumption

During operation, the project would rely on electricity provided by PG&E, which is fully compliant with state renewable energy regulations. PG&E utilizes clean energy sources, including 50% from renewable energy sources and 43% from other GHG-free energy sources (PG&E 2021). Operational energy use would include indoor (mixed-light) cannabis cultivation, lighting for the processing and office area, irrigation, carbon scrubbers, heating and cooling, and security equipment.

Electricity and Natural Gas

In order to be compliant with the COSE and EWP, the project would be required to reduce GHG emissions, where feasible in energy consumption. 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 CBC 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 (greater than 20%) than a typical commercial building of the same size. According to the Energy Demand Analysis prepared for the project (Balance Green Consulting 2021), the energy demand for a typical commercial building of the same size would be 1,658,775 kWh per year. The total energy demand for the proposed project would be 4,328,299 kWh per year, which is greater than 20% of a commercial building of the same size (Balance Green Consulting 2021). This amount of energy use would potentially be wasteful and inefficient when compared to similar sized buildings implementing energy efficiency measures and would require mitigation.

To offset this potential impact, the project is committing to participation in PG&E's Solar Choice Program, Regional Renewable Choice Program, or a comparable public/private program to offset the project's net new energy demand to be within 20% of the demand associated with a generic commercial building of the same area. However, the applicant's commitment to participate in one of those programs does not provide specific measures for reducing and offsetting energy use; therefore, Mitigation Measures ENG-1 and ENG-2 are recommended, which would reduce the project's individual and cumulative impacts associated with wasteful and inefficient energy use to a less than significant level through the preparation and implementation of an Energy Conservation Plan which would identify measures to be incorporated into the project to reduce or offset project energy demand that exceeds the demand associated with a typical commercial building of comparable floor area. ENG-1 requires the applicant to implement one or more of the measures identified in the Energy Conservation Plan until the project's energy demand is reduced and/or offset to within 20% of the energy use of a typical commercial tenant space of the same size (1,658,775 kWh/year). This may be accomplished by enrollment in one of PG&E's renewable energy programs such as Solar Choice and Regional Renewable Choice. Under the Solar Choice Program, a customer may purchase electricity from a pool of solar generating projects within the PG&E service area. A customer may enroll by phone or by way of the internet.

Under the Regional Renewable Program, a customer may purchase up to 100% of energy demand from a specific renewable energy provider within the PG&E service area. The applicant may also choose to pursue other strategies identified in the Energy Conservation Plan such as the retrofit of structures with energy saving features, sourcing project energy from other renewable/sustainable energy sources, or other strategies or programs that effectively reduce or offset energy use and/or increase the project utilization of sustainable, GHG-free energy sources.

By committing to a 20% offset of the project's energy demand, and upon implementation of ENG-1 and ENG-2, the project would be consistent with the COSE and EWP, would not result in wasteful, unnecessary, or inefficient energy consumption related to electricity use, would not conflict with renewable energy and/or energy efficiency policies, and project impacts associated with energy use would be reduced to a less than significant level and would be less than cumulatively considerable.

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 10 full-time project employees, 10 additional part-time/seasonal employees, and ancillary transport of 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.

Renewable Energy Overlay Combing Designation

The project site is located within the Renewable Energy Overlay (RE) combining designation. The project does not include the construction of solar energy facilities or other renewable energy facilities that would be applicable to permit streamlining or development standards included in LUO Section 22.14.100. The RE combining designation does not include development standards that would limit development within this designation to only renewable energy facilities but rather identifies areas within the county where renewable energy production may be favorable. Additionally, the project is committing to participation in PG&E's Solar Choice Program, Regional Renewable Choice Program, or a comparable public/private program, which would be consistent with the purpose of the RE combining designation.

Conclusion

The project would result in a potentially significant energy demand during long-term operations and would potentially conflict with state or local renewable energy or energy efficiency plans.

To mitigate potential operational impacts associated with energy use and GHG emissions, the project will be required to implement a package of measures that would reduce or offset the project's energy demand to within 20% of the energy demand of a similarly sized generic non-cannabis commercial building (1,658,775 kWh/year x 1.2 = 1,990,530 kWh/year) and offset GHG emissions to under 690 $MMTCO_2e$. Mitigation Measures ENG-1 and ENG-2 would reduce the project's environmental impact from wasteful and inefficient energy use to *less than significant with mitigation*.

In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8305 relating to Renewable Energy Requirements:

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

Based on the analysis provided above, compliance with the provisions of Code of Regulations, and implementation of r Mitigation measures ENG-1 and ENG-2, 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 with mitigation*.

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, and no mitigation measures are necessary.

Mitigation

ENG-1 Prior to issuance of building permits for Phases 2 and 3, the applicant shall provide to the Department of Planning and Building for review and approval, an Energy Conservation Plan with a package of measures that, when implemented, would reduce or offset the project's energy demand to within 20%

of the demand associated with a generic commercial building of the same size. The Energy Conservation Plan shall include the following:

a. A detailed inventory of energy demand prepared by a Certified Energy Analyst. The inventory shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities including, but not limited to, lighting, odor management, processing, manufacturing, and climate control equipment. The quantification of demand associated with electricity shall be expressed in total kilowatt hours (kWh) per year; demand associated with natural gas shall be converted to kWh per year.

b. A program for providing a reduction or offset of all energy demand that is 20% or more than a generic commercial building of the same size. In this case, the estimated reduction or offset would be at least: 4,328,299kWhr/year – 1,990,530 kWh = 2,337,769 kWhr/year; and the amount of energy not otherwise reduced or offset must not exceed 1,990,530 kWh. Such a program (or programs) may include, but is not limited to, the following:

    i. Evidence that the project will permanently source project energy demands from renewable energy sources (i.e. solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.

    ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include, but is not limited to, the following:

        1. Participating in an annual energy audit.
        2. Upgrading and maintaining efficient heating/ cooling/ dehumidification systems.
        3. Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
        4. Implementing automated lighting systems.
        5. Utilizing natural light when possible.
        6. Utilizing an efficient circulation system.
        7. Ensuring that energy use is below or in-line with industry benchmarks.
        8. Implementing phase-out plans for the replacement of inefficient equipment.
        9. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.

    iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]

iv. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of the project energy demand that is 20% or more above a generic commercial building of the same size.

ENG-2 At time of quarterly monitoring inspection for Phases 2 and 3, the applicant shall provide to the Department of Planning and Building for review, a current energy use statement from the service provider (e.g. PG&E) that documents energy use to date for the year. The applicant shall demonstrate continued compliance with ENG-1 and ENG-2 (e.g. providing a current PG&E statement or contract showing continuous enrollment in the Solar Choice program or Regional Renewable Choice program).

VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
(ii) Strong seismic ground shaking?	☐	☐	☒	☐
(iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
(iv) Landslides?	☐	☐	☒	☐
(b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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 fault to the project site is the San Andreas Fault, located approximately 1.25 miles to the northwest (CDOC 2015). Other nearby faults include the Morales Fault, located approximately 0.5 mile north of the project site, and the Ozena Fault, located approximately 7.5 miles southwest of the project site (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 to high landslide risk potential and low to moderate 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. Soils at the project site are primarily comprised of sandy loam and has a low potential for expansion.

The project site is underlain by surficial sediments (Qa) from the Caliente Formation (Tc) (USGS 2005). 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 nearest Alquist-Priolo fault is the San Andreas Fault, located approximately 1.25 miles northeast of the project site (CDOC 2015). Because the project site is not underlain by an Alquist-Priolo fault zone, rupture of a known Alquist-Priolo fault would not occur under the project site. Additionally, 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. Adherence to Section 1613 of the CBC and other engineering standards and practices would reduce risk of loss, injury, or death associated with development near late quaternary faults associated with the San Andreas Fault, and impacts would be *less than significant*.

(a-ii) Strong seismic ground shaking?

The project site is located in a seismically active region, and there is always potential for seismic ground shaking to occur. As previously identified, the nearest active fault to the project site is the San Andreas Fault, located approximately 1.25 miles to the northwest, and other nearby faults include the Morales Fault, located approximately 0.5 mile north of the project site, and the Ozena Fault, located approximately 7.5 miles southwest of the project site (CDOC 2015). The project would establish 3 acres of outdoor cannabis cultivation, 22,000 square feet of indoor (mixed-light) cannabis cultivation, 17,856 square feet of outdoor ancillary nursery canopy, 18,144 square feet of indoor (mixed-light) ancillary cannabis nursery canopy, 14,060 square feet of ancillary processing, 250 square feet of ancillary use area, a 230-square-foot office, and a 330-square-foot storage area. 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, and 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 to moderate potential for liquefaction to occur. The proposed processing and office building would be required to comply 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. The proposed greenhouses and other inhabitable structures proposed for the project would not be subject to CBC regulations. Compliance with existing regulations would reduce risk associated with liquefaction, and 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 to high potential for landslides to occur. The project site would be sited outside of the high landslide area in a relatively level portion of the property. 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, and impacts would be *less than significant*.

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

The project would result in 8.9 acres of ground disturbance, including 2,600 cubic yards of cut and 2,600 cubic yards of fill. There is potential for construction activities to temporarily increase erosion and sedimentation on-site. The project proposes a 50-foot setback from the on-site drainages and drainage swales, 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 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 that is consistent with LUO Section 22.52.110, which requires the preparation and approval of a drainage plan. Although not required to reduce impacts related to a substantial increase in erosion or siltation, implementation of Mitigation Measure BIO-13 would further protect the on-site drainages from a temporary increase in erosion at the project site. 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, and 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 (USGS 2022). Based on the Safety Element maps, the project site is also located in an area with low to moderate potential for liquefaction and low to high potential for landslides. The project does not include construction-related or operational features that have the potential to result in unstable soil conditions, and 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 typically comprised of clay or clay materials. The project site is underlain by Kettleman fine sandy loam, 30 to 75 percent slopes; Metz loamy sand, 2 to 9 percent slopes, eroded; and Panoche sandy loam, 2 to 9 percent slopes. These soils are comprised of sandy loam and loamy sand and would have negligible potential for expansion (NRCS 2022). Since soils at the project site have a negligible potential for expansion, implementation of the proposed project would not create a substantial risk to life or property, and *no impacts* would occur.

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

The project includes the construction of a new septic leach field, which would be located to the east of the proposed processing building and more than 100 feet from the on-site well. The septic leach field would be required to be designed in accordance with the *County of San Luis Obispo Onsite Wastewater Treatment Systems Local Agency Management Program* (LAMP), which develops minimum standards for the treatment and disposal of sewage through onsite wastewater treatment systems. In addition, the final design of the septic leach field would be subject to County approval. Based on required compliance with the LAMP, the proposed septic leach field would be designed in a manner that is consistent with soil conditions at the site, and impacts would be *less than significant*.

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

The project site is underlain by Holocene-aged alluvium (Qa) and Miocene-aged, deposited sandstone and claystone of the Caliente Formation (Tc) (Padre 2022). The project would result in 8.9 acres of ground disturbance, including 2,600 cubic yards of cut and 2,600 cubic yards of fill. The project would require limited excavation for installation of hoop houses, greenhouses, the metal shed, and other associated site improvements, which reduce the potential to uncover subsurface paleontological resources or unique geologic features. Further, there are no known paleontological resources located within the project area and no paleontological resources were observed during previous construction activities on-site; therefore, the potential to encounter paleontological resources at the project site is low. Based on the low potential for paleontological resources and unique geologic features to occur at the project site, the proposed project would not adversely affect these resources, and impacts would be *less than significant*.

Conclusion

Based on required compliance with the most recent CBC and other engineering standards, the project would not result in risk of loss, injury, or death associated with seismic activity, ground failure, or development on expansive soils. Based on required compliance with LUO Section 22.52.120, impacts related to a short-term increase in erosion would be less than significant. The proposed septic leach field would be required to be designed in accordance with the County's LAMP and the final design would be subject to County approval. Implementation of the proposed project would not disturb paleontological resources. Therefore, potential impacts related to geology and soils would be less than significant, and no mitigation measures are necessary.

Mitigation

Mitigation is not 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 carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and fluorinated gases. These are most commonly emitted through the burning of fossil fuels (oil, natural gas, and coal), agricultural practices, decay of organic waste in landfills, and a variety of other chemical reactions and industrial processes (e.g., the manufacturing of cement). 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 LCFS Program, implementation of energy efficiency measures in buildings and appliances, the widespread development of combined heat and power systems, and developing a renewable portfolio standard for electricity production.

Senate Bill (SB) 32 and EO S-3-05 extend the state's GHG reduction goals and require CARB to regulate sources of GHGs to meet a state goal of reducing GHG emissions to 1990 levels by 2020, 40% below 1990 levels by 2030, and 80% below 1990 levels by 2050. The initial Scoping Plan was first approved by CARB on December 11, 2008, and is updated every 5 years. The first update of the Scoping Plan was approved by the CARB on May 22, 2014, which looked past 2020 to set mid-term goals (2030–2035) toward reaching the 2050 goals. The most recent update released by the CARB is the *Draft 2022 Scoping Plan Update*, which was released on May 10, 2022. The Draft 2022 Scoping Plan identifies a plan to reach carbon neutrality by 2045 or earlier.

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

In addition, state law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the CCR. Section 8305 relating to Renewable Energy Requirements:

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

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.

In March 2012, the SLOAPCD approved thresholds for GHG emission impacts, and these thresholds were incorporated into their *CEQA Air Quality Handbook*. For GHG emissions, the Air Quality Handbook recommended applying a 1,150 metric tons of CO_2 equivalent ($MTCO_2e$) per year Bright Line Threshold for commercial and residential projects and included a list of general land uses and estimated sizes or capacities of uses expected to exceed this threshold. According to the SLOAPCD, this threshold was based on a "gap analysis" and was used for CEQA compliance evaluations to demonstrate consistency with the state's GHG emission reduction goals associated with the AB 32 and the 2008 Climate Change Scoping Plan. However, in 2015, the California Supreme Court issued an opinion in the *Center for Biological Diversity vs California Department of Fish and Wildlife* ("Newhall Ranch"; CDFW 2017), which 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 Air Quality 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 State 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 with 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" and 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 small projects where it can clearly be 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 2017, Trends of Emissions and Other Indicators* published by the CARB, emissions of GHG statewide in 2017 were 424 million $MTCO_2e$, which was 7 million MTCO2e *below* the 2020 GHG target of 431 million $MTCO_2e$ established by AB 32. At the local level, an update of the 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, result in a less than cumulatively considerable impact, and 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 $MMTCO_2e$ Bright Line threshold (1,150 x 0.6 = 690 $MMTCO_2e$) would be expected to produce comparable GHG reductions "in the spirit of" the targets established by 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 $MMTCO_2e$ per year GHG are considered de minimus (too trivial or minor to merit consideration) and will have a less-than-significant impact that is less than cumulatively considerable and consistent with state and local GHG reduction goals.

Discussion

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

During the short-term construction phase, fossil fuels and natural gas would be used by construction equipment and worker vehicles, which would result in a short-term increase in GHG emissions. GHG emissions generated during construction would be temporary in nature and typical of other similar construction activities in the county. Construction contractors would be required to comply with state and local diesel-idling limitations, including limiting idling to 5 minutes or less, which would reduce GHG emissions associated with equipment and vehicle use during construction. Based on required compliance with diesel-idling restrictions, construction of the proposed project would not generate substantial GHGs in a manner that would have a significant effect on the environment.

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 would generate 87 vehicle trips per day and would not exceed applicable thresholds for VMT. Based on compliance with VMT thresholds, the project would not generate a substantial amount of GHG emissions from employee vehicle or ancillary transport trips.

According to the Energy Demand Analysis prepared for the project, operation of the proposed project would result in the use of 4,328,299 kWh of electricity per year. The project's electricity demand would be supplied by PG&E, which utilizes clean energy sources, including 50% from renewable energy sources and 43% from other GHG-free energy sources (PG&E 2021). However, energy inefficiency contributes to higher GHG emissions and would conflict with state and local plans for energy efficiency, including the policies of the COSE, the EWP goals, and the 2001 SLOAPCD CAP (additional background information on GHG Emissions is provided in Section VIII). The California Energy Emissions Model (CalEEMod) was utilized to determine the approximate GHG emissions from a standard mixed-light cultivation and nursery operation based on square footage of the proposed greenhouses in order to estimate the project's projected annual carbon dioxide equivalent emissions in metric tons ($MTCO_2e$; Table 5). Note, this only includes the mixed-light cultivation activities and not

[1] AB 32 and SB 32 require GHG emissions to be reduced to 1990 levels by the year 2020. The EWP assumes that the County's 1990 GHG emissions were about 15% below the levels identified in the 2006 baseline inventory.

the ancillary activities provided in the Energy Demand Analysis prepared for the project (Balance Green Consulting 2021).

Table 3 -- Projected Project Operational GHG Emissions

Project Component	Size (sf)	Emissions Rate[1] (Annual $MTCO_2e$/sf)	Estimated Projected Annual CO_2 Emissions (MT/year)
Mixed-Light Cultivation Greenhouses (Indoor cultivation and nursery greenhouses)	50,180	0.058	2,910

[1] Source: County of San Luis Obispo Staff 2019. Assumptions include an energy use factor of 110 kWh/sf annually and energy source from Pacific Gas & Electric Company.

Based on the CalEEMod emissions rate, the proposed project would result in approximately 2,910 $MTCO_2e$ per year for the mixed-light cultivation activities, which exceeds 690 $MMTCO_2e$. Mitigation Measures GHG-1, which requires approval a program for providing a reduction or offset of GHG emissions below 690 $MTCO_2e$. Additionally, Mitigation Measires ENG-1 and ENG-2 would reduce the example project's environmental impact from wasteful and inefficient energy use to less than significant through a preparation of an Energy Conservation Plan prepared by a certified energy analyst, which would include measures such as enrollment in PG&E's renewable energy programs, structure retrofitting, use of renewable energy sources, and other strategies or programs that effectively reduce energy use and/or increase the project utilization ratio of GHG-free energy sources. The applicant would be required to implement one or more of these strategies/programs until the GHG emissions are reduced or offset below the 690 $MTCO_2e$.

Potential impacts related to GHG emissions would be *less than significant with implementation of mitigation measures* GHG-1 and ENG-1 and ENG-.

(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 facilitates the use of modes of travel other than motor vehicles.

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 10 full-time regular employees and 10 seasonal employees. Based on the limited number of new employment opportunities, the project would be expected to 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 the 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 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- and industry-wide. They are therefore not applicable at the level of an individual project. However, as discussed in Section XVII, *Transportation*, the project would not 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.

As discussed above and in Section VI, Energy, the project would result in inefficient or wasteful energy use that would contribute to higher GHG emissions and by nature would be in conflict with state and local plans for the reduction of GHG emissions, including the policies of the COSE, the EWP goals, and the 2001 SLOAPCD CAP. As shown in Table 3 (see Section VI, Energy), the project, as proposed, would exceed the 690 MT CO_2e/year. Mitigation Measures GHG-1 and ENG-1 and ENG-2 have been identified to reduce or offset the project's GHG emissions. Therefore, potential impacts associated with GHG emissions and applicable plans and policies adopted for the purpose of reducing GHG emissions would be *less than significant with mitigation*.

Conclusion

The project would result in potentially significant GHG emissions during long-term operations and would potentially conflict with plans adopted to reduce GHG emissions. Potential impacts related to GHG emissions would be less than significant with mitigation. 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, and no mitigation measures are necessary.

Mitigation

Implementation measures ENG-1 and ENG-2.

GHG-1 **Prior to issuance of building permits**, the applicant shall provide to the Department of Planning and Building for review and approval, a program for providing a reduction or offset of greenhouse gas emissions below 690 $MTCO_2e$. Such a program (or programs) may include, but is not limited to, the following:

a. Purchase of greenhouse gas offset credits from any of the following recognized and reputable voluntary carbon registries:

   i. American Carbon Registry;

   ii. Climate Action Reserve;

   iii. Verified Carbon Standard.

   iv. Offsets purchased from any other source are subject to verification and approval by the Department of Planning and Building.

b. Installation of battery storage to offset nighttime energy use. Batteries may only be charged during daylight hours with a renewable energy source and shall be used as the sole energy supply during non-daylight hours.

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?	☐	☐	☒	☐

Initial Study – Environmental Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
(f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
(g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

Setting

The Hazardous Waste and Substances Site (Cortese) List 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. California Government Code Section 65962.5 requires the California Environmental Protection Agency (CalEPA) to develop an updated Cortese List at least annually. Various state and local government agencies are required to track and document hazardous material release information for the Cortese List. The California Department of Toxic Substance Control (DTSC) EnviroStor database tracks DTSC cleanup, permitting, enforcement, and investigation efforts at hazardous waste facilities and sites with known contamination, such as federal superfund sites, state response sites, voluntary cleanup sites, school cleanup sites, school investigation sites, and military evaluation sites. The SWRCB GeoTracker

database contains records for sites that impact, or have the potential to impact, water in California, such as Leaking Underground Storage Tank (LUST) sites, Department of Defense sites, and Cleanup Program Sites. The remaining data regarding facilities or sites identified as meeting the "Cortese List" requirements can be located on the CalEPA website: https://calepa.ca.gov/sitecleanup/corteselist/.

The CHSC provides regulations pertaining to the abatement of fire-related hazards and requires that local jurisdictions enforce the CBC, which provides standards for fire resistant 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). According to the CAL FIRE FHSZ viewer, the project site is located within a State Responsibility Area (SRA) and is designated as a High and Very High FHSZ (CAL FIRE 2022). According to the County Land Use View online mapping tool, the project site has an estimated response time of more than 15 minutes (County of San Luis Obispo 2022). For more information about fire-related hazards and risk assessment, see Section XX, *Wildfire*.

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

Based on a query of the DTSC EnviroStor and SWRCB GeoTracker databases, there are no previously recorded hazardous materials sites located within or adjacent to the project site (DTSC 2022; SWRCB 2022). The project site is not located within an airport review area and the nearest airstrip is Maricopa Airfield, located approximately 9 miles northeast of the project site in Kern County. The nearest school is Cuyama Elementary School, located approximately 7.4 miles west of the project site.

Discussion

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

Construction of the proposed project is anticipated to require limited quantities of hazardous substances (e.g., gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc.), which has the potential to result in an accidental spill or release. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws for the handling, transport, and storage of hazardous materials, including 22 CCR Division 4.5 to minimize the potential for accidental spill or release. As identified in Section IV, *Biological Resources*, implementation of Mitigation Measure BIO-2 would further reduce the potential for accidental construction-related spills to occur and runoff into surrounding areas. Based on required compliance with applicable federal and state laws, project construction would not result in significant risk associated with the handling, transport, and storage of hazardous materials.

Green waste from cannabis cultivation, such as dead and/or stripped of flower plants and soil, would be composted on-site within a 600-square-foot fenced area. Non-compostable waste and recycling will be placed in one of two 24-square-foot dumpsters located in front of the metal pesticide, fertilizer, tool, and security shed. Non-compostable waste and recycling would be disposed of at the transfer station in New Cuyama. Pesticides, fertilizers, and farm equipment would be stored in an existing 796-square-foot metal shed within the project site and would be stored on shelves, within a secondary containment unit (e.g., totes, spill mats, etc.). The use of pesticides and fertilizer at the site would be fully compliant with all County Agriculture Department requirements to reduce risk of upset associated with storage. Based on required compliance with existing state and County requirements, operational components of the proposed project would not result in significant risk associated with

the handling, transport, and storage of hazardous materials, and 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 does not include the handling or use of hazardous materials or volatile substances that would result in a significant risk of upset or accidental release conditions. As previously evaluated, construction of the proposed project is anticipated to require use of limited quantities of hazardous substances and construction contractors would be required to comply with applicable state and local regulations, such as 22 CCR Division 4.5, to reduce the potential for accidental hazardous material release during construction. Although not required to reduce potential impacts, implementation of Mitigation Measure BIO-2 would further reduce the potential for accidental construction-related spills to occur and runoff into surrounding areas. Further, the project would be required to comply with existing state and County environmental safety and workplace regulations for cannabis waste disposal, storage, and transport to reduce the risk for upset.

The project would not require ground disturbance within or adjacent to any existing major roadways (i.e., SR 166) that could contain aerially deposited lead (ADL). Additionally, the project site is not located in an area with potential for NOA to occur and the project would not require demolition of any buildings, roadways, or other structures that could release ACM or lead-based paint (SLOAPCD 2022). Therefore, the project would not release hazardous air contaminants, including ADL, NOA, or ACM. Based on required compliance with 22 CCR Division 4.5 to minimize the risk associated with the use of hazardous substances, the project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials, and potential impacts would be *less than significant.*

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

The nearest school facility is Cuyama Elementary School, located approximately 7.4 miles west of the project site. The project site is not located within 0.25 mile of an existing or proposed school; therefore, *no impacts* would occur.

(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 query of the DTSC EnviroStor and SWRCB GeoTracker databases, there are no previously recorded hazardous materials sites located within or adjacent to the project site (DTSC 2022; SWRCB 2022). Since there are no known hazardous materials sites located within or adjacent to the project site, the project would not create a significant hazard to the public or the environment related to disturbance of a hazardous materials site, and *no impacts* would occur.

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

The nearest airport is the Maricopa Airfield, located approximately 9 miles northeast of the project site. 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 site is accessed via an existing 12-foot-wide aggregate-based road and a two-track dirt road from SR 166 from the north. The project includes the construction of a new 20-foot-wide all-weather road with 2-foot shoulders on each side, which would extend approximately 2,000 feet from SR 166 to the proposed barn structure, ending in a hammerhead turnaround. The proposed access road would be constructed in accordance with CAL FIRE/County Fire Department and County Public Works Department requirements to ensure adequate emergency access and public ingress and egress to and from the project site. The project is not expected to require short- or long-term road closures that could impede emergency response or evacuation efforts within the area. Further, the project does not include off-site components that could otherwise impede emergency access or evacuation efforts within the vicinity of the project site. Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan, and potential impacts would be *less than significant.*

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

The project site is characterized by nearly level to moderately sloping topography in a High FHSZ and consists of existing development, including a 2,500-square-foot residence, a 796-square-foot metal shed, a 675-square-foot woodshed, and an existing well. Implementation of the proposed project would result in the establishment of indoor and outdoor cannabis cultivation canopy and ancillary processing, storage, and office areas. The project would be required to comply with California Fire Code (CFC), CAL FIRE/County Fire Department, and PRC requirements to reduce potential risk associated with wildfire. Further, proposed utility infrastructure would be installed underground to reduce the risk of wildfire ignition at the site and would conduct vegetation removal and other maintenance activities for fire protection along the proposed driveway. Based on required compliance with existing regulations, implementation of the proposed project would not increase risk of wildfire, and potential impacts would be *less than significant*.

Conclusion

No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

Mitigation

Mitigation is not necessary.

X. HYDROLOGY AND WATER QUALITY

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

Setting

The RWQCB *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 waterbodies 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%. 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%, 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, which 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 Sedimentation 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 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.

Four ephemeral, jurisdictional hydrologic features occur within the project area, including two unnamed ephemeral blue-line drainages located along the northeastern and western boundary of the project site, respectively, and two swales, which extend east toward the project site from the western drainage (see Table 2 in Section IV, *Biological Resources*).

Discussion

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

Two unnamed ephemeral blue-line drainages are located along the northeastern and western boundary of the project site, respectively, and two drainages are located along the western drainage. The project would result in 8.9 acres of ground disturbance, including 2,600 cubic yards of cut and 2,600 cubic yards of fill, which has the potential to temporarily increase erosion and sedimentation

on-site. In addition, construction equipment and vehicles have the potential to temporarily increase spills and other pollutants on-site. An increase in temporary construction-related pollutants at the project site would increase the potential for polluted runoff to enter into the identified hydrologic features, which could violate water quality or waste discharge requirements. The project includes a 50-foot setback from the top of bank of the on-site hydrological features to avoid direct disturbance of the hydrologic features. The project would disturb more than 1 acre of soil and would be required to prepare a SWPPP with BMPs in accordance with the SWRCB Construction General Permit Order 2009-0009-DWQ to reduce the potential for erosion and other pollutants to runoff from the project site into the identified hydrologic features or surrounding areas. An Erosion and Sedimentation Control Plan is required for all construction and grading permit projects per LUO Section 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. Further, implementation of Mitigation Measures BIO-2 and BIO-15 would reduce the potential for accidental construction-related spills to occur within the project area and would protect the identified hydrologic features from erosive and other polluted runoff. Based on implementation of Mitigation Measures BIO-2 and BIO-15 and required compliance with the LUO and SWRCB requirements, proposed ground disturbance and other construction activities would not violate water quality standards or waste discharge requirements, and impacts would be *less than significant with mitigation*.

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

The property is in the Cuyama Valley Water Planning Area of the Cuyama Valley Groundwater Basin (Basin No. 3-13). The basin overlies an area of approximately 147,200 acres (230 square miles) that extends into four counties, including San Luis Obispo, Santa Barbara, Kern, and Ventura Counties (California Department of Water Resources [DWR] 2004). Implementation of the project would result in the development of 22,000 square feet of greenhouses for indoor (mixed-light) cannabis cultivation, 17,856 square feet of hoop houses for outdoor ancillary nursery canopy, 18,144 square feet of greenhouses for indoor (mixed-light) ancillary cannabis nursery canopy, and a 15,000-square-foot barn structure for ancillary processing and other uses on a 123.67-acre parcel, which has the potential to increase impervious surface area on the project site and interfere with groundwater recharge; however, the majority of the 123.67-acre parcel would remain undeveloped to allow for natural infiltration of surface flows. Further, the Cuyama Valley Groundwater Basin covers a vast area; therefore, a marginal reduction in pervious area at the project site would not interfere with groundwater recharge within the basin. Implementation of the proposed project would result in a water demand of 10.4 acre-feet per year (AFY). The project would be provided water from an existing on-site well located approximately 630 feet west of the proposed outdoor canopy areas. Based on a 4-hour pump test conducted in June 2021, the on-site well produces 30 gallons per minute (All American Drilling Inc./Fisher Pump & Well Service 2021). Additionally, the project would be subject to requirements of the Cuyama Groundwater Sustainability Plan (GSP) for water use within the basin. The project would not substantially interfere with groundwater recharge and would be subject to requirements of the Cuyama GSP; therefore, potential 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?

There are four hydrologic features located within the project area, including two ephemeral drainages and two drainage swales. The project includes a 50-foot setback from the top of bank of the hydrologic features on-site; therefore, the project would avoid the existing drainages and drainage swales and would not substantially increase erosion or siltation as a result of direct alteration of the on-site drainages. The project would result in 8.9 acres of ground disturbance, including 2,600 cubic yards of cut and 2,600 cubic yards of fill, which has the potential to temporarily increase erosion and sedimentation on-site that could runoff into the identified hydrologic features and surrounding areas. The project would disturb more than 1 acre of soil and preparation of a SWPPP with BMPs would be required to reduce the potential for erosion to runoff from the site. All construction and grading activities within San Luis Obispo County are required to prepare an Erosion and Sedimentation Control Plan for all construction and grading permit projects per LUO Section 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. Although not required to reduce impacts related to a substantial increase in erosion or siltation, implementation of Mitigation Measure BIO-15 would further protect the on-site drainages from a temporary increase in erosion at the project site. Based on required compliance with the LUO and SWRCB requirements, implementation of the proposed project would not result in substantial erosion or siltation on- or off-site, and 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 would result in the development of 22,000 square feet of greenhouses for indoor (mixed-light) cannabis cultivation, 17,856 square feet of hoop houses for outdoor ancillary nursery canopy, 18,144 square feet of greenhouses for indoor (mixed-light) ancillary cannabis nursery canopy, and a 15,000-square-foot barn structure for ancillary processing and other uses on a 123.67-acre parcel. New development has the potential to increase impervious surface area within the project site that could increase surface water runoff; however, the majority of the 123.67-acre parcel would remain undeveloped to allow for natural infiltration of surface flows. Additionally, the project would avoid direct alteration of the on-site drainages and drainage swales, which would maintain existing drainage conditions within the project area. Implementation of the project would result in a marginal increase in impervious surface area on-site, would maintain existing drainage conditions, and would not increase the rate or amount of surface runoff in a manner that would result in 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?

As evaluated in Impact Discussion X(c-ii), implementation of the proposed project would result in a marginal increase in impervious surface area on-site and would maintain existing drainage conditions. As such, implementation of the project would not increase the rate or amount of surface runoff from the site. In addition, preparation and implementation of a SWPPP with BMPs would be required for the project to reduce the potential for erosion and other pollutants to runoff from the site during project construction. The project would also be subject to LUO Section 22.52.120, which requires that all construction and grading activities within San Luis Obispo County prepare an Erosion and

Sedimentation Control Plan, which would be prepared by a qualified engineer to ensure effective erosion and sedimentation control measures prior to, during, and following project construction. Further, although not required to reduce impacts related to an increase in polluted runoff, implementation of Mitigation Measure BIO-15 would further protect the on-site drainages from a temporary increase in polluted runoff from the project site. Based on required compliance with SWRCB and LUO requirements, implementation of the proposed project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; therefore, 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. As a result, flood flows are not anticipated to occur within the project area. Further, the project would be subject to standard County requirements for drainage, sedimentation, and erosion control. 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, the project would not impede or redirect flood flows, and 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 waterbody 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 under the jurisdiction of the Central Coast RWQCB and would be subject to the Basin Plan, which establishes water quality objectives and criteria to protect water quality in the Central Coast region (RWQCB 2019). The project would be subject to preparation and implementation of a SWPPP with BMPs and requirements of LUO Section 22.52.120 to control short- and long-term polluted runoff from the project site. Further, implementation of Mitigation Measures BIO-2 and BIO-13 would protect the on-site hydrologic features from accidental construction-related spills and a temporary increase in erosion. Based on implementation of Mitigation Measures BIO-2 and BIO-15 and required compliance with the RWQCB requirements and the County's LUO, the project would be consistent with the Basin Plan.

The property is in the Cuyama Valley Water Planning Area of the Cuyama Valley Groundwater Basin (Basin No. 3-13) and would be subject to requirements of the Cuyama GSP for water use within the basin. Implementation of the proposed project would result in a water demand of 10.4 AFY, which would be provided water from an existing on-site well. Based on a 4-hour pump test conducted in June 2021, the on-site well produces 30 gallons per minute (All American Drilling Inc./Fisher Pump & Well Service 2021). In addition, the project would not substantially interfere with groundwater recharge within the Cuyama Valley Basin in a manner that could interfere with sustainable management of the basin.

Based on the analysis provided, the project would not interfere with a water quality control plan or sustainable groundwater management plan, and impacts would be *less than significant with mitigation*.

Conclusion

With implementation of Mitigation Measures BIO-2 and BIO-15 and required compliance with SWRCB requirements and the LUO, the project would not result in adverse impacts related to water quality, groundwater quality, or stormwater runoff. The project is not within a flood hazard, tsunami, or seiche zone and would not risk release of pollutants due to project inundation. The project would be consistent with the RWQCB Basin Plan. Therefore, with implementation of Mitigation Measures BIO-2 and BIO-15, impacts related to hydrology and water quality would be less than significant.

Mitigation

Implement Mitigation Measures BIO-2 and BIO-15.

XI. LAND USE AND PLANNING

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

Setting

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

The *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 is within the Agriculture and Rural Lands land

use designation and surroundings areas to the north and east are within the Agriculture land use designation, surrounding areas to the south are within the Rural Lands land use designation, and land to the east is under the jurisdiction of Kern County.

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

Discussion

(a) Physically divide an established community?

The project would result in 3 acres of outdoor cultivation canopy, 22,320 square feet of hoop houses for outdoor ancillary nursery cultivation, 27,216 square feet of greenhouses for indoor cultivation, 22,680 square feet of greenhouses for indoor nursery cultivation, a 15,000-square-foot barn structure for ancillary processing and office uses, and associated site improvements. The project would not require the construction of off-site improvements or other components that could result in the removal or blockage of existing public roadways or other circulation routes. Further, the project would be limited to an existing developed parcel and would not include any features that would physically divide an established community. Therefore, the 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 and Rural Lands land use category in Shandon-Carrizo subarea of the South County planning area. As evaluated throughout this Initial Study, the project would be consistent with the property's land use designation and the guidelines and policies for development within the South County Area Plan, Inland LUO, and COSE. Further, the project was found to be consistent with standards and policies set forth in the General Plan, the 2001 CAP, and other land use policies for this area. The project would also be required to be consistent with standards set forth by CAL FIRE/County Fire Department and the County Public Works Department. The project would be required to implement Mitigation Measures AES-1, AQ-1, BIO-1 through BIO-18, ENG-1 and ENG-2, GHG-1, and N-1 to mitigate potential impacts associated with Aesthetics, Air Quality, Biological Resources, Energy, Greenhouse Gases, and Noise, which is consistent with the identified plans and policies intended to avoid or mitigate adverse environmental effects. Upon implementation of the identified mitigation measures, the project would not conflict with other local policies or regulations adopted for the purpose of avoiding or mitigating environmental effects, and impacts would be *less than significant with mitigation*.

Conclusion

The project would not physically divide an established community. With implementation of Mitigation Measures AES-1, AQ-1, BIO-1 through BIO-18, ENG-1 and ENG-2, GHG-1, and N-1, potential impacts related to land use and planning would be less than significant.

Mitigation

Implement Mitigation Measures AES-1, AQ-1, BIO-1 through BIO-18, ENG-1 and ENG-2, GHG-1, N-1.

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 (SMARA) of 1975 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?

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

The project site is not located within the EX or EX1 combining designation and there are no known mineral resources in the project area. The project would not be located on land that is zoned or designated for mineral extraction; therefore, the project would not result in the loss of availability of a known mineral resource or result in the loss of availability of a locally important mineral resource recovery site, and *no impacts* would occur.

Conclusion

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

Mitigation

Mitigation is not 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 (Table 4). Exterior noise level standards are applicable when a land use affected by noise is one of the sensitive uses listed in the Noise Element. Exterior noise levels are measured from the property line of the affected noise-sensitive land use.

Table 4. Maximum Allowable Exterior Noise Level 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?*

Construction-Related Noise

The project site is located in a rural area and existing ambient noise in the area primarily consists of intermittent vehicle noise along SR 166. During project construction, noise from construction activities may intermittently dominate the noise environment in the immediate project area. The project would require the use of typical construction equipment (e.g., dozers, excavators, etc.) during proposed construction activities. According to the Federal Highway Administration (FHWA), noise from standard construction equipment generally ranges from 80 to 85 dBA at 50 feet from the source, as shown in Table 5.

Table 5. Construction Equipment Noise Emission Levels

Equipment Type	Typical Noise Level (dBA) 50 Feet from Source
Concrete Mixer, Dozer, Excavator, Jackhammer, Man Lift, Paver, Scraper	85
Heavy Truck	84
Crane, Mobile	83
Concrete Pump	82
Backhoe, Compactor	80

Source: FHWA (2018)

There is a vacant, on-site residence located to the east of the proposed development and the nearest off-site residence is located approximately 0.23 mile (1,240 feet) northwest of the project site. Construction-related noise would be short term and intermittent and would not result in a permanent increase in ambient noise within the project area. According to LUO Section 22.10.120.A.4, construction noise is exempt from the County's noise standards between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on weekends. Proposed construction activities would be short term and limited to the hours specified in the LUO and would not generate excessive noise in a manner that would be inconsistent with County standards; therefore, impacts would be *less than significant*.

Operation-Related Noise

The proposed processing structure and the closest mixed-light nursery greenhouse structure are within approximately 43 feet and 181 feet, respectively, of the eastern property line. The proposed cultivation greenhouses would be located approximately 1,240 feet from the nearest off-site residence. The project would operate between dawn and dusk, 7 days per week. Operational components include outdoor cannabis cultivation, indoor (mixed-light) cannabis cultivation, indoor and outdoor nursery cultivation, ancillary processing and office uses, and ancillary transport of cannabis products off-site.

The project is not expected to generate loud noises or conflict with the surrounding uses. The project proposes the use of climate controls (heating, ventilation, and air conditioning systems (HVAC), and dehumidifiers) and odor control systems, including carbon scrubbers, which would result in new sources of stationary noise during operation. When operating concurrently, noise associated with the use of wall- or roof-mounted HVAC and odor mitigation equipment associated with the project would be expected to generate noise levels of approximately 70 to 86 dB based on equipment specifications for commercial HVAC and odor control systems seen for other cannabis projects. Assuming a worst-case scenario, mechanical equipment would be expected to generate noise levels of approximately 86 dBA at 25 feet from the source. In a "free field" noise environment (no reflections, etc.) noise dissipates about 6 dB with doubling of distance from the source (OSHA Technical Manual, Section III, Chapter 5). As proposed, the existing building and potential equipment is less than approximately 43 feet from the nearest property line, which at a minimum, would result in maximum noise levels of approximately 74 dB at the nearest property line. The resulting noise is expected to exceed the maximum allowable nighttime level (65 dB) and the nighttime average hourly equivalent noise level (45dB).

The project is located within a rural area consisting of agricultural and vacant lands, and there are large agricultural operations within the vicinity. Noise generated by vehicular traffic on SR 166 would be comparable to background noise levels generated by commercial operations. Overall, noise generated by the project would be consistent with other agricultural operations in the area. However, the project is expected to exceed the maximum allowable nighttime level (65 dB) and the nighttime average hourly equivalent noise level (45dB). Therefore, implementation of N-1 will require the project to demonstrate sufficient insulation or other buffer methods so that noise associated with climate controls (heating, ventilation, and air conditioning systems (HVAC), and dehumidifiers) and odor control systems, including carbon scrubbers, does not exceed 45 dB at the property lines. With the implementation of N-1, potential noise impacts will be *less significant with mitigation*.

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

According to LUO Section 22.10.170, construction-related vibration is exempt from the County's vibration standards between the hours of 7:00 a.m. and 9:00 p.m. The project would require vegetation removal, excavation, and other ground-disturbing activities; however, the project would not include pile driving or other high-impact activities that could generate substantial groundborne noise or groundborne vibration during construction. Any groundborne noise or vibration generated by short-term construction activities would be intermittent and limited to the immediate work area and is not anticipated to disturb nearby residential land uses. Operation of the project does not include new features that could generate substantial groundborne noise. Therefore, impacts related to exposure of persons to or generation of excessive groundborne noise or vibration levels would be *less than significant*.

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

The project site is not located within an airport review area and the nearest airport is a private airport located approximately 9 miles northeast of the project site; therefore, implementation of the project would not expose people residing or working in the project area to excessive noise levels, and impacts would be *less than significant.*

Conclusion

Short-term construction activities would be limited in nature and duration and conducted during daytime periods per LUO standards. The project has the potential to exceed hourly average equivalent noise level standards set forth in the LUO through the operation of mechanical equipment and climate controls. However, Mitigation measure N-1 has been identified to reduce potential impacts to less than significant. No other potentially significant impacts were identified, and no other mitigation measures are necessary.

Mitigation

N-1 **Noise Buffer.** At time of application for construction permits, the applicant shall demonstrate sufficient insulation or other buffer methods for mechanical equipment and climate controls, including the use and specific siting of heating, ventilation, and air conditioning systems (HVAC), dehumidifiers, odor control systems (e.g., carbon scrubbers), so that noise associated with the mechanical equipment and climate controls does not exceed 45 dBA at the property lines. Prior to final inspection or occupancy, the applicant shall demonstrate implementation and compliance with this measure.

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's current Housing Element (2020–2028) is intended to facilitate the provision of needed housing in the context of the LUE and related ordinance. It is also intended to meet the requirements of state law. It contains relevant goals, objectives, policies, and implementation programs to ensure the County meets its housing needs while remaining consistent with state law.

LUO Section 22.12.080 contains policies and procedures related to inclusionary housing that is a requirement of development projects. New single-family dwellings over 2,200 square feet in size, residential subdivisions, commercial/industrial uses with a cumulative floor area of 5,000 square feet or more, mixed-use development, and subdivisions are subject to these requirements. Projects subject to the inclusionary housing provisions are required to make 8% of the project's base density affordable. This 8% inclusionary housing mix is broken down by 2% increments between workforce, moderate-income, low-income, and very-

low-income households. The ordinance gives applicants a variety of options for meeting this requirement, including on- or off-site construction of affordable housing. Applicants may also opt to pay an in-lieu fee per the Affordable Housing Fund, Title 29 of the County Code. As noted in Section 22.12.080.G.2, the County provides for a reduction in required inclusionary housing by 25% for those units constructed on-site.

Requirements for inclusionary housing for residential dwelling units are based on the base density of a project. Base density is the maximum number of residential units that may be allowed, not including any density bonuses. Commercial and industrial development of 5,000 square feet or more of floor area for commercial or industrial use also requires the payment of a housing impact fee or construction of inclusionary housing units. The project site consists of existing development, including a 2,500-square-foot residence, a 796-square-foot metal shed, a 675-square-foot woodshed, and an existing well and has previously supported residential land uses but is currently vacant.

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 includes cannabis activities within a rural area and would employ up to 10 full-time employees and up to 10 additional part-time/temporary employees during harvest times. Workers would likely be sourced from the local labor pool and would not require new or additional housing as a result of the proposed project. 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 includes the removal of an existing 2,500-square-foot residence; however, the existing residence is currently vacant and would not displace existing occupied housing or people; therefore, the project would not displace existing housing or necessitate the construction of replacement housing elsewhere, and *no impacts would occur.*

Conclusion

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

Mitigation

Mitigation is not 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/County Fire Department 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/County Fire Department has 24 fire stations located throughout the county, and the nearest station to the project site would be CAL FIRE Station #42, located approximately 45 miles northwest of the project site in the community of California Valley. Emergency personnel would likely be able to reach the site within 60 minutes of receiving a call.

Police protection and emergency services in the unincorporated portions of the county are provided by the San Luis Obispo County Sheriff's Office. The Sheriff's Office Patrol Division responds to calls for service, conducts proactive law enforcement activities, and performs initial investigations of crimes. Patrol personnel are deployed from three stations throughout the county: Coast Station in Los Osos, North Station in Templeton, and South Station in Oceano. The project would be served by the Sheriff's Office, and the nearest sheriff station is the South Station, located approximately 78.1 miles west 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 Cuyama Joint Unified School District.

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

Public facilities fees, Quimby fees, and developer conditions are several ways the County currently funds public services. A public facility fee program (i.e., development impact fee program) has been adopted to address impacts related to public facilities (county) and schools (California Government Code 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. CAL FIRE/County Fire Department has provided a referral response letter for the project that details required items to be completed prior to final inspection/operation of the project. Based on the limited amount of development proposed, the project would not create a significant new demand for fire services. In addition, the project would be subject to public facility fees to offset the increased cumulative demand on fire protection services. Therefore, impacts would be *less than significant*. Additional information regarding wildfire hazard impacts is discussed in Section XX, *Wildfire*.

Police protection?

The applicant has prepared a security plan subject to review and approval by the 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 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 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, and impacts related to other public facilities would be *less than significant.*

Conclusion

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

Mitigation

Mitigation is not necessary.

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, which is updated every 5 years and was last updated in 2016, 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 Bikeways 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 would employ up to 10 full-time employees and 10 additional part-time/temporary employees during harvest times. Based on the limited number of employment opportunities generated by the proposed project, workers are expected to be sourced from the local labor pool and would not increase population within the area in a manner that could result in increased demand on existing or planned recreational facilities in San Luis Obispo 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, and 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, and *no impacts would occur.*

Conclusion

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

Mitigation

Mitigation is not necessary.

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

The County's Framework for Planning (Inland) includes the *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. Due to the remote location of the project site, there are no pedestrian, bicycle, or public transit facilities within 5 miles of the project site.

The County Public Works Department maintains updated traffic count data for all County-maintained roadways. In addition, Traffic Circulation Studies have been conducted within several community areas using traffic models to reasonably simulate current traffic flow patterns and forecast future travel demands and traffic flow patterns. These community studies include the South County, Los Osos, Templeton, San Miguel, Avila, and North Coast Circulation Studies. Caltrans maintains annual traffic data on state highways and interchanges within the county. The project site is located off of SR 166 from the north and is accessed via a private 12-foot-wide aggregate-based driveway and a two-track dirt road.

Discussion

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

The project site is accessed via a private driveway off of SR 166. Due to the rural nature of the project site, there are no bicycle or transit facilities within the project vicinity. Based on the rural nature of the project area, mixed-land use development and pedestrian and bicycle accessibility standards included in the RTP, Bikeways Plan, and Circulation Element would not be applicable to the project.

The project would generate 10 full-time employees and 10 part-time/temporary employees during harvest season in October and November. Seasonal employees are expected to arrive in van pools, which is typical for the agricultural industry. The project also includes ancillary transport of cannabis grown on-site, which is expected to generate up to five truck trips following the harvest season. Other vehicle trips would include up to six commercial delivery trips per year and up to 26 additional trips to South County Sanitation District to treat wastewater generate by the project. 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. Based on the Trip Generation Analysis prepared for the proposed project, the project is anticipated to generate a total of 87 trips per day, including 13 PM peak hour trips during normal operations. Operation of the project would occur from dusk to dawn, 7 days per week; therefore, employees would not be commuting to work during peak traffic hours. Additionally, all truck trips would occur outside of peak hours. The project would be consistent with applicable programs and would not substantially increase vehicle trips to and from the project site, and impacts would be *less than significant*.

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

Based on the *Technical Advisory on Evaluating Transportation Impacts in CEQA*, projects that do not indicate substantial evidence that a project would generate a potentially significant level of VMT, that are consistent with an SCS or general plan, or that would generate or attract fewer than 110 trips per day, generally may be assumed to cause a less-than-significant transportation impact (OPR 2018). The County has developed a VMT Program that provides interim operating thresholds and includes a screening tool for evaluating VMT impacts (*Transportation Impact Analysis Guidelines*, Rincon, October 2020; *VMT Thresholds Study*, GHD, March 2021). Based on the Trip Generation Study prepared for the proposed project (Orosz Engineering Group 2021), implementation of the project would generate approximately 87 trips per day, which falls below the screening threshold of 110 trips per day identified in the State guidance; 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 includes the construction of a new 20-foot-wide all-weather road with 2-foot shoulders on each side, which would extend approximately 2,000 feet from SR 166 to the proposed barn structure, ending in a hammerhead turnaround. The proposed access road would be constructed in accordance with CAL FIRE/County Fire Department and County Public Works Department requirements to reduce risk associated with hazardous roadway design and features. Based on required compliance with CAL FIRE/County Fire Department and County Public Works Department requirements, implementation of the proposed project would not increase roadway hazards, and potential impacts would be *less than significant.*

(d) Result in inadequate emergency access?

The project site is accessed via an existing 12-foot-wide aggregate-based road and a two-track dirt road from SR 166 from the north. As previously identified, the project includes the construction of a new 20-foot-wide all-weather road with 2-foot shoulders on each side, which would extend approximately 2,000 feet from SR 166 to the proposed barn structure, ending in a hammerhead turnaround. The proposed access road would be constructed in accordance with CAL FIRE/County Fire Department and County Public Works Department requirements to ensure adequate emergency access to the project site. The project is not expected to require and short- or long-term road closures that could impede emergency response within the area. Based on required compliance with CAL FIRE/County Fire Department and County Public Works Department requirements, the project would not result in inadequate emergency access, and potential impacts would be *less than significant.*

Conclusion

The project would be consistent with the RTP, Bikeways Plan, and Circulation Element, and would not generate vehicle trips that would exceed existing VMT thresholds. In addition, the project would be consistent with CAL FIRE/County Fire Department and County Public Works Department standards for site access and driveway design; therefore, impacts related to transportation would be less than significant, and no mitigation measures are necessary.

Mitigation

Mitigation is not 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 PRC Section 5024.1(c).

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

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

In accordance with AB 52 Cultural Resources requirements, outreach has been conducted to four Native American tribes: Northern Salinan, Xolon Salinan, yak tityu tityu yak tiłhini Northern Chumash, and Northern Chumash Tribal Council.

Discussion

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

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

(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.

Pursuant to AB 52, the County provided notice to local California native tribes with geographic and/or cultural ties to the project region. Referral letters were sent to tribal representatives on August 9, 2021. No tribes requested consultation or provided information regarding significant tribal cultural resources to date.

Based on the results of the Phase I Archaeological Study prepared for the project, there are no known historical, cultural archaeological, or tribal cultural resources located within the project area (Padre 2022). The project would be required to comply with LUO Section 22.10.040 in the event of inadvertent discovery of a cultural resource. Per LUO Section 22.10.040, in the event an unknown cultural resource site is encountered, all work within the vicinity of the find must be halted until a qualified archaeologist is retained to evaluate the nature, integrity, and significance of the find. In addition, the project would be required to comply with CHSC Section 7050.5, which identifies the proper protocol in the event of inadvertent discovery of human remains, including the cessation of work within the vicinity of the discovery, identification of human remains by a qualified coroner, and if the remains are identified to be of Native American descent, contact with the NAHC. Based on required compliance with the County's LUO and CHSC Section 7050.5, the project is not anticipated to result in adverse impacts to known or unknown cultural archaeological resources, and 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 CHSC 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

Mitigation is not 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?	☐	☐	☒	☐
(e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Initial Study – Environmental Checklist

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, San Luis Obispo County Club, and Santa Margarita. Other unincorporated areas in the county rely on on-site wells and individual wastewater systems. Regulatory standards and design criteria for on-site wastewater treatment systems are provided by the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (California OWTS Policy).

Per the County's Stormwater Program, the County 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 construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

The project would require the construction of expanded water and electrical infrastructure and also includes installation of an on-site septic leach field. Proposed utility infrastructure would be constructed and installed within the footprint of the proposed project. As evaluated throughout this Initial Study, the project has the potential to result in adverse impacts related to Aesthetics, Air Quality, and Biological Resources. Mitigation Measures AES-1, AQ-1, and BIO-1 through BIO-13 have been included to avoid and/or minimize adverse impacts to less-than-significant levels. Therefore, upon implementation of the identified mitigation measures, installation of utility infrastructure is not anticipated to result in adverse impacts to the environment, and potential impacts 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 property is in the Cuyama Valley Water Planning Area of the Cuyama Valley Groundwater Basin (Basin No. 3-13). Implementation of the proposed project would result in a water demand of 10.4 AFY, which would be provided by an existing on-site well located approximately 630 feet west of the proposed outdoor canopy areas. Based on a 4-hour pump test conducted in June 2021, the on-site well produces 30 gallons per minute (All American Drilling Inc./Fisher Pump & Well Service 2021). In addition, based on the results of a water quality analysis conducted in July 2021, water produced by the well water meets quality, bacteriological, chemical, and physical requirements established by the County Environmental Health Department. In addition, a reverse osmosis system will be installed to treat the water and bring boron levels back down to the desired range of 0.3 to 0.5 milligrams per liter, which would be consistent with County Environmental Health Department requirements (Fruit Growers Laboratory, Inc. 2021). The project would be subject to requirements of the Cuyama GSP to ensure water use within the basin is consistent with sustainable management strategies. The project

includes the installation of 17 5,000-gallon water storage tanks to support cannabis operation and approximately 80,000-gallons of water storage tanks to provide fire suppression water to the greenhouses and processing facility. Installation of the proposed water storage tanks would ensure the availability of water for growing operations and emergency needs. The project would be provided water by the on-site well, which would have adequate water supply to serve the proposed project, and potential 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 not require the installation of wastewater lines at the site. The project includes the installation of portable restrooms to serve the cultivation areas and a septic leach field to treat wastewater generated at the project site. The project includes the installation of a reverse osmosis treatment system to remove boron from the on-site well. Wastewater generated by the reverse osmosis system would be stored within a portion of the 5,000-gallon water storage tanks located near the outdoor cultivation area and the greenhouses and would be brought to the South County Sanitation District by the applicant or a licensed third-party wastewater transporter once every 2 weeks, or as-needed. Based on the installation of on-site wastewater treatment infrastructure and limited quantity of wastewater to be treated by South County Sanitation District, implementation of the proposed project would not exceed existing capacity of local wastewater treatment providers, and impacts would be *less than significant*.

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

The project would require 2,600 cubic yards of cut and 2,600 cubic yards of fill for construction of the proposed project; however, soils would be balanced on-site and would not result in a substantial amount of construction-related solid waste. Further, according to the County's Integrated Waste Management Authority (IWMA), construction waste would be subject to California's Green Building Standards Code (CALGreen) Sections 4.408 and 5.408, which require diversion of at least 75% of construction waste (IWMA 2022). Based on required compliance with CALGreen regulations, construction of the project would not generate solid waste in excess of local infrastructure capacity.

Green waste from cannabis cultivation, such as dead and/or stripped of flower plants and soil, would be composted on-site within a 600-square-foot fenced area. Non-compostable waste and recycling will be placed in one of two 24-square-foot dumpsters located in front of the metal pesticide, fertilizer, tool, and security shed. Non-compostable waste and recycling would be disposed of at the New Cuyama transfer station. 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, and potential impacts would be *less than significant.*

Conclusion

Mitigation Measures AQ-1 and BIO-1 through BIO-13 have been identified to reduce environmental impacts during installation of proposed utility infrastructure. There would be adequate water supply to serve the proposed project and local wastewater and solid waste providers would have adequate capacity to serve the proposed project. With implementation of Mitigation Measures AQ-1 and BIO-1 through BIO-13, impacts related to utilities and service systems would be less than significant.

Mitigation

Implement Mitigation Measures AQ-1 and BIO-1 through BIO-13.

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

CAL FIRE Fire Hazard Severity Zones

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. FHSZs throughout San Luis Obispo 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 FHSZ is located in the Santa Lucia Mountains, which extend parallel to the coast along the entire length of San Luis Obispo County, from Monterey County in the north to Santa Barbara County in the south. A lack of designation does not mean the area cannot experience a damaging fire; rather, it indicates that the probability is reduced, generally because the number of days a year that the area has "fire weather" is less than in moderate, high, or very high fire severity zones. According to the CAL FIRE FHSZ viewer, the project site is located in an SRA within a High FHSZ (CAL FIRE 2022). According to the County Land Use View online mapping tool, the project site has an estimated response time of more than 15 minutes.

County of San Luis Obispo Emergency Operations Plan

The County has prepared an EOP to outline the emergency measures that are essential for protecting the 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. 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.

County of San Luis Obispo General Plan Safety Element

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, the development and implementation of mitigation efforts to reduce the threat of fire, requiring fire-resistant material to 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.

California Fire Code

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.

Discussion

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

The project site is located in a High FHSZ in an SRA (CAL FIRE 2022). The project site is accessed via an existing 12-foot-wide aggregate-based road and a two-track dirt road from SR 166 from the north. The project includes the construction of a new 20-foot-wide all-weather road with 2-foot shoulders on each side, which would extend approximately 2,000 feet from SR 166 to the proposed barn structure, ending in a hammerhead turnaround. The proposed access road would be constructed in accordance with CAL FIRE/County Fire Department and County Public Works Department requirements to ensure adequate emergency access and public ingress and egress to and from the project site. The project is not expected to require short- or long-term road closures that could impede emergency response or evacuation efforts within the area. 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 characterized by nearly level to moderately sloping topography in a High FHSZ and consists of existing development, including a 2,500-square-foot residence, a 796-square-foot metal shed, a 675-square-foot woodshed, and an existing well. Implementation of the proposed project would result in the establishment of indoor and outdoor cannabis cultivation canopy and ancillary processing, storage, and office areas. The project would be required to comply with CFC, CAL FIRE/County Fire Department, and PRC requirements to reduce potential risk associated with wildfire. Based on required compliance with existing regulations, implementation of the proposed project would not increase risk of wildfire, and potential impacts would be *less than significant*.

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

The project includes the construction of a new access driveway and utility extensions within a High FHSZ. Proposed utility extensions would be installed underground, which would reduce risk of accidental wildfire ignition at the site. The proposed driveway would be constructed in accordance with CAL FIRE/County Fire Department and County Public Works Department requirements to reduce hazards associated with roadway design and ensure adequate emergency access to the site. Further, the project would conduct vegetation removal and other maintenance activities for fire protection along the proposed driveway, which would be consistent with PRC requirements for defensible space. Based on the undergrounding of utility extensions and required compliance with CAL FIRE/County Fire Department, County Public Works Department, and PRC requirements, implementation of proposed project features would not increase wildfire risk, and 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 a High FHSZ in an area with low risk of flooding and a low to moderate risk of landslide. The project does not include implementation of any features or components that could increase the potential for wildfire or post-wildfire risks, including downslope landslides or flooding. Further, the project would be required to be constructed in accordance with applicable CBC, CFC, and CAL FIRE/County Fire Department requirements to withstand risk of wildfire and post-wildfire

events. Based on required compliance with existing regulations, implementation of the proposed project would not increase wildfire or post-wildfire risks, and potential impacts would be *less than significant*.

Conclusion

The project is located within a High FHSZ within an SRA. Based on required compliance with CBC, CFC, PRC, CAL FIRE/County Fire Department, and County Public Works Department development requirements for the construction of occupiable buildings and structures and associated site improvements, the proposed project and associated activities would not result in significant adverse impacts related to wildfire, and no mitigation measures are necessary.

Mitigation

Mitigation is not 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 or cultural resources and would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. Therefore, impacts would be *less than significant with mitigation incorporated.*

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

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

In 2016 the County estimated that were as many as 500 unpermitted (illegal) cannabis cultivation sites within the unincorporated county. Assuming 0.5 acre per site, the canopy associated these activities could be as high as 250 acres. County Code Enforcement officers have successfully abated 82 operations, and there are currently approximately 225 total operations under investigation as of December 9, 2019. Unpermitted cannabis operations are expected to continue to be abated throughout the county.

Table 6 provides a summary of the maximum possible cannabis cultivation activities that could be approved through permit applications that have been received by the County as of January 2023. Each of these proposed activities is considered a reasonably foreseeable future project for the purposes of this cumulative impact analysis. As shown on **Error! Reference source not found.**e 6, the County has received applications for a total of 60 cultivation sites (including indoor and outdoor) with a total maximum canopy of 210 acres (worst-case scenario). Under the County's cannabis regulations (LUO Sections 22.40. et seq. and CZLUO Section 22.80 et seq.), the number of cultivation sites allowed within the unincorporated county is limited to 141, and each site may have a maximum of 3 acres of outdoor canopy and 22,000 square feet (0.5 acres) of indoor canopy. Therefore, if 141 cultivation sites are ultimately approved, the maximum total cannabis canopy allowable in the unincorporated county will

be 493.5 acres (141 sites x 3.5 acres of canopy per site = 493.5 acres). It should be noted that no new cannabis cultivation applications have been received since 2021, and it is not anticipated that new applications will be received in the near future due to the complex regulations and timeframe to approve projects, limited areas where cannabis cultivation is allowed, low wholesale prices, and high costs to become operational. It is also 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 4 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	60	30	27
Outdoor Cultivation		180	
Ancillary Nursery	60	28.3	27
Processing	11	-	-
Manufacturing	15	-	6
Non-Storefront Dispensary	20	-	15
Commercial Distribution	9	-	4
Commercial Transport	4	-	1
Testing Laboratory	1	-	1
Total	**180**	**238.3**	**81**

[1] As of January 2023

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

Of the 60 total applications for cannabis cultivation, none are located within 5 miles of the project site. For purposes of assessing the cumulative impacts of cannabis cultivation activities, the following assumptions have been made:

All 160 cultivation sites will be approved and developed;

Each cultivation site will be developed as follows:

a. *3 acres of outdoor cultivation;*
b. *0.5 acres of indoor cultivation;*
c. *22,000 square feet of nursey or ancillary nursery;*
d. *A total area of disturbance of 6.0 acres to include the construction of one or more buildings to house the indoor cultivation, ancillary nursery, and processing;*
e. *A total of six full-time employees;*

f. A total of 6 average daily motor vehicle trips; and

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

Aesthetics

With implementation of Mitigation Measure AES-1, 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. Potential impacts to aesthetic resources would be less than significant, and no mitigation measures are necessary.

Based on the County Land Use View online mapping tool, the project site is in an area with two approved or potential cannabis facilities within 5 miles (as of February 18, 2020). Surrounding proposed cannabis cultivation operations would require discretionary permits and would 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.

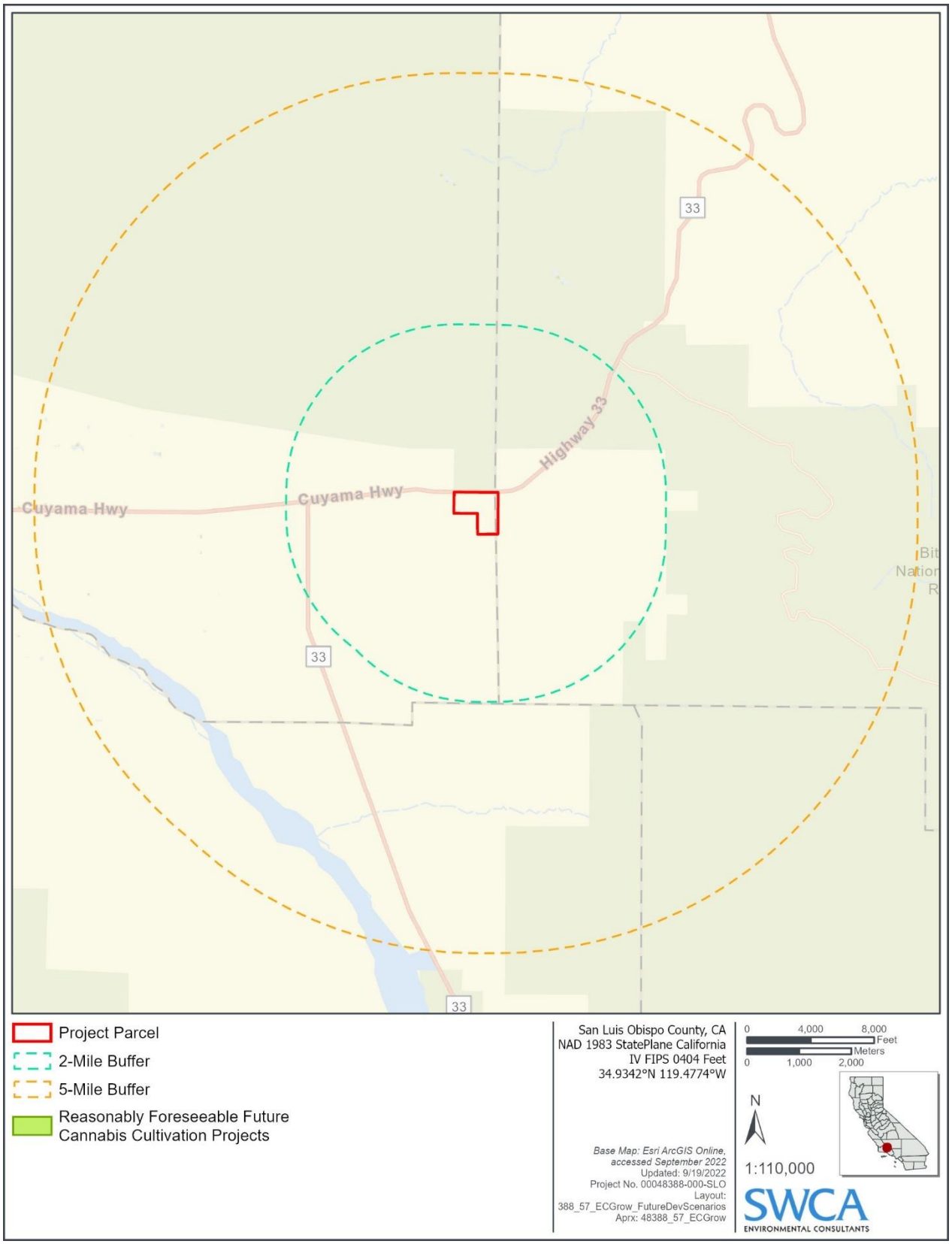

Figure 4. Reasonably Foreseeable Future Development Scenario Map.

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, and no potential impacts to forest land or timberland would occur. The project would not result in a conflict with existing zoning for agricultural use or Williamson Act contract. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the project's potential impacts to agriculture and forestry resources is considered less than cumulatively considerable.

Air Quality

The analysis provided in Section III, *Air Quality*, concludes that Mitigation Measure AQ-1 would reduce construction-related emissions. Operational emissions would not exceed SLOAPCD thresholds, and the project would be consistent with the 2001 CAP. Further, based on the installation of odor control systems and mandatory quarterly monitoring, potential odors from proposed indoor cannabis cultivation activities would not result in nuisance odors.

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

The analysis provided in Section III, *Air Quality*, concludes that the project's potential other emissions (such as those leading to odor) would be less than significant based on the distance of proposed odor-emitting uses from the project property lines and distance to surrounding receptors. All proposed cannabis development projects in the project vicinity would be required to comply with County LUO cannabis odor control requirements, including preparation of an odor control plan, minimum setback distances, and installation of sufficient ventilation controls on structures to prevent odors from being detected off-site.

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 are considered less than cumulatively considerable.

Biological Resources

The analysis provided in Section IV, *Biological Resources*, concludes that with implementation of Mitigation Measures BIO-1 through BIO-18, implementation of the proposed project would not adversely affect biological resources.

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 and Greenhouse Gas Emissions

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

Table 7 provides a summary of the estimated worst-case scenario of total electricity demand associated with development of all 60 proposed and/or approved cannabis cultivation projects with 22,000 square feet (0.5 acre) of mixed-light (indoor) cannabis cultivation based on the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form.

Table 7. Projected Demand for Electricity from Approved and Reasonably Foreseeable Cannabis Cultivation Projects

Proposed Land Use	Total Electricity Demand from Proposed Cannabis Cultivation Projects[1] (Kilowatt-Hours/Year)	Total Electricity Demand (Gigawatt Hours/Year)	Electricity Consumption in San Luis Obispo County in 2018[2] (Gigawatt Hours)	Total Demand in San Luis Obispo County with Proposed Cannabis Cultivation (Gigawatt Hours/Year)	Percent Increase Over 2018 Electricity Demand
Mixed-light (indoor) Cultivation	145,200,000	145.2			
Outdoor Cultivation	44,431,200	44.4			
Total	**189,631,200**	**189.6**	**1,765.9**	**1,955.5**	**10.7%**

[1]Source: County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form . Assumes 60 cultivation projects with 0.5 acre of mixed-light cannabis canopy.

[2]Source: California Energy Commission 2019.

Table 7 indicates that electricity demand in San Luis Obispo County could increase by as much as 10.7% if all 60 cultivation projects are developed with 22,000 square feet of mixed-light cultivation, 3 acres of outdoor cultivation, and are approved. PG&E is required by state law (the Renewable Portfolio Standard) to derive at least 60% of their electricity from renewable sources by 2030. These sources are "bundled" and offered for sale to other Load Serving Entities (utility providers). Table 8 shows the percent increase in the projected 2030 demand for these bundled sources of electricity throughout

PG&E's service area for, assuming all 60 cultivation projects are developed with 22,000 square feet of mixed-light cultivation and approved.

Table 8. Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects Compared With Projected PG&E 2030 Available Service Load

Increased Electricity Consumption in San Luis Obispo County with 60 Cannabis Cultivation Projects[1] (Gigawatt Hours/Year)	189.6
Projected PG&E 2030 Bundled Service Load[2] (Gigawatt Hours)	33,784
Percent Increase in 2030 Demand With Cannabis Cultivation	**0.56%**

[1]Source: County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form . Assumes 60 cultivation projects with 0.5 acre of mixed-light cannabis canopy.

[2]Source: Pacific Gas and Electric 2018, Integrated Resource Plan.

As discussed in Section VIII, Greenhouse Gas Emissions, the project is estimated to generate approximately 2,910 metric tons of CO_2 emissions. Accordingly, the project will exceed the working GHG threshold of 690 metric tons of CO_2 emissions per year

The project's contribution to the overall increased demand for electricity would have the potential to result in potentially cumulatively considerable environmental impacts through GHG emissions. Mitigation measures ENG-1, ENG-2, and GHG-1 require the applicant to prepare and implement an Energy Conservation Plan and GHG emissions reduction plan to identify strategies to reduce or offset for cannabis-related electricity demand and GHG emissions. In addition, all proposed cannabis cultivation projects within the county would be subject to discretionary review by County staff. Indoor and mixed-light cultivation projects that are determined to have the potential to result in potentially significant impacts from their proposed energy use and GHG emissions would be required to implement mitigation measures to reduce their energy demand and GHG emissions. It is also important to note that while many proposed cannabis cultivation projects would result in new permitted facilities, a portion of these facilities are being proposed in existing buildings previously used for unpermitted cannabis cultivation activities or other uses. Therefore, the estimated increases in energy demand provided in Tables 10 and 11 are assumed to be overestimations.

Based on implementation Mitigation Measures ENG-1, ENG-2, and GHG-1, and discretionary review of other cannabis cultivation projects within the county, cumulative impacts associated with energy and GHG emissions would be less than cumulatively considerable.

Hydrology and Water Quality

As discussed in Section X, *Hydrology and Water Quality*, with implementation of Mitigation Measures BIO-2 and BIO-18 and required compliance with SWRCB requirements and the LUO, the project would not result in adverse impacts related to water quality, groundwater quality, or stormwater runoff. The project is not within a flood hazard, tsunami, or seiche zone and would not risk release of pollutants due to project inundation. The project would be consistent with the RWQCB Basin Plan.

All proposed cannabis cultivation projects located in the county would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. All potentially hazardous materials (e.g., pesticides, fertilizers, etc.) proposed to be utilized for these projects would be required to comply with the applicable County Environmental Health Department 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.

The property is in the Cuyama Valley Water Planning Area of the Cuyama Valley Groundwater Basin (Basin No. 3-13) and would be subject to requirements of the Cuyama GSP for water use within the basin.

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

Noise

As discussed in Section XIII, *Noise*, operation of the project would potentially exceed County noise standards. However, noise reduction measures will be required to lessen impacts to *less than significant with mitigation*. Project-related impacts associated with ground-borne noise or ground-borne vibration would be site-specific and would not combine with other projects.

Reasonably foreseeable future cannabis cultivation projects would require discretionary permits and would be reviewed by County staff for potentially significant environmental impacts, including impacts associated with noise. Future projects with potential to generate noise above County standards or noise that would adversely affect surrounding sensitive receptors would be required to implement measures to reduce associated impacts. Therefore, with the implementation of noise reduction measures, project impacts associated with noise would be *less than cumulatively considerable with mitigation* .

The project-related contribution to traffic noise levels would be negligible in operation as discussed in Section XIII, *Noise*. When combined with cumulative traffic, which is not likely to change from existing conditions, the project's contribution to traffic, and associated noise levels, would not represent an audible contribution to cumulative traffic noise levels. Therefore, the project's contribution to regional traffic noise impacts would *not be cumulatively considerable*.

Transportation

As discussed in Section XVII, *Transportation*, the project would be consistent with the RTP, Bikeways Plan, and Circulation Element, and would not generate vehicle trips that would exceed existing VMT thresholds. In addition, the project would be consistent with CAL FIRE/County Fire Department and County Public Works Department standards for site access and driveway design. Therefore, the project's potential impacts associated with these thresholds would be less than significant.

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

The most recent estimate of total VMT for the county as a whole is from 2013, at which time total VMT per day was estimated to be 7,862,000. 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;

- Geology and Soils;
- Hazards and Hazardous Materials;
- Land Use 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 in this Initial Study. In addition, implementation of Mitigation Measures AES-1, AQ-1, BIO-1 through BIO-18, ENG-1 and ENG-2, GHG-1, and N-1 would reduce potential adverse effects on human beings to less than significant, and impacts would be *less than significant with mitigation.*

Conclusion

With implementation of Mitigation Measures AES-1, AQ-1, and BIO-1 through BIO-13, potential impacts would be less than significant.

Mitigation

Implement Mitigation Measures AES-1, AQ-1, BIO-1 through BIO-18, ENG-1 and ENG-2, GHG-1, and N-1.

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	**In File****
☒	County Sheriff's Department	**In File****
☒	Regional Water Quality Control Board	**None**
☒	CA State Parks	**None**
☒	CA Department of Fish and Wildlife	**None**
☒	CA Department of Forestry (Cal Fire)	**In File****
☒	CA Department of Transportation	**None**
☐	Community Services District	**Not Applicable**
☒	Other Kern County, SB County, Ventura County	**None**
☒	Other USFWS, USFS	**None**
☒	Other AB52 Tribes	**None**

** "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/Shandon-Carrizo SA
☐ 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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Balance Green Consulting. 2021. *EC Grow LLC – Energy Demand Analysis*. San Luis Obispo, California.

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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.