COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING

Initial Study – Environmental Checklist

PLN-2039
4/2019

Project Title & No. Buffalo Management Group Conditional Use Permit ED21-135 DRC2019-00241

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.

Cassidy Bewley, SWCA Environmental Consultants	Cassidy J. Bewley	December 7, 2023
Prepared by (Print)	Signature	Date
Eric Hughes		December 8, 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: Request by **Buffalo Management Group** for a Conditional Use Permit (DRC2019-00241) to allow for the establishment of 2 acres of outdoor cannabis cultivation canopy, 0.5 acre of outdoor ancillary cannabis nursery, and ancillary transport of cannabis grown on-site on a 24-acre parcel. The project would result in approximately 3.66 acres of site disturbance, including 350 cubic yards of earthwork, to be balanced on-site. The project includes a request for the modification of the standards set forth in the *County of San Luis Obispo Inland Land Use Ordinance* (LUO) Section 22.40.050.D.3 to allow the outdoor cultivation area to be located 263 feet from the southern property line where 300 feet is required. The project is located within the Agriculture land use category, at 1793 Sutliff Road, approximately 1.4 miles southwest of the community of San Miguel (Figure 1), in the Salinas River sub area of the North County planning area.

Outdoor cannabis cultivation would either occur in the open air or under cannabis hoop structures. If cannabis hoop structures are utilized, the outdoor cannabis cultivation would occur within nine hoop structures ranging from 2,613.6 square feet (.06 acre) to 13,939.2 square feet (0.32 acre) in size, with a maximum height of 12 feet (Figure 2; Appendix A). Plastic hoop structure covers would be removed at the end of each growing season and either stored within the fenced project area or disposed of at an off-site solid waste facility. The metal hoop structures would remain in place year-round once established. Planting would occur in the ground on the natural grade; no terracing or benching is proposed. Based on availability of plant strains, the outdoor cultivation area would either be harvested once or twice per year. If two harvests are planned for a given year, grow seasons would begin in April and harvest in June, with the second season beginning in June/July and harvest would occur in October/November. If a single harvest is planned for a given year, planting would occur in May and harvest would occur in October.

The proposed outdoor ancillary nursery would occur within a 0.5-acre area located south of the outdoor cultivation area (Figure 2). Nursery plants grown on-site would be used to support on-site cannabis cultivation activities and would not be permitted to be transported off-site.

Based on the water demand estimate prepared by GeoSolutions, Inc., the project's proposed cultivation, landscaping, and other miscellaneous activities would result in a water demand of approximately 2.0 acre-feet per year (AFY) (GeoSolutions, Inc. 2021). The project water demand would be supplied by an existing

groundwater well located on-site that has been demonstrated to have a sustained pump rate of 23 gallons per minute over a 4-hour period (Filipponi & Thompson Drilling inc. 2020). The well is located within the Paso Robles Groundwater Basin; therefore, the project would be subject to a 1:1 water offset in accordance with County land use ordinance standards.

The project site is located at the end of Sutliff Road, a privately maintained unpaved road. The project includes construction of a 16-foot-wide extension of the existing 20-foot-wide access driveway to provide access to the cultivation area and include a hammerhead turn around area for emergency response vehicles. Other site improvements would include installation of 6-foot-tall chain-link fencing with slats to enclose all cultivation activities (3 acres of total enclosed area), installation of an electric gate and pole-mounted security cameras, planting of cypress trees for visual screening, installation of four 5,000-gallon irrigation water tanks, placement of a portable restroom, and extension of underground electrical and telecommunication lines (Figure 3). The proposed security fence would include mounted motion-sensor lighting 6 to 8 feet high that would be downward shielded and would include an automatic shutoff timer.

One 40-foot-long, 8-foot-wide, 12-foot-tall Seatrain storage container would be placed on-site. This container would be utilized as a storage facility for nutrient and pest management product containers, garden tools, workshop tools, tractors, all-terrain vehicles (ATVs), protective gear, and other supplies. The project also includes placement of one portable restroom and trash and recycling receptacles. All unused plant materials and soils would be composted on-site in accordance with California Department of Food and Agriculture (CDFA) standards.

The project would employ up to three full-time employees, with an additional 10 seasonal employees to be brought on during the planting and harvesting periods. Hours of operation would range between 7:30 a.m. and 7:30 p.m. based on the season and all work would occur within daylight hours.

Requested Modifications: The project includes a request for a modification of the setback standards set forth in Inland LUO Section 22.40.050 to allow the outdoor cultivation area to be located 263 feet from the southern property line where 300 feet is required. There are currently no existing residential or other odor-sensitive land uses located on the 50-acre parcel south of the project parcel (Assessor's Parcel Number [APN] 027-153-076). There is currently a land use permit application on file for the establishment of cannabis cultivation activities on APN 027-153-076.

Baseline Conditions: The project site is located within a 24-acre parcel accessed from Sutliff Road, approximately 1.4 miles southwest of the community of San Miguel (see Figure 1). Surrounding land uses include rural residential and agricultural uses, such as vineyards, to the north, east, and south, and the Camp Roberts Army Base to the west. The project site currently supports a single-family house and adjacent parking area, an unpaved driveway, residential landscaping, a groundwater well, and an approximately 19-acre fallow agricultural field (see Figure 2). The project parcel's topography is characterized by rolling hills and on-site vegetation communities, including annual grassland, ruderal/developed, coastal scrub, and eucalyptus trees. No drainages with defined channels occur on the property (Kevin Merk Associates, LLC [KMA] 2021).

ASSESSOR PARCEL NUMBER(S): 027-153-068

Latitude: 35° 43' 48" N **Longitude:** 120° 43' 41" W **SUPERVISORIAL DISTRICT #** 1

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Other Public Agencies Whose Approval is Required

Permit Type/Action	Agency
State Cultivation Licenses	California Department of Cannabis Control
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: North County **Sub:** Salinas River **Comm:** Rural

Land Use Category: Agriculture

Combining Designation: Renewable Energy

Parcel Size: 24.7 acres

Topography: Gently sloping to steeply sloping

Vegetation: Grassland, ruderal/developed, coastal scrub, eucalyptus trees

Existing Uses: Single-family residence(s) , historical agricultural uses

Surrounding Land Use Categories and Uses:

North: Agriculture; single-family residences, agricultural uses

East: Agriculture; single-family residences, agricultural uses

South: Agriculture; blue-line creek, undeveloped, agricultural uses

West: Public Facilities; Camp Roberts Military Base

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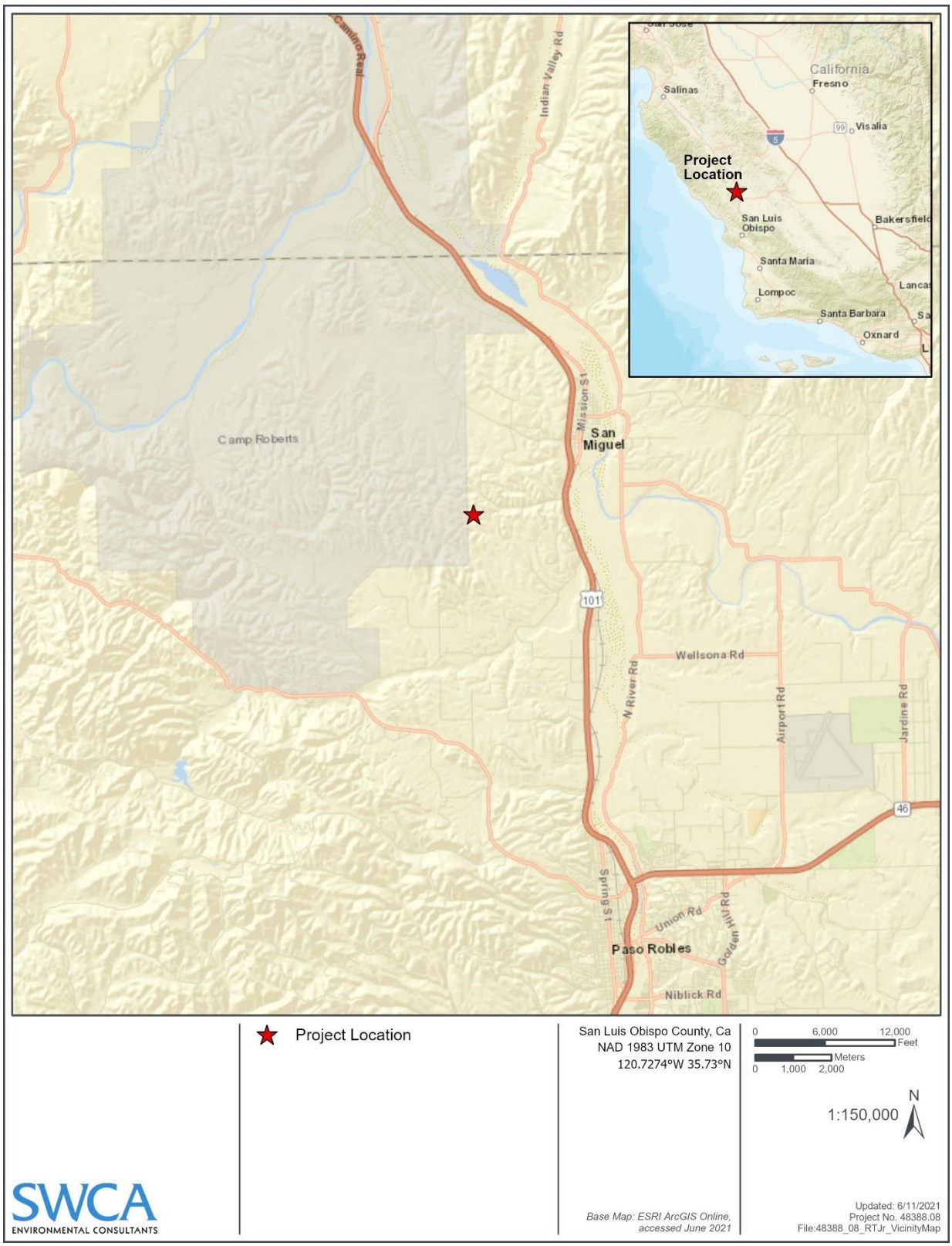

Figure 1. Project Vicinity Map

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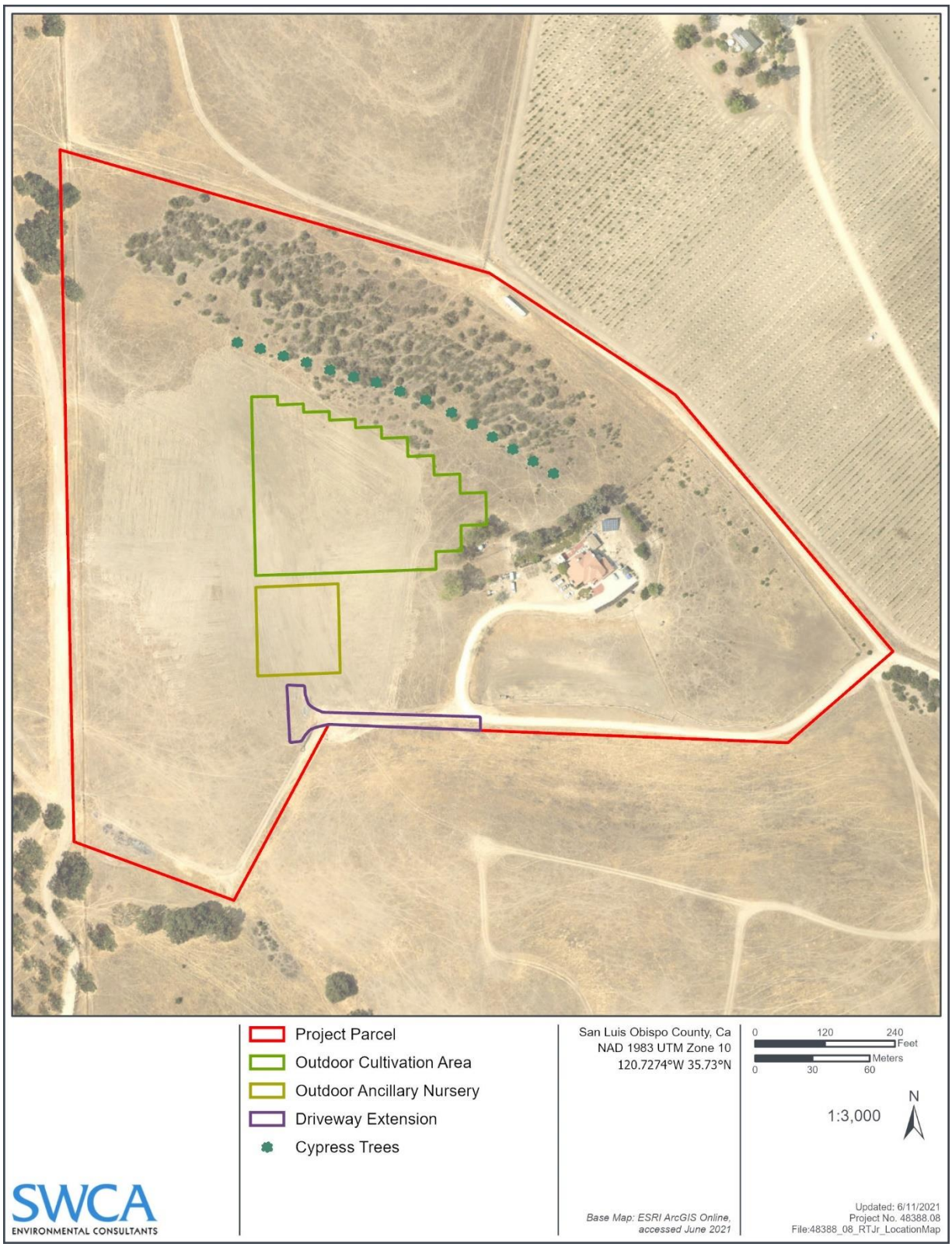

Figure 2. Project Location Map

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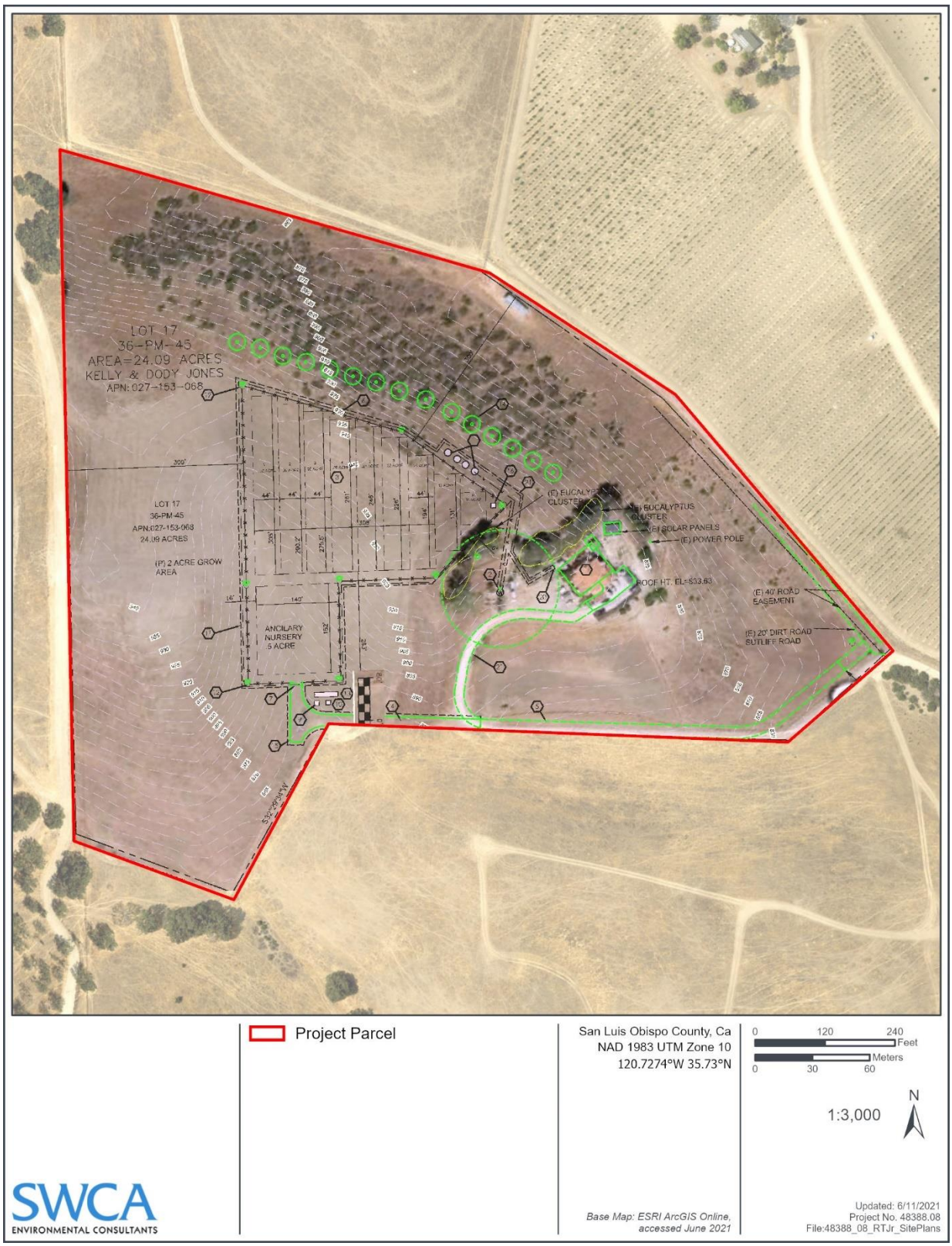

Figure 3. Project Site Plan

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C. Environmental Analysis

The 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 on the traveler's enjoyment of the view. The project site is located approximately 1.3 miles west of U.S. Highway 101 (US 101). The segment of US 101 that is in proximity to the project site is not listed as a designated State Scenic Highway or eligible for listing as a State Scenic Highway (California Department of Transportation [Caltrans] 2023).

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:

- **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 *San Luis Obispo County Design Guidelines* to protect rural visual and historical character (County of San Luis Obispo 1998).

Table VR-2 of the COSE also provides a list of "Suggested Scenic Corridors," which includes US 101, located about 1.3 miles to the east of the project site.

County of San Luis Obispo Inland Land Use Ordinance

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

San Luis Obispo County Design Guidelines

The *San Luis Obispo County 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 located within a 24-acre parcel accessed off Sutliff Road, approximately 1.4 miles southwest of the community of San Miguel. The project area is characterized by rolling hills with scattered rural residential housing; agricultural row crops, including, but not limited to, vineyards; and grazing uses (see Photographs 1 and 2). Plant communities in the area include annual grassland, oak woodland, and coastal scrub. The project parcel consists of gentle to moderately sloping hills and currently supports one single-family residence. A cluster of planted eucalyptus trees is located along the northern and western edge of the developed residential area on-site. No drainages with defined channels or other water features occur on the property.

Photograph 1. View from the project site, facing northeast (July 10, 2018).

Photograph 2. View of the project site, facing north (July 10, 2018).

Discussion

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

For the purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. The project site would be located in a rural area accessed by Sutliff Road. Sutfliff Road, along with other surrounding roadways including Nygren Road, would serve as the primary public viewing area of the project site. While the project site is located in an area with an appealing rural and agricultural visual character, the project is not located within a designated scenic sensitive resource area or within a highly valued landscape of which expansive views are accessible from a public vantage point. Therefore, the project would not have a substantial adverse effect on a scenic vista, and potential impacts would be *less than significant.*

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

The project site is located approximately 1.3 miles west of US 101. The segment of US 101 that is in proximity to the project site is not listed as a designated State Scenic Highway or eligible for listing as a State Scenic Highway (Caltrans 2023). The project site is not located along nor visible from a designated or eligible State Scenic Highway. Therefore, the project would not result in substantial damage to scenic resources within a State Scenic Highway, and *no impact would occur.*

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

The project is located in a non-urbanized area characterized by rolling hills with low-density scattered rural residential housing, agricultural row crops, and grazing uses. With the exception of the Camp Roberts Military Base to the west, surrounding land uses include vineyards on parcels ranging from 24 to 50 acres in size within the Agriculture land use category.

The project would include installation of up to 2 acres of cannabis hoop structures with white plastic hoop covers 12 feet in height within the proposed outdoor cultivation area. The white plastic hoop structure covers would be removed at the end of each growing season and either stored within the fenced project area or disposed of at an off-site solid waste facility. The metal hoop structures would remain in place year-round once established. The growing season would, at most, occur from April to November (8 months). The project also includes installation of 6-foot-tall chain-link security fencing with dark-colored plastic slats, four 5,000-gallon water tanks, a Seatrain storage container, motion-sensor security lighting, and the planting of 30 cypress trees along the northeastern edge of the project site.

The proposed cannabis hoop structures and other structural components would be located within a natural topographic bowl that would be moderately to well screened by existing steep topography and the existing single-family residence and associated landscaping from viewers traveling on Sutliff Road to the south and east of the site. Viewers traveling on Nygren Road north of the project site may experience partial views of the proposed cannabis hoop structures and/or other structural components; however, views would be largely blocked by existing topography and after several years of operation, views of the project components would be partially screened by the proposed cypress trees. In addition, the project site is located in a predominately undeveloped agricultural area that experiences low traffic levels; therefore, opportunities to view the project site by the public are correspondingly low. Because the project site is bordered by the Camp Roberts Military Base to the west, there are no public vantage points located west of the project site.

Based on existing site topography, structural and vegetation features, and the design and location of project components, the project would not substantially degrade the existing visual character or quality of public views of the site or its surroundings. Therefore, potential 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 proposed outdoor cannabis cultivation would include the option to occur within cannabis hoop structures with white, partially translucent plastic coverings. The proposed hoop structures would be largely screened from public views from surrounding roadways by existing topography, development, and vegetation, and would be enclosed by 6-foot-high chain-link fencing with privacy slats, which would substantially reduce any potential glare produced from the hoop structure coverings from affecting viewers traveling along surrounding roadways.

The project would include installation of motion-sensor security lighting along the proposed 6-foot-tall security fencing. All proposed security lighting would be downcast, shielded, and motion-sensor

activated with an automatic shut-off timer. All proposed operations would occur during daylight hours and no permanent nighttime lighting is proposed. Therefore, potential impacts associated with creation of a new source of substantial light or glare would be *less than significant.*

Conclusion

The project is not located within 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 Inland 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.

Mitigation

None necessary.

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))?	☐	☐	☐	☒

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

Setting

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

Based on the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) web soil survey (NRCS 2023) and the Soil Survey of San Luis Obispo County, California - Paso Robles Area (USDA 1983), soil type(s) and characteristics on the subject property include:

> 180 – Nacimiento-Los Osos complex, 30 to 50 percent slopes. This soil unit underlies the majority of the project parcel. This soil consists of steep soils on hills and is a moderately deep, well-drained soil with moderately slow to slow permeability. Surface runoff is rapid, and the hazard of erosion is high. This soil is not classified as Prime Farmland by the NRCS and is not listed in Table SL-2 of the COSE.
>
> 200 – Sesame sandy loam, 9 to 30 percent slopes. This soil unit occurs on a southwest portion of the project parcel. This moderately deep, moderately steep well-drained soil occurs on hills. This soil has moderate permeability with rapid surface runoff and the erosion hazard is high. This soil is not classified as Prime Farmland by the NRCS and is listed under Other Productive Soils in Table SL-2 of the COSE.

Based on a review of historic aerial photography, the project site was farmed at least from 1989 through 2009. Cannabis cultivation was conducted on the site in 2017, and the infrastructure supporting that cultivation was subsequently removed. The proposed cultivation area associated with the current project was disked at the time of site surveys conducted in October 2018 and has remained fallow, allowing grassland species to become established during the spring 2019 and 2020 seasons (KMA 2021).

Chapter 6 of the COSE identifies resource management goals, policies, and strategies to protect agricultural soils from conversion to urban and residential uses. Important agricultural soils within the county are identified in Table SL-2 of the COSE, and Policy SL 3.1 states that proposed conversion of agricultural lands to

non-agricultural uses shall be evaluated using the applicable policies in the COSE and *County of San Luis Obispo General Plan Agriculture Element*.

The Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agriculture or related open space use. In return, landowners receive property tax assessments that are much lower than normal because they are based on farming and open space uses as opposed to full market value. The project parcel is not currently under a Williamson Act contract, nor is it located adjacent to a property under an active 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 parcel currently supports landscaped areas and a cluster of eucalyptus trees.

(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?

Soils within the project site are classified as Grazing Land by the California FMMP (CDOC 2016). The project site does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the FMMP, and the project would not result in the permanent conversion of on-site soils to non-agricultural uses; therefore, there would be no impact associated with the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

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

The subject property is located within the Agriculture land use designation, and cannabis cultivation activities, including the proposed outdoor cultivation, are allowed uses within this land use designation (LUO Section 22.06.030). The project site is not located on land subject to 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 impact would occur.*

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

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

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

The project parcel currently supports landscaped areas and a cluster of eucalyptus trees that do not meet the definition of forest land as defined by PRC Section 12220(g). The project would not result in the removal or trimming of any of these tree species. The project would not result in the loss or conversion of these lands to non-forest use; therefore, *no impact would occur*.

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

The project property is underlain by soils that are either not listed in Table SL-2 of the COSE or are listed under Other Productive Soils, therefore, the project would not result in conversion of any locally designated Prime Farmland or other locally important soils. The project site is generally surrounded by scattered rural residential housing, agricultural row crops, including, but not limited to, vineyards, and grazing uses. Surrounding agricultural uses would be temporarily affected by noise and dust generated during the construction phase of the project. These impacts would be temporary in nature and would not result in the direct impairment or conversion of agricultural land to other uses.

During operation, the project would consist of outdoor 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 distance from existing off-site wells, the project would be required to offset all new water demand at a 1:1 ratio within the project site groundwater basin. Therefore, the project's proposed water use would not significantly affect the production and recovery of surrounding wells.

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

Conclusion

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

Mitigation

None necessary.

III. AIR QUALITY

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:					
(a)	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
(b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☒	☐	☐

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		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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 Air Pollution Control District

The San Luis Obispo County Air Pollution Control District (SLOAPCD) is a local public agency with the primary mission of realizing and preserving clean air for all county residents and businesses. Responsibilities of the SLOAPCD include, but are not limited to, preparing plans for the attainment of ambient air quality standards, adopting and enforcing rules and regulations concerning sources of air pollution, issuing permits for stationary sources of air pollution, inspecting stationary sources of air pollution and responding to citizen complaints, monitoring ambient air quality and meteorological conditions, and implementing programs and regulations required by federal and state regulatory requirements.

San Luis Obispo County Clean Air Plan

The 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* (most recently updated with a 2023 Administrative Update Version) to help local agencies evaluate project-specific impacts and determine if air quality mitigation measures are needed, or if potentially significant impacts could result (SLOAPCD 2012, 2023). 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.

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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). The SLOACPD has established several different methods for determining the significance of project operational impacts:

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

The SLOAPCD has also estimated the number of vehicular round trips on an unpaved roadway necessary to exceed the 25 pounds per day (lbs/day) threshold of significance for the emission of particulate matter (PM_{10}). According to 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, daycare centers, nursing homes, hospitals, and residences. The nearest sensitive receptor is an off-site residence located approximately 0.15 mile (810 feet) northeast of the proposed project site. Other surrounding sensitive receptors include single-family residences located between approximately 1,500 feet and 2,170 feet from the proposed project site to the northeast, east, and southeast.

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.

Cannabis Waste Burning

The federal government categorizes cannabis as a controlled substance; therefore, crop waste from the agricultural growing of cannabis is not eligible for a SLOAPCD burn permit and cannabis waste burning is prohibited.

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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 uses, 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 three 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/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 three 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 irrigation equipment; therefore, the project would not be a feasible candidate for participation in a telecommuting program.

Therefore, the project would not conflict with or obstruct implementation of the 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

The project would result in approximately 3.66 acres of site disturbance, including 350 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's *CEQA Air Quality Handbook* (2023), there are several acceptable methods for calculating emissions for construction operations and in some instances, it may be necessary to calculate the project's construction impacts without knowing the exact fleet of construction equipment involved in the project. Table 2-2 of the *2023 CEQA Air Quality Handbook* contains screening construction emission rates based on the volume of soil moved and the area disturbed. Estimated construction-related emissions were calculated and are shown in Table 1 below.

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Table 1. Proposed Project Estimated Construction Emissions

Pollutant	Estimated Total Emissions (lbs)	Estimated Daily Emissions (lbs/day)	APCD Daily Emissions Threshold (lbs/day)	Mitigation Required?
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO_x) (combined)	39.83	3.98[1]	137	No
Diesel Particulate Matter (DPM)	1.72	0.17[2]	7	No

Notes:

[1] Based on 350 cubic yards of material moved and 0.113 pounds of combined ROG and NO_x emissions per cubic yard of material moved over a 10-day construction period.

[2] Based on 350 cubic yards of material moved and 0.0049 pounds of diesel particulate matter emissions per cubic yard of material moved over a 10-day construction period.

Based on the calculations shown above, project construction emissions of ozone precursors and DPM would fall below daily emissions thresholds set forth by SLOAPCD.

According to the SLOAPCD, any project with a grading area greater than 4 acres of worked area can exceed the 2.5-ton PM_{10} quarterly threshold (SLOAPCD 2012). The project would plant cannabis in the ground at-grade and would only require minor grading and trenching for installation of new water, electrical, and communication lines; extension and improvements to the existing access driveway; and installation of security fencing, totaling approximately 3.66 acres in disturbance. Therefore, the project would not result in PM_{10} emissions in exceedance of SLOAPCD thresholds during project construction activities.

Based on the volume and area of proposed ground disturbance and earthwork, the project would not exceed construction criteria air pollutant thresholds set forth by the SLOAPCD or violate a construction air quality standard set forth by the CARB.

Operation-Related Emissions

The SLOAPCD's *2023 CEQA Air Quality Handbook* includes an up-to-date operational screening criteria table to determine a project's potential to exceed SLOAPCD operational emissions thresholds. However, there are land uses identified in this screening tool that are comparable to outdoor cannabis and cannabis nursery cultivation and the criteria identified for the land uses provided are generally not applicable to cannabis cultivation uses (e.g., building square footage, number of dwelling units, etc.). Therefore, a qualitative analysis was conducted to evaluate the project's potential to exceed SLOAPCD operational emissions thresholds.

The project consists of 2 acres of outdoor cannabis cultivation, 0.5 acre of ancillary outdoor cannabis nursery, and ancillary cannabis transport of cannabis products grown on-site. The project would employ up to three full-time employees and 10 additional seasonal employees during planting and harvesting operations, which would occur up to two times per year. During operation, project-related criteria air pollutant emissions would be generated by vehicle trips of employees, materials deliveries, and distributor trips (i.e., delivery of nursery seeds/plants and transport of harvested cannabis off-site), as well as fugitive dust emissions from use of the unpaved access driveway and disking of the 2-acre cultivation area between harvests.

Based on the proposed acreage of outdoor cultivation activities and number of seasonal employees, the project is estimated to generate approximately 24 average daily trips (ADT) (see Section XVII, Transportation). Based on the daily vehicle trips and limited frequency of use of heavy-duty equipment (e.g., as needed for site disking, etc.), air pollutant emissions would not exceed SLOAPCD's operational 25 lbs of ROG + NO_x per day threshold.

The project would result in additional vehicle trips along unpaved, privately maintained roadways, including the 0.2-mile access driveway, approximately 0.4 mile along Sutliff Road and Bridge Canyon Road, and approximately 1.0 mile along Nygren Road. According to the SLOAPCD, an unpaved roadway of 0.25 mile in length carrying 19.5 daily vehicular round trips would likely exceed the 25 lbs/day PM_{10} threshold. Based on trip generation rates provided by the County Public Works Department, the project would result in approximately 24 ADT on 1.6-mile unpaved, privately maintained roadways (Table 2). Applying the SLOAPCD threshold, during the planting and harvest periods, the project would have the potential to exceed the 25 lbs/day PM_{10} threshold. Mitigation Measure AQ-1 has been identified to require the applicant to enter into an ongoing roadway maintenance agreement to control fugitive dust emissions and prevent exceedance of the SLOACPD's emissions and opacity thresholds through regular use of a dust suppressant approved by the SLOAPCD.

Table 2. Estimated Project Daily Vehicle Trips

Project Component	Unit	Quantity	Trip Rate[1]	Average Daily Trips
Outdoor Cultivation	Acres	2	2	4
Seasonal Employees	Employee	10	2	20
			Total	**24**

[1] Trip rates provided by County Public Works Department.

Based on the analysis provided above, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is non-attainment during construction, and mitigation has been identified to reduce potential operational emissions to less than significant levels; therefore, potential impacts would be *less than significant with mitigation.*

(c) Expose sensitive receptors to substantial pollutant concentrations?

The nearest sensitive receptor is an off-site residence located approximately 0.15 mile (810 feet) northeast of the proposed project site. Other surrounding sensitive receptors include single-family residences located between approximately 1,500 feet and 2,170 feet from the proposed project site to the northeast, east, and southeast. Based on the analysis provided for threshold III.b, above, the project would not result in substantial pollutant concentrations of ozone precursors, DPM, or fugitive dust during construction. However, initial project grading and trenching activities would occur within 1,000 feet of a sensitive receptor location, which may result in localized concentrations of diesel particulate matter and/or fugitive dust emissions in exceedance of SLOACPD thresholds. Therefore, Mitigation Measures AQ-2 and AQ-3 have been identified to require applicable SLOACPD diesel-idling restrictions and fugitive dust suppression practices to be implemented and shown on all project plan sets.

The project takes access from Sutliff Road, a privately maintained, unpaved, public road. There are three single-family residences located within 1,000 feet of the portion of Sutliff Road that project

vehicles would use to access the site. Based on the number of regular and seasonal employees the project would employ, and the distance of unpaved roadway that would be driven to access the project site, the project has the potential to result in PM_{10} emissions that could exceed the SLOAPCD opacity threshold and adversely affect nearby sensitive receptors. Mitigation Measure AQ-1 has been identified to require preparation and implementation of an operational roadway dust and air quality control plan to be reviewed and approved by the County Planning and Building Department and implemented for the life of the project. The plan would require implementation of either paving the roadway from the project access point to the nearest County-maintained roadway, or maintenance of the roadway with SLOAPCD-approved dust suppressants and design features to effectively reduce project dust emissions to below the SLOAPCD threshold of 20% opacity and less than 25 pounds of daily PM_{10} emissions. Therefore, potential impacts associated with exposure of sensitive receptors to substantial pollutant concentrations would be *less than significant with mitigation.*

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

The project site is not located in an area identified as containing NOA by the SLOAPCD. The project does not propose to burn any on-site vegetative materials; therefore, the project would not result in substantial air pollutant emissions from such activities.

The project includes outdoor cannabis cultivation, as well as ancillary outdoor cannabis nursery to support on-site cannabis cultivation activities. Outdoor cultivation of cannabis can often produce potentially objectionable odors during the flowering and harvest phases of the proposed operations, which would occur up to two times per year for a period of approximately 2 to 3 weeks and could disperse through the air and be detected by surrounding receptors. The nearest sensitive receptor location to the project site is an off-site single-family residence located approximately 0.15 mile (810 feet) northeast of the proposed project site. Other surrounding sensitive receptors include single-family residences located between approximately 1,500 feet and 2,170 feet from the proposed project site to the northeast, east, and southeast. With the exception of the Camp Roberts Military Base to the west of the project site, surrounding land uses include vineyards and low-density residential uses within the Agriculture land use category.

Based on the distance from proposed cannabis cultivation activities and surrounding sensitive receptors, odors produced during flowering and harvest periods would disperse considerably before reaching any sensitive receptor location. The project would also include the installation of natural odor buffering techniques, including a landscape screening buffer to provide a reduction of wind-borne odor from the project that may occur during the few weeks per year of flowering and harvest of the crop. The installation of the proposed landscape screening buffer, in addition to the existing topography and vegetation, would provide natural barriers between odor-producing activities and sensitive receptor locations, further reducing the potential for adverse odors to reach distant sensitive receptor locations. Lastly, the project is located in a primarily undeveloped agricultural area and surrounding residential uses are distributed at a low density in the vicinity of the project, resulting in a generally low number of potential receptors being affected by odors generated on the project site.

Therefore, the project would not result in other emissions, such as those leading to odors, that would adversely affect a substantial number of people and impacts would be *less than significant*.

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Conclusion

The project has the potential to result in PM_{10} emissions in exceedance of operational SLOAPCD standards and could adversely affect nearby sensitive receptors. Mitigation Measure AQ-1 has been identified to require the applicant to coordinate with the County Public Works Department in the preparation of an operational dust and air quality control plan to be reviewed and approved by the County Planning and Building Department and implemented for the life of the project in order to reduce project operational fugitive dust emissions to below applicable SLOAPCD thresholds and reduce potential impacts to nearby sensitive receptors to less than significant. Mitigation Measures AQ-2 and AQ-3 have been identified to require all applicable fugitive dust suppression and DPM control measures on project site plans. Therefore, potential impacts associated with air quality would be less than significant with mitigation.

Mitigation

AQ-1 **Prior to issuance of grading or construction permits or site disturbance activities, whichever occurs first,** the applicant shall prepare a Dust and Air Quality Plan that shall include, at a minimum, the following components:

1. A mitigation plan for continuing dust control from the property frontage to the nearest County of San Luis Obispo-maintained road. The plan may be modified to adjust for changed conditions or to improve the effectiveness of the dust-reducing technology. The plan and all modifications to the plan are subject to review and approval by the County of San Luis Obispo Planning and Building Department.
2. Evidence of road maintenance provided by the County of San Luis Obispo, State of California, special district, homeowners association, or other organized maintenance, such as a road maintenance agreement.
3. An agreement, to support and not protest; the formation of an assessment district; or the creation of another funding mechanism. The consenting person(s) retains all due process rights as to any term or condition that was unknown at the time of application approval. The consenting person(s) may contest the specific proportionality.

The Dust and Air Quality Plan shall be submitted to the County of San Luis Obispo Planning and Building Department for review and approval. All measures identified in the final approved Dust and Air Quality Plan shall be adhered to for the life of the project.

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

1. Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment.
    a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors, if feasible;
    b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
    c. Use of alternative-fueled equipment shall be used whenever possible; and
    d. Signs that specify the no idling requirements shall be posted and enforced at the construction site.

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

    a. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation.

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

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

3. These requirements shall be detailed on all project plan sets.

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

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

7. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders or soil binders are used.
8. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
9. All trucks hauling dirt, sand, soil, or other loose materials, are to be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.
10. Install wheel washers where vehicles enter and exit unpaved roads onto streets or wash off trucks and equipment leaving the site. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads.
11. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible.
12. All PM_{10} mitigation measures required shall be shown on grading and building plans.

The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints and reduce visible emissions below the SLOAPCD's limit of 20% opacity for no greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the County of San Luis Obispo Planning and Building Division and SLOAPCD Compliance Division prior to the start of any grading, earthwork, or demolition.

IV. BIOLOGICAL RESOURCES

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

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

Setting

Federal and State Endangered Species Acts

The Federal Endangered Species Act (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 (WL) 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. Lastly, CDFW also identifies a Fully Protected classification to identify and provide additional protection to those animals that

were rare or faced possible extinction. Fully Protected Species (FPS) may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for scientific research, for relocation of the bird species for the protection of livestock, or if they are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (NCCP). The California Native Plant Society (CNPS) maintains a list of plant species ranging from presumed extinct to limited distribution, based on the following:

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.

Oak Woodland Ordinance

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

County of San Luis Obispo General Plan Conservation and Open Space Element

The COSE identifies several key goals pertaining to biological resources within the county:

- Goal BR 1. Native habitat and biodiversity will be protected, restored, and enhanced.
- Goal BR 2. Threatened, rare, endangered, and sensitive species will be protected.
- Goal BR 3. Maintain the acreage of native woodlands, forests, and trees at 2008 levels.

- Goal BR 4. The natural structure and function of streams and riparian habitat will be protected and restored.
- Goal BR 5. Wetlands will be preserved, enhanced, and restored.
- Goal BR 6. The County's fisheries and aquatic habitats will be preserved and improved.
- Goal BR 7. Significant marine resources will be protected.

CDFA Requirements

General environmental protection measures for cannabis cultivation projects are included in CCR Title 3, Division 8, Chapter 1 Article 4, including the following requirements associated with compliance with biological resources:

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

Project Site Characteristics

The following discussion is based on the information provided in the Biological Resources Assessment (BRA) prepared for the project (KMA 2021; Appendix B).

The project site is located in low rolling hills west of the Salinas River floodplain in northern San Luis Obispo County. Plant communities in the surrounding area include annual grassland, oak woodland, and coastal scrub. Surrounding land uses include rural single-family residences on large lots and vineyards. The Camp Roberts Military Base is located immediately to the west of the subject property and supports a mosaic of oak woodland and grassland habitats, with little development in the nearby areas.

The topography of the site consists of rolling hills with a hilltop located near the northeastern part of the project site. An existing residence is located east of the proposed outdoor cultivation area and the site supports a row of eucalyptus trees planted along the northern and western edge of the residential area. The Camp Roberts property located directly to the west of the project site consists of extensive areas of open space that has been studied over many years, yielding a large number of special-status species observations. The Salinas and Estrella River corridors are also located nearby, increasing the habitat value of the area.

Natural Communities

Four plant communities were identified within the study area, including annual grassland, rural/developed, coastal scrub, and eucalyptus trees (Figure 4). The annual grassland on-site consisted mostly of non-native grasses and herbs dominated by wild oat grass (*Avena fatua*) and hairy vetch (*Vicia villosa*). Ruderal/developed habitat consisted of the existing driveway that would be improved for site access, the existing residence on-site, and associated landscaping and accessory uses. Coastal scrub consisting of coyote brush shrubs surrounded by grassland occurs on the hilltop located along the northeastern portion of the site outside of the proposed cultivation area. The eucalyptus habitat is located along the north and western edges of the residential developed area (see Figure 4). No sensitive natural communities were recorded within 5 miles of the study area.

Special-Status Plants

The California Natural Diversity Database (CNDDB) was queried for occurrences of special-status plant species within 5 miles of the project site, which were cross-checked with observations recorded by Calflora. Based on

the history of dry farming, tilling, and other site disturbance on the project site, only annual species were considered to have potential to occur in the annual grassland and coastal scrub habitats present on-site. Using this criteria, five special-status plant species were determined to have potential to occur on-site:

- Dwarf calycadenia (*Calycadenia villosa*) (CRPR 1B.1)
- Lemmon's jewelflower (*Caulanthus lemmonii*) (CRPR 1B.2)
- San Luis Obispo owl's clover (*Castilleja densiflora* var. *obispoensis*) (CRPR 1B.2)
- shining navarretia (*Navarretia nigelliformis* ssp. *radians*) (CRPR 1B.2)
- straight-awned spineflower (*Chorizanthe rectispina*) (CRPR 1B.3)

No special-status plant species were observed during the on-site surveys, which were conducted on October 18, 2018; October 3, 2019; and April 22, 2020.

Special-Status Wildlife

The CNDDB was queried for occurrences of special-status wildlife species within 5 miles of the project site. Based on the background review of special-status species records, one invertebrate, two reptile, 13 bird, and six mammal species were considered to have potential to occur on the project site, as listed below. No special-status fish were determined to have potential to occur on-site based on the lack of drainages and/or aquatic habitats on-site.

- Crotch bumble bee (*Bombus crotchii*) (state candidate for Endangered status)
- Blainville's (coast) horned lizard (*Phrynosoma blainvillii*) (CDFW SSC)
- San Joaquin coachwhip (*Coluber flagellum ruddocki*) (CDFW SSC)
- bald eagle (*Haliaeetus leucocephalus*) (state Endangered, CDFW FPS)
- golden eagle (*Aquila chrysaetos*) (CDFW FPS, CDFW WL)
- prairie falcon (*Falco mexicanus*) (CDFW WL)
- white-tailed kite (*Elanus leucurus*) (CDFW FPS)
- burrowing owl (*Athene cunicularia*) (CDFW SSC)
- California horned lark (*Eremophila alpestris actia*)
- ferruginous hawk (*Buteo regalis*) (CDFW WL)
- Cooper's hawk (*Accipiter cooperii*) (CDFW WL)
- great blue heron (*Ardea herodias*) (CDFW sensitive species)
- loggerhead shrike (*Lanius ludovicianus*) (CDFW SSC)
- northern harrier (*Circus cyaneus*) (CDFW SSC)
- sharp-shinned hawk (*Accipiter striatus*) (CDFW WL)
- tricolored blackbird (*Agelaius tricolor*) (state Threatened species, CDFW SSC)
- American badger (*Taxidea taxus*) (CDFW SSC)
- hoary bat (*Lasiurus cinereus*) (listed on CDFW Special Animals list)
- pallid bat (*Antrozous pallidus*) (CDFW SSC)
- Townsend's big-eared bat (*Corynorhinus townsendii*) (CDFW SSC)
- Salinas pocket mouse (*Perognathus inornatus psammophilus*) (CDFW SSC)
- San Joaquin kit fox (SJKF) (*Vulpes macrotis mutica*) (federally Endangered, state Threatened)
- Vernal pool fairy shrimp (*Branchinecta lynchi*) (federally Threatened)

Initial Study – Environmental Checklist

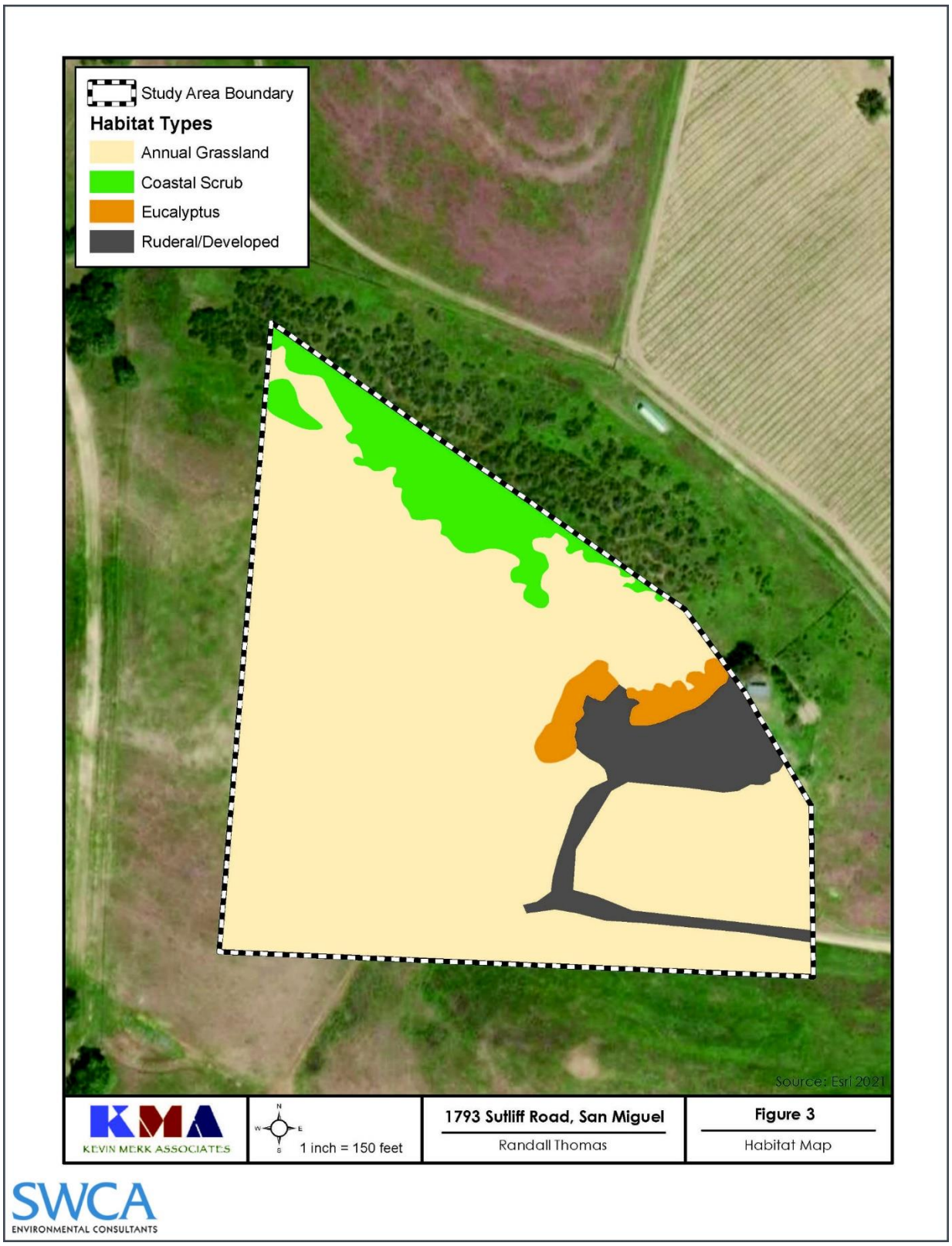

Figure 4. Project Site Habitat Map

Initial Study – Environmental Checklist

The project site is located within the mapped 4:1 mitigation ratio area for SJKF. One special-status bird species—loggerhead shrike—was seen on-site during the surveys, and another special-status raptor—prairie falcon—was seen on an adjacent property. These species are described in further detail below. In addition, evidence of frequent use by tule elk (*Cervus canadensis nannodes*), including scat, numerous trails, and bedding areas, was observed in the annual grassland habitat.

Wetlands and other Water Bodies

No drainages with defined channels, ponds, or reservoirs have been mapped or observed on the project property. Based on the field surveys conducted on-site, no basins or low areas on-site could support standing water, and no wetland or riparian habitats were present within the project parcel.

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?*

The following analysis is based on the observations and findings provided in the BRA prepared for the project (KMA 2021), staff visits to the project site, and staff knowledge.

Special-Status Plants

Based on the records review of the CNDDB and Calflora.org recorded observations, five special-status plant species were determined to have potential to occur in the study area: Dwarf calycadenia, Lemmon's jewelflower, San Luis Obispo owl's clover, shining navarretia, and straight-awned spineflower. No special-status plant species were observed on-site during the site surveys, including an April 2020 focused rare plant survey that was conducted during the blooming period of the special-status plant species with potential to occur on-site. Due to the regular history of site disturbance and absence of rare species during the seasonally timed survey, no impacts to special-status plant species would occur.

Special-Status Wildlife

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

Crotch Bumble Bee

The Crotch bumble bee is a state Candidate for Endangered status. It inhabits grasslands and scrub, especially hot and dry areas, throughout the southern two-thirds of California and their colonies nest underground. The project site is located within the known distribution of the species, contains annual grassland and coastal scrub habitats that may provide suitable habitat for these species, and supports characteristic plant species that the bumble bees take nectar from, including milkweed and lupine. The project would have the potential to eliminate underground nests by disking, grading, and/or trenching activities if they are present on-site. Mitigation Measures BIO-1 through BIO-4 have been identified to require retention of a County-qualified biologist, conducting protocol-level surveys in accordance with the *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (CDFW 2023), implementation of avoidance measures if Crotch bumble bee is observed, and consultation with CDFW if Crotch bumble bee is detected on-site and avoiding take of the species is not feasible. Upon implementation of these measures, potential impacts to Crotch bumble bee would be less than significant.

Blainville's Coast Horned Lizard and San Joaquin Coachwhip

Blainville's coast horned lizard and San Joaquin coachwhip are CDFW SSC. Blainville's coast horned lizard occur in a variety of habitat types as long as there are open areas for basking in the sun and shrubs or other objects for cover. San Joaquin coachwhip occurs in open, dry, treeless areas with little or no cover, including grassland and alkali scrub habitats. Both of these species could occur within the annual grassland or coastal scrub habitats present on-site. These species would inhabit these areas on a year-round basis, being surface active only in the warmer months and underground throughout other times of year. Individuals could be injured or killed by ground-disturbing activities and construction vehicles, and they could fall into trenches and become trapped in excavations. Mitigation Measures BIO-1, BIO-2, and BIO-5 have been identified to require an education and training session for all construction personnel, completion of a preconstruction survey of the site immediately prior to any ground-disturbing activities, and implementation of a no-disturbance buffer if evidence of occupation is observed, including consultation with CDFW if avoidance cannot be established. Upon implementation of these measures, potential impacts to Blainville's coast horned lizard and San Joaquin coachwhip would be less than significant.

Bald Eagle, Golden Eagle, Prairie Falcon, and White-Tailed Kite

The bald eagle, golden eagle, prairie falcon, and white-tailed kite could forage in the Annual Grassland habitat on-site, and potentially could roost or nest in the eucalyptus. The bald eagle is a state Endangered species for nesting and wintering habitats and is a CDFW FPS. The golden eagle is a CDFW FPS and is on the Watch List for nesting and wintering. The prairie falcon is a CDFW WL species for nesting, and the white-tailed kite is a CDFW FPS for nesting. Each of these species has been recorded in eBird at numerous locations near the site and there are records in the CNDDB from the site vicinity. A prairie falcon was observed during the survey on a neighboring property. Bald eagle, golden eagle, prairie falcon, and white-tailed kite are all mobile species that would be expected to use the site periodically for foraging or moving through the site; however, these species would not use the site for breeding or other key life history components. These species would be expected to move away from any temporary disturbance during construction activities and therefore would not be directly affected by proposed grading, trenching, and construction activities. In addition, no tree removal would occur as a result of the project. Therefore, no direct impacts to these species would occur. However, Mitigation Measures BIO-1, BIO-2, and BIO-6 have been identified to require a preconstruction nesting bird survey and implementation of appropriate no-disturbance buffers to reduce potential impacts to these species if nesting on-site. Upon implementation of these measures, impacts to bald eagle, golden eagle, prairie falcon, and white-tailed kite would be less than significant.

Burrowing Owl

The burrowing owl is designated as a CDFW SSC for burrow sites and some wintering sites. It forages in grasslands and nests in burrows constructed by other species (typically ground squirrel) within grassland habitat. Burrowing owls could be present during the winter while migrating through the area. Although no burrowing complexes were observed on-site, potential exists for ground squirrels to move onto the site and thereby construct burrows prior to the start of project activities. Since burrows could be present within the Annual Grassland habitat of the project impact area at some point in time, and a burrowing owl moving through the area could utilize the burrows, individuals could be adversely affected during ground-disturbing activities. Due to the lack of observation of ground squirrels or existing burrows on-site, protocol-level surveys were determined to not be necessary. Mitigation Measures BIO-1, BIO-2, and BIO-7 have been identified to require

pre-disturbance surveys for burrowing owls to ensure this species is not affected by project activities and identifies the appropriate protocol for establishment of non-disturbance buffers if active burrows or other signs of burrowing owls are observed. Upon implementation of these measures, potential impacts to burrowing owls would be less than significant.

California Horned Lark, Ferruginous Hawk, and Other Avian Species Protected under the MBTA

The California horned lark is a CDFW WL species. It occurs in open habitats such as agricultural areas and grassland and could occur in the annual grassland habitat on-site on a regular or transitory basis, and potentially could nest on-site. The ferruginous hawk is a CDFW WL species for wintering sites, and it occurs in the project vicinity during the winter. This species could occur periodically while foraging, and potentially could use the eucalyptus on-site for roosting during the winter. Nesting behavior or active nests of any special-status avian species or other species protected under the MBTA or Fish and Game Code could be affected by project activities. Some species such as the California horned lark nest in grassland or disturbed habitats such as pastures or road edges. Avian species could nest in the eucalyptus present on-site, which is outside of the project impact area, but is in close enough proximity that nesting behavior could be affected. Mitigation Measures BIO-1, BIO-2, and BIO-6 have been identified to require a preconstruction nesting bird survey and implementation of appropriate no-disturbance buffers to reduce potential impacts to these species if nesting on-site. Upon implementation of these measures, potential impacts to California horned lark, ferruginous hawk, and other species protected under the MBTA would be less than significant.

Cooper's Hawk, Great Blue Heron, Loggerhead Shrike, Northern Harrier, Sharp-Shinned Hawk, and Tricolored Blackbird

Cooper's hawk is a CDFW WL species for nesting and prefers dense stands of coast live oak, riparian forest, and mixed coniferous forests near a source of water. The great blue heron does not have a specific listing status but is considered a sensitive species by CDFW for nesting colonies, which are located in forests near bodies of water. The loggerhead shrike is a CDFW SSC for nesting and nests in dense and sometimes thorny trees or shrubs. The northern harrier is a CDFW SSC for nesting and nests on the ground usually in marshes, but occasionally they nest in dry open fields. The sharp-shinned hawk is a CDFW WL species for nesting and dense forest is required for nesting. The tricolored blackbird is a state Threatened species and a CDFW SSC for nesting colonies and nests and roosts colonially in freshwater marshes with dense tules, cattails, or blackberry thickets. The project site does not support suitable nesting habitat for any of these species, due to lack of habitat features and existing levels of human disturbance on the site. These species may use the site for foraging and would move away from temporary disturbance activities on-site during site preparation and construction activities. Therefore, no potentially significant direct or indirect impacts would occur and impacts to theses species would be less than significant.

American Badger

The American badger is a CDFW SSC. This species occurs in a variety of open habitats; prefers grassland, oak savannah, and edges of shrubland; and is associated with friable soils in which they dig burrows. Suitable habitat is present in the annual grassland and coastal scrub habitats on-site. The soils were dry and friable and had numerous burrows from small mammals that could potentially be prey for badgers. No potential dens were observed during the survey, but they may dig a new den each night, especially in summer. Badgers are highly mobile and could move through the study area. The open and undeveloped nature of the surrounding area increases the chance that they could occur

in the vicinity, and the CNDDB contained numerous records from Camp Roberts and along US 101 north and south of the site. Mitigation Measures BIO-1, BIO-2, and BIO-8 through BIO-10 have been identified to require surveys for American badger dens, monitoring of dens to determine whether the den(s) are currently occupied, implementation of appropriate protocol if active dens are observed, installation of escape ramps if badgers fall into open trenches during construction, and limitation on rodenticides to prevent secondary poisoning of badgers through their prey. Upon implementation of these measures, potential impacts to American badger would be less than significant.

Hoary Bat, Pallid Bat, and Townsend's Big-Eared Bat

The hoary bat does not have a specific status but is recorded in the CNDDB and is on the CDFW Special Animals list. The pallid and Townsend's big-eared bats are CDFW SSC. Hoary bat roost sites are in dense foliage of large trees, and maternity roosts are in woodlands and forests with medium to large trees. There is no suitable woodland habitat on-site for this species, but oak woodland habitat is present adjacent to the site on Camp Roberts and in patches on other properties in the surrounding area. They could forage over the site or occur during migration on a transitory basis. Pallid bat maternity and winter roosting sites are cavities or caves in rock features, large trees, or buildings, and these structures must substantially moderate temperature. Day roosts are in caves, crevasses, mines, and occasionally hollow trees or buildings. Night roosts are in more open areas, such as porches or agricultural buildings. Suitable foraging habitat is present on-site, but there is no suitable roosting habitat on-site for pallid bat. Townsend's big-eared bat roost in caves, mines, abandoned buildings and under bridges. The Annual Grassland habitat on-site would be suitable for foraging, although there are no aquatic resources on-site, the property is likely in close enough proximity to the Salinas River that they could occur periodically. No suitable roosting habitat for Townsend's big-eared bat is present on-site. There is no habitat for roosting bats within the disturbance area, and if they were to roost in the eucalyptus, roosting would not be affected. Additionally, foraging behavior of bats is not expected to be affected because construction activities would take place during the day and bats forage at night. They could continue to forage over the site after the cannabis cultivation facility is constructed. Therefore, there would be no direct project effects on hoary bat, pallid bat, or Townsend's big-eared bat and potential impacts would be less than significant.

Salinas Pocket Mouse

The Salinas pocket mouse is a CDFW SSC. This species occurs in grassland, alkali shrubland (*Atriplex* sp., *Ephedra* sp., and *Haplopappus* sp.), and oak savannah communities in the Salinas Valley. Potentially suitable grassland habitat is present on-site, and the dry soils were friable and had numerous rodent-sized burrows. Individuals have been recorded at several locations from Camp Roberts in the 1990s, and there is a historic record from San Miguel, but little is known about the current distribution of this species. Therefore, the Salinas pocket mouse may occur in annual grassland habitat within the project impact area. Construction equipment or activities could injure or kill individuals in work areas, and ground-disturbing activities could remove dens or burrows used by these species. Mitigation Measures BIO-1, BIO-2, and BIO-9 through BIO-11 have been identified to require implementation of escape ramps during construction, a pre-disturbance survey for Salinas pocket mouse burrows, implementation of appropriate avoidance measures if found on-site, and limitation of use of rodenticides on-site. In addition, Mitigation Measure BIO-17 has been identified to require annual pre-activity surveys of outdoor cultivation areas to ensure that Salinas pocket mouse and other special-status small mammals have not colonized the area between cultivation periods.

Upon implementation of these measures, potential impacts to Salinas pocket mouse would be less than significant.

San Joaquin Kit Fox

The SJKF is a federally Endangered and state Threatened species. It occurs in grasslands, sparse shrublands, and some agricultural areas where there is flat terrain. The subject property is located within the southwestern limits of the historic SJKF movement corridor, linking a core SJKF population on the Carrizo Plain with a satellite population in the Salinas and Pajaro River watersheds. No potential dens or SJKF sign were seen during the site surveys, but the soils are friable and could be suitable for dens. The project site is surrounded by contiguous suitable habitat, but sparse residential development does occur in the area. The moderate degree of slope on the site may also decrease the chance that SJKF would use the study area. However, some potential prey was observed and if a population occurs in the vicinity, the chance for transient individuals to occur on-site periodically cannot be ruled out.

Construction of the proposed project would have the potential to cause direct and indirect impacts to SJKF. Direct impacts to SJKF may occur as a result of construction-related activities, including take resulting from burial of kit fox dens in the project disturbance area that may be excavated and occupied prior to initiation of project activities, and potential project-associated vehicle strikes. Indirect impacts may occur to kit foxes potentially occupying the study area beyond the project disturbance area during long-term project activities, including increased light pollution and restriction of movement across the project site. Mitigation Measures BIO-12 through BIO-14 have been identified to require completion of a preconstruction survey for signs of SJKF and implementation of standard measures to avoid and minimize all potential impacts to SJKF during site disturbance and construction activities on-site.

Implementation and operation of the proposed project would have the potential to result in direct impacts to SJKF. Mitigation Measure BIO-15 has been identified to require limited use of herbicides to avoid secondary poisoning of SJKF, modification of permanent fencing to allow for kit fox passage, and location and design of permanent lighting to avoid illumination of habitat areas outside of the cultivation area.

Implementation and operation of the proposed project would also result in conversion of approximately 2.5 acres of suitable SJKF habitat. Due to the project's location within the 4:1 County-designated SJKF habitat mitigation area, implementation of mitigation measures pursuant to the *County Guide to SJKF Mitigation Procedures under the California Environmental Quality Act (CEQA)* would be required. For projects less than 40 acres in size, completion of an SJKF habitat evaluation form may optionally be completed to demonstrate whether the project would qualify for a lower mitigation ratio than what is mapped for the project site, based on site-specific conditions. An SJKF Habitat Evaluation was completed and concluded that, based on site-specific conditions, distance and time passed since proximate SJKF sightings, and other factors, the site should be reduced to a 2:1 mitigation ratio (KMA 2021). The CDFW reviewed the project and the associated Kit Fox Habitat Evaluation and confirmed that the project would impact 2.5 acres of kit fox habitat and all impacts would be required to be mitigated at a ratio of 2 acres conserved for each 1 acre impacted (2:1 mitigation ratio). Therefore, the project would be required to implement compensatory mitigation for 5 acres.

Mitigation for conversion of SJKF habitat must be fulfilled by contribution to the preservation of habitat through a conservation easement agreement, compensation to a predetermined mitigation bank, or

payment of an in-lieu fee to the San Francisco office of The Nature Conservancy, as detailed below under Mitigation Measure BIO-15. Lastly, Mitigation Measure BIO-16 has been identified to require annual pre-activity surveys of outdoor cultivation areas to ensure SJKF and other special-status small mammal species have not colonized the area and Mitigation Measure BIO-18 has been identified to require restoration of the site through removal of all materials and equipment associated with cannabis use upon cessation of cannabis activities on-site. Upon implementation of the mitigation measures detailed below, potential impacts to SJKF would be reduced to less than significant.

Vernal Pool Fairy Shrimp

The property occurs within Unit 29H of designated critical habitat for the vernal pool fairy shrimp, which is listed as Threatened under the FESA. This species completes its life cycle in temporary ponded water in various-sized topographic depressions occurring in grasslands. A review of historical aerial photographs did not find any potential vernal pool habitat or areas of prolonged ponded water on-site that could support this species. On-site soils are well drained and past dry farming further increased site drainage by regular disking, thereby reducing the potential for the site to support seasonally ponded habitat that could support this species. The study area does not provide any topographic depressions or impermeable soil layers that could support ponding water, and none of the primary constituent elements of critical habitat for this species are present on-site. Therefore, no impacts to vernal pool fairy shrimp would occur as a result of the project.

Based on the analysis provided above, project impacts associated with adverse effects on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the USFWS or CDFW, 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?

No drainages with defined channels, ponds, or reservoirs have been mapped or observed on the project property. Based on the field surveys conducted on-site, no basins or low areas on-site could support standing water, and no wetland or riparian habitats were present within the project parcel during the on-site surveys conducted in October 2018 or April 2020. Four plant communities were identified within the study area, including annual grassland, rural/developed, coastal scrub, and eucalyptus trees. No sensitive natural communities were recorded within 5 miles of the study area. Therefore, *no impacts* to riparian habitat or other sensitive natural community 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?

No drainages with defined channels, ponds, or reservoirs have been mapped or observed on the project property. Based on the field surveys conducted on-site, no basins or low areas on-site could support standing water, and no wetland or riparian habitats were present within the project parcel during the on-site surveys conducted in October 2018 or April 2020. Therefore*, no impacts* associated with adverse effects on federally or state-protected wetlands would occur.

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

The proposed project would not affect the movement of native fish because all work will be conducted in upland grassland habitat, greater than 100 feet from surrounding stream channels in the vicinity. No drainages with habitat conditions that could support fish are located near the proposed disturbance area.

The project site is located in an area in which there are ample corridors for terrestrial wildlife movement. The adjacent Camp Roberts military base is a large tract of mostly undeveloped land that is subject to land management plans to support wildlife use. Other properties surrounding the site are large lots with a small fraction of dispersed residential development, creating a mosaic of habitat patches that can be used for wildlife movement. The project will involve 6-foot-tall chain-link fencing around the 2.5-acre outdoor cultivation and ancillary nursery area, which would prevent the movement of medium to large mammals while not affecting movement of invertebrates, birds, bats, amphibians, reptiles, or smaller mammals, such as SJKF. Sign of tule elk was observed on the property and was especially common in the valley area and not as common on the hilltop where the outdoor cultivation area is now proposed.

During project operation, elk would be able to continue to use the preferred valley location and move throughout other areas of the property (KMA 2021). The small footprint of the proposed fenced area is not expected to affect wildlife corridors due to its small size and ample natural or semi-natural habitat areas surrounding the project site. Although the site occurs within the historic movement corridor of the SJKF, the amount of slope on the site makes it unlikely to be used by this species (KMA 2021). With mitigation detailed below to compensate for the loss of potential SJKF habitat corridor land, which will also benefit other wildlife species, potential impacts on wildlife corridors and movement would be less than significant. Mitigation has also been identified to require all permanent fencing to provide frequent openings to allow passage of SJKF through the project area and annual surveying of the cultivation area to ensure no SJKF or other special-status small mammals have colonized the area. Therefore, potential impacts would be *less than significant with mitigation.*

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

The proposed project area supports eucalyptus trees located northeast of the project site within the existing developed area and would not result in the trimming or removal of these trees. The project does not propose the removal or disturbance of any native trees subject to the County Oak Woodland Ordinance.

As described in threshold IV.a, above, the project has the potential to result in direct and indirect impacts to special-status wildlife species designated by the USFWS and CDFW. COSE Goal BR-2 states that "Threatened, rare, endangered, and sensitive species will be protected." With implementation of Mitigation Measures BIO-1 through BIO-18 detailed below, the project would demonstrate consistency with this goal. Therefore, potential impacts associated with conflicting with local policies or ordinances protecting biological resources would be *less than significant with mitigation*.

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

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

Initial Study – Environmental Checklist

Conclusion

Upon implementation of Mitigation Measures BIO-1 through BIO-18 to reduce potential impacts to special-status wildlife and wildlife habitat, potential impacts to biological resources would be less than significant.

Mitigation

BIO-1 **Prior to issuance of grading or construction permits or establishment of the use, whichever occurs first,** the applicant shall provide evidence to the County of San Luis Obispo that they have retained a County of San Luis Obispo-approved qualified biologist. The scope of work shall include preconstruction surveys, training, monitoring, and reporting, as detailed in the mitigation measures listed below.

BIO-2 **Prior to any site disturbance or construction activities associated with the proposed project,** an environmental awareness training shall be presented to all project personnel by a qualified biologist prior to the start of any project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the project's discretionary permits, an overview of the federal Endangered Species Act and California Endangered Species Act, and implications of noncompliance with these regulations, as well as an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the trainees will be kept and provided to the County of San Luis Obispo. If new project personnel join the project after the initial training period, they will receive the environmental awareness training from a designated crew member on-site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

BIO-3 **Prior to any site disturbance and/or construction activities associated with the proposed project,** a habitat assessment evaluating nesting and foraging resources for Crotch bumble bee and the likelihood of Crotch bumble bee occurring within and adjacent to the project area should be completed and the results shall be submitted to the County of San Luis Obispo Planning and Building Department and the California Department of Fish and Wildlife. The assessment shall include historical and current species occurrences as well as proximity to the last known sighting. The habitat shall include data from site visits to observe and document potential habitat, including potential foraging, nesting, and/or overwintering resources, and shall quantify which plant species are in bloom and their percent cover. The foraging resources shall be quantified during the Colony Active Season for Crotch bumble bee (April–August), and the foraging resources recorded shall not be limited to the preferred plant species known to be favored by Crotch bumble bee but shall also include all flowering plants, including non-natives and invasives. Nesting resources to be quantified can include bare ground, rodent burrows, and other potential nesting sites that may support bumble bee colonies.

BIO-4 **Prior to any site disturbance associated with the proposed project between April and August,** Crotch bumble bee detection survey(s) of the project site shall be conducted by a qualified biologist following the *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (California Department of Fish and Wildlife 2023). To

increase the probability of detection, Crotch bumble bee survey efforts shall be conducted during the Colony Active Period (April–August) and when floral resources are present, ideally during peak bloom. Survey results shall be recorded and submitted to the County of San Luis Obispo Planning and Building Department and California Department of Fish and Wildlife prior to initiation of ground-disturbing project activities. The number and type of surveys conducted may vary on a project- and site-specific basis. Survey methodology shall be consistent with the recommendations provided in the *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species*.

Based on the results of the protocol-level surveys, the applicant shall do one of the following:

1. If no Crotch bumble bees are found during the focused surveys but the habitat assessment (detailed in Mitigation Measure BIO-3, above) identified suitable nesting, foraging, or overwintering habitat within the project site, a biological monitor shall be on-site during initial vegetation and ground-disturbing activities that take place between February 1 and October 31. If no Crotch bumble bees are observed during monitoring activities, a monitoring report shall be prepared and submitted to the County of San Luis Obispo Planning and Building Department; or
2. If Crotch bumble bees are observed on-site during any of the focused surveys or monitoring of project activities, the project applicant shall either consult with the County of San Luis Obispo Planning and Building Department and California Department of Fish and Wildlife to develop site-specific measures to avoid take, or consult with the California Department of Fish and Wildlife to obtain an Incidental Take Permit if potential take of Crotch bumble bee cannot be avoided during project activities.

If, prior to site disturbances, the California Fish and Game Commission determines that the conservation status of Crotch bumble bee does not warrant California Endangered Species Act protections or litigation changes the conservation status and the species are removed from the list of candidate species, the applicant will not need to obtain a Section 2081 Incidental Take Permit to disturb the colony(s).

BIO-5 **Prior to initiation of any site preparation/construction activities**, the applicant shall implement the following:

1. A County of San Luis Obispo-approved biologist shall conduct an education and training session for all construction personnel to include, at a minimum, a description of San Joaquin whipsnake and coast horned lizard, the general measures to be implemented to avoid impacts to these species as they relate to the proposed project, the penalties for non-compliance, and the boundaries of the work area within which the project must be accomplished. To ensure that employees and contractors understand their roles and responsibilities, training may have to be conducted in languages other than English.
2. Immediately prior to any ground disturbance or vegetation removal (i.e., the morning of the commencement of disturbance), a County of San Luis Obispo-approved biologist shall conduct a preconstruction survey of the project area. If any evidence of occupation of that portion of the project site by listed or other special-status reptile

species is observed, a buffer shall be established by the qualified biologist that results in sufficient avoidance to comply with applicable regulations. If sufficient avoidance cannot be established, the applicant shall coordinate with the U.S. Fish and Wildlife Service and/or California Department of Fish and Wildlife for further guidance to avoid/minimize potential impacts. Copies of the preconstruction survey and results, as well as all permits and evidence of compliance with applicable regulations, shall be submitted to the County of San Luis Obispo Planning and Building Department.

BIO-6 **Prior to initiation of any site preparation/construction activities,** if work is planned to occur between February 1 and September 15, a County of San Luis Obispo-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, as detailed below.

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

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).

If 2 weeks lapse between different phases of project activities (e.g., vegetation trimming, the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

BIO-7 **Prior to initiation of any site preparation/construction activities,** if work is planned to occur within 150 meters (approximately 492 feet) of burrowing owl habitat, the following measures shall be implemented by the project applicant:

1. A qualified biologist shall conduct a preconstruction survey for the species within 14 days prior to initial project activities. This applies year-round (i.e., within the breeding (February 1–August 31) or non-breeding (September 1–January 31) seasons. Habitat for burrowing owl includes areas with generally short, sparse vegetation and few

shrubs; level to gentle topography and well-drained soils, including grasslands; shrub steppe; desert; some agricultural areas; ruderal grassy fields; vacant lots; and pastures.

2. A second survey shall be completed immediately prior to initial project activities (i.e., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the California Department of Fish and Wildlife 2012 *Staff Report on Burrowing Owl Mitigation*, which specifies that 7- to 20-meter transects shall be walked, such that the entire project area is visible. These surveys may be completed concurrently with San Joaquin kit fox, American badger, or other special-status species surveys.

3. If occupied burrowing owl burrows are identified, the following exclusion zones shall be observed during project activities, unless otherwise authorized by the California Department of Fish and Wildlife:

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 15–October 15	656 feet	656 feet	1,640 feet
Any Occupied Burrow	October 16–March 31	164 feet	328 feet	1,640 feet

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

4. If 2 weeks lapse between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the burrowing owl survey shall be repeated.

5. The County of San Luis Obispo-approved qualified biologist shall submit a report to the County of San Luis Obispo within 14 days of completing initial surveys and every 14 days thereafter until grading activity is complete, documenting project compliance with the Migratory Bird Treaty Act, California Fish and Game Code, and applicable project mitigation measures.

BIO-8 **Prior to and during any site disturbance and/or construction activities associated with the proposed project,** a qualified biologist shall complete a preconstruction 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 of San Luis Obispo prior to initial project activities.

1. If a potential den is discovered, the den will be monitored for 3 consecutive nights with an infrared, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger.

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

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

BIO-9 **During all trenching and excavation activities,** escape ramps in all excavations and trenches that are left open overnight shall be utilized and daily pre-activity surveys of these sites shall be conducted. During the period that any excavations are to be left open overnight, an escape ramp shall be created by leaving a 2:1 or softer slope in one of the ends to allow animals the ability to get out of the trench if they fall in. If an escape ramp cannot be used, then a qualified biologist shall inspect open trenches each day prior to the start of work. If any wildlife or special-status animal species are found, they shall be captured and relocated out of harm's way. All appropriate authorizations shall be obtained from the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife to handle any federally or state-listed species from the project site and relocate to suitable habitat away from project activities. Work shall be halted in the specific area until the entrapped animal has been relocated.

BIO-10 **During all construction activities and for the life of the project**, the use of rodenticides shall be limited. Any rodenticides used during operation of the cultivation facility shall be limited in the amount and restricted to areas within the fenced cultivation area and secured Seatrain container to minimize secondary poisoning of American badger prey and Salinas pocket mouse. Non-poison methods shall be employed where feasible, such as traps or pellets that are not toxic to predators (such as RatX or MouseX).

BIO-11 **Prior to issuance of grading permits or initiation of site disturbance activities, whichever occurs first,** a County of San Luis Obispo-qualified biologist shall conduct a preconstruction survey for special-status small mammal species, including, but not limited to, Salinas pocket mouse no earlier than 7 days prior to the start of vegetation removal or grading. The qualified biologist shall survey all temporary and permanent impact areas for special-status wildlife species, using techniques recommended by the California Department of Fish and Wildlife for Salinas pocket mouse and other species with potential to occur on-site. The preconstruction survey shall be repeated for any separate phases of the project initiated at different times, such as tree planting for visual screening in the Coastal Scrub habitat. Construction activities can begin once it has been determined that there are no special-status

wildlife species within impact areas. If any special-status wildlife species are found within the impact area or would otherwise be at risk during construction, work activities shall be delayed in that particular area and the animal allowed to leave the work zone on its own volition. The biologist shall monitor the area to determine when individuals of special-status species have left and work can commence.

If construction is scheduled to begin during the winter months (late-October–March) when several of the special-status species with potential to occur are not active and therefore would not be detectable during visual surveys, an additional wildlife survey shall be conducted during the summer or early-fall prior to construction to determine whether the species inhabit the site and what areas are occupied. Depending on the outcome of the surveys, project impact areas may be adjusted to avoid areas with special-status wildlife species, such as in the case of nest sites of the Crotch bumble bee or high abundance of rodent burrows.

BIO-12 **Prior to issuance of grading permits or initiation of site disturbance activities, whichever occurs first,** all San Joaquin kit fox protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.

BIO-13 **Prior to issuance of grading permits or initiation of site disturbance activities, whichever occurs first,** a qualified biologist shall complete a preconstruction survey for San Joaquin kit fox no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure San Joaquin kit fox is not present within all proposed work areas and at least a 200-foot buffer around work areas per U.S. Fish and Wildlife Service Standard Recommendations (2011). The biologist will survey for sign of San Joaquin kit fox and known or potential San Joaquin kit fox dens. The result of the survey shall be submitted to the County of San Luis Obispo 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 San Joaquin kit fox sign and/or known or potential San Joaquin kit fox dens, if present. If no San Joaquin kit fox sign or potential or known San Joaquin kit fox dens are identified, then the San Joaquin Kit Fox Standard Protection Avoidance and Protection Measure shall be applied.

1. If the qualified biologist identifies potential San Joaquin kit fox 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 San Joaquin kit fox. If no San Joaquin kit fox activity is observed during the 3 consecutive nights of camera placement, then project work can begin with the Standard San Joaquin Kit Fox Avoidance and Protection Measures and the San Joaquin Kit Fox Protection Measures if San Joaquin kit fox are observed.
2. If a known den is identified within 200 feet of any proposed project work areas, no work may start in that area.

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

BIO-14 **During all site disturbance and construction activities on-site,** the following measures shall be implemented and included as a note on all project plans:

1. If a San Joaquin kit fox is discovered at any time to be occupying an area within the project boundaries, all work must stop. The County of San Luis Obispo shall be notified, and they will consult with other agencies as needed.
2. A maximum 25-mile-per-hour speed limit shall be required at the project site during construction activities. Speed limit signs shall be installed on the project site prior to start of all work;
3. All construction activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes;
4. To prevent entrapment of San Joaquin kit fox and other special-status wildlife, all excavations, steep-walled holes or trenches greater than 2 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 San Joaquin kit fox or other special-status species and immediately prior to being covered or filled. If a San Joaquin kit fox is entrapped, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and the County of San Luis Obispo will be contacted immediately to document the incident and advise on removal of the entrapped San Joaquin kit fox.
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 San Joaquin kit fox 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 San Joaquin kit fox present within or under the material. A 50-foot exclusion buffer will be established around the location of the San Joaquin kit fox until it leaves. The San Joaquin kit fox 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 San Joaquin kit fox from being drawn to the project area to drink water.
9. Trash shall be disposed of into containers rather than stockpiling on-site prior to removal.
10. Materials or other stockpiles shall be managed in a manner that will prevent San Joaquin kit fox from inhabiting them. Any materials or stockpiles that may have had

San Joaquin kit fox take up residence shall be surveyed (consistent with preconstruction survey requirements) by a qualified biologist before they are moved.

11. The use of pesticides or herbicides shall be in compliance with all federal, state, and local regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which San Joaquin kit fox depend.
12. Permanent fences shall allow for SJFK passage through or underneath by providing frequent openings (8 × 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 San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County of San Luis Obispo. In the event that any observations are made of injured or dead San Joaquin kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and County of San Luis Obispo 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.
14. If potential San Joaquin kit fox dens are identified on-site during the preconstruction survey, a qualified biologist shall be on-site immediately prior to the initiation of project activities to inspect the site and dens for San Joaquin kit fox activity. If a potential den appears to be active or there is sign of San Joaquin kit fox activity on-site and within the above-recommended buffers, no work can begin.

BIO-15 **For the life of the project,** the following measures shall be implemented to reduce potential impacts to San Joaquin kit fox:

1. The use of pesticides or herbicides shall be in compliance with all federal, state, and local regulations so as to avoid primary or secondary poisoning of Endangered species utilizing adjacent habitats and the depletion of prey upon which San Joaquin kit fox depend;
2. Permanent fences shall allow for San Joaquin kit fox passage through or underneath (i.e., an approximate 4-inch passage gap shall remain at ground level); and,
3. To minimize the effects of future exterior lighting on special-status wildlife species, the applicant shall submit a Light Pollution Prevent Plan to the County of San Luis Obispo Planning and Building Department for approval that incorporates the following measures to reduce potential impacts to wildlife related to night lighting:
    a. All outdoor lighting fixtures shall be motion activated, positioned and/or directed downward and to the interior of the site to avoid the light source from being visible off-site, and of the lowest lumen necessary to address security issues; and
    b. Exterior path lighting shall conform to Land Use Ordinance Section 22.10.060, be designed to be motion activated, and be directed downward and to the

interior of the site to avoid the light source from being visible off-site. Exterior path lighting shall be "warm-white" or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions.

4. In the event that any observations are made of injured or dead San Joaquin kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and County of San Luis Obispo 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.

BIO-16 **Prior to issuance of grading permits and/or initiation of site disturbance activities, whichever occurs first,** the applicant shall submit evidence to the California Department of Fish and Wildlife and County of San Luis Obispo that one or a combination of the following three mitigation measures for loss of San Joaquin kit fox habitat has been implemented:

1. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 5 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 California Department of Fish and Wildlife and County of San Luis Obispo.

   This mitigation alternative requires that all aspects of this program be in place before County of San Luis Obispo permit issuance or initiation of any ground-disturbing activities.

2. 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.

   This mitigation alternative can be completed by providing funds to The Nature Conservancy pursuant to the Voluntary Fee-Based Compensatory Mitigation Program. The program was established in agreement between the California Department of Fish and Wildlife and The Nature Conservancy to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act. 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 the California Department of Fish and Wildlife provides written notification about mitigation options but prior to County of San Luis Obispo permit issuance and initiation of any ground disturbing activities. The fee, payable to "The Nature Conservancy," would total $12,500 based on $2,500 per acre (2.5 acres impacted × 2:1 mitigation ratio × $2,500 per acre).

3. Purchase 5.0 [2.5 acres × 2:1 mitigation ratio] credits in a California Department of Fish and Wildlife-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.

This mitigation alternative can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total 2.5 acres impacted × 2:1 mitigation ratio × $2,500 per acre. This fee is calculated based on the current cost-per-credit of $2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County of San Luis Obispo permit issuance and initiation of any ground-disturbing activities.

BIO-17 **For the life of the project,** the permit applicant or project proponent must hire a qualified biologist to complete an annual pre-activity survey for San Joaquin kit fox and special-status small mammal species (e.g., Salinas pocket mouse) no more than 14 days prior to the start of initial ground disturbance associated with the outdoor grow sites to ensure San Joaquin kit fox 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 San Joaquin kit fox and special-status mammal burrows within the grow site areas plus a 50-foot buffer for small mammals and 200-foot buffer for San Joaquin kit fox. All potentially active burrows will be mapped and flagged for avoidance. If avoidance of the burrows is not feasible, the County of San Luis Obispo shall be contacted for further guidance. The County of San Luis Obispo will contact the appropriate resource agencies. If a San Joaquin kit fox den is found within 200 feet of the disturbance area, then the County of San Luis Obispo must be contacted for further guidance. The County of San Luis Obispo will contact the appropriate resource agencies.

BIO-18 **At the end of the life of the project,** upon revocation of a use permit or abandonment of a licensed cultivation or nursery site, the permittee and/or property owner shall remove all materials, equipment, and improvements on the site that were devoted to cannabis use, including, but not limited to, concrete foundation and slabs; bags, pots, or other containers; tools; fertilizers; pesticides; fuels; hoop house frames and coverings; irrigation pipes; water bladders or tanks; pond liners; electrical lighting fixtures; wiring and related equipment; fencing; cannabis or cannabis waste products; imported soils or soils amendments not incorporated into native soil; generators; pumps; or structures not adaptable to non-cannabis permitted use of the site.

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

Initial Study – Environmental Checklist

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. Health and Safety Code Section 7050.5 and Inland 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.

During the Mission Period, the project parcel was likely used to graze herds of cattle, many of which were associated with Mission San Miguel (Cultural Resources Services 2018). During the Mexican and Early

American Periods, the area remained sparsely populated and undeveloped. Roads, neighboring schools, and post offices within the San Miguel region are indicative of the earliest period of American settlers in the area. By the 1920s, the general vicinity likely supported almond orchards; however, no indications of historic period uses were observed during the surface survey of the project site (Cultural Resources Services 2018).

Discussion

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

No historic cultural material or indications of historic activity on the parcel were observed during the field surveys conducted for the project (Cultural Resources Services 2018). The project site does not contain a site under the Historic Site (H) combining designation and would not result any physical impacts or removal of the existing residence or other structural components located on-site. Therefore, the project would not result in an 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?

A Phase I Archaeological Study was prepared for the project (Cultural Resources Services 2018) and included a surface survey and a records search of the Central Coast Information Center (CCIC) of the California Archaeological Inventory. Based on the records search, no previous archaeological studies have occurred on the project parcel and two archaeological studies have taken place within 0.25 mile of the project parcel. These two studies were conducted on the adjacent Camp Roberts property and both yielded positive results for historic resources and one identified positive results for prehistoric cultural resources. An intensive archaeological pedestrian surface survey of the project site was conducted in September and November 2018. No prehistoric or historic cultural materials or indications of prehistoric or historic activity were observed. Based on the results of the records search and surface survey, the project site has low potential for containing archaeological or cultural resources.

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

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

Based on existing conditions and results of the archaeological surface survey conducted on-site, buried human remains are not expected to be present in the site area. In the event of an accidental discovery or recognition of any human remains, Health and Safety Code Section 7050.5 and Inland LUO Section 22.10.040 (Archaeological Resources) require that no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. With adherence to Health and Safety Code Section 7050.5 and the Inland LUO,

impacts related to the unanticipated disturbance of archaeological resources and human remains would be reduced to less than significant; therefore, potential impacts would be *less than significant.*

Conclusion

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

Mitigation

None necessary.

VI. ENERGY

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

Setting

Local Utilities

The Pacific Gas and Electric Company (PG&E) is the primary electricity provider for urban and rural communities within San Luis Obispo County. The 2021 PG&E electric power mix consists of 50% renewable energy sources and 43% greenhouse gas (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.

Initial Study – Environmental Checklist

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

Local Energy Plans and Policies

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

In 2010 the EWP established a goal to reduce community-wide greenhouse gas 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 the *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;
- By 2050, reduce GHG emissions to 80% below 1990 levels.

State Building Code Requirements

The California Building Code (CBC) contains standards that regulate the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building or other improvement to real property. The CBC includes mandatory green building standards for residential and nonresidential structures, the most recent version of which are referred to as the *2022 Building Energy Efficiency Standards*. These standards focus on four key areas: smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from the interior to the exterior and vice versa), residential and nonresidential ventilation requirements, and nonresidential lighting requirements. While the CBC has strict energy and green building standards, U-occupancy structures (such as greenhouses used for cultivation activities) are typically not regulated by these standards.

Vehicle Fuel Economy Standards

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

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

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

As part California's overall approach to reducing pollution from all vehicles, the CARB has established standards for clean gasoline and diesel fuels and fuel economies of new vehicles. The 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 2017–2025. 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 2022).

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. As of January 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 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 *2022 Building Energy Efficiency Standards*, and therefore do not typically result in wasteful or inefficient energy use. Activities and processes related to commercial cannabis do not typically require the demand for natural gas supplies, and it is assumed that such activities would represent a nominal portion of the county's total annual natural gas demand (County of Santa Barbara 2017).

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

Discussion

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

During construction, fossil fuels, electricity, and natural gas would be used by construction vehicles and equipment. The energy consumed during construction would be temporary in nature and would be typical of other similar construction activities in the county. Federal and state regulations in place require fuel-efficient equipment and vehicles and prohibit wasteful activities, such as diesel idling. Construction contractors, in an effort to ensure cost efficiency, would not be expected to engage in wasteful or unnecessary energy and fuel practices. Energy consumption during construction would not conflict with a state or local plan for renewable energy and would not be wasteful, unnecessary, or inefficient, and therefore would be less than significant.

The project proposes 2 acres of outdoor cannabis cultivation and outdoor ancillary nursery, as well as ancillary transport of cannabis products grown on-site. Project energy use would include use of diesel fuel for land preparation that would occur as needed, fuel for employee transportation, and electricity to power the proposed security system including the security gate, motion-sensor lighting, cameras, and well pump serving the project. Electricity use would be provided by PG&E, which is derived from

25% renewable sources, 45% nuclear energy sources, 28% large hydrological sources, and 2% natural gas (PG&E 2021). Harvest and transport of cannabis grown on-site would occur up to twice a year. Based on the limited amount of operational energy necessary for the project and source of electricity, potential impacts associated with wasteful, inefficient, or unnecessary consumption of energy resources would be *less than significant*.

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

As described above, current federal and state regulations require fuel-efficient equipment and vehicles and prohibit wasteful activities, such as diesel idling. The project construction period would last approximately 10 days and the project would have a minimal operational energy demand associated with necessary vehicle trips, site preparation, and security equipment. Energy consumption of the project would not conflict with a state or local plan for renewable energy or energy efficiency; therefore, potential impacts would be *less than significant*.

Conclusion

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

Mitigation

None necessary.

VII. GEOLOGY AND SOILS

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

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		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(iii)	Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
(iv)	Landslides?	☐	☐	☒	☐
(b)	Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
(c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
(d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
(e)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
(f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

Setting

The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) is a California state law that was established 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 mapped potentially active fault lines to the project site include the San Marcos Fault approximately 3.5 miles to the southwest and the San Antonio Fault approximately 4 miles to the southwest. The San Andreas Fault line is located approximately 21 miles east of the project site.

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 Inland 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 Inland 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 moderate landslide risk potential and low liquefaction potential.

Shrink/swell potential is the extent to which the soil shrinks as it dries out or swells when it gets wet. Extent of shrinking and swelling is influenced by the amount and kind of clay in the soil. Shrinking and swelling of soils can cause damage to building foundations, roads, and other structures. A high shrink/swell potential indicates a hazard to maintenance of structures built in, on, or with material having this rating. Moderate and low ratings lessen the hazard accordingly. Based on the NRCS Web Soil Survey, the project is in an area with soils with a low potential for shrink swell (NRCS 2023).

The project site is underlain by Pleistocene-age pebble, gravel, sand and clay of the Paso Robles Formation (Dibblee 2004). This type of underlying geologic material is considered to have high paleontological sensitivity (SWCA Environmental Consultants [SWCA] 2019). The COSE identifies a policy for the protection of paleontological resources from the effects of development by avoiding disturbance where feasible. Where substantial subsurface disturbance is proposed in paleontologically sensitive units, Implementation Strategy CR 4.5.1 (Paleontological Studies) requires a paleontological resource assessment and mitigation plan be prepared to identify the extent and potential significance of resources that may exist within the proposed development and provide mitigation measures to reduce potential impacts to paleontological resources.

Discussion

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

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

The project site is not located within an Alquist-Priolo Fault Hazard Zone, and there are no mapped active faults crossing or adjacent to the site (County of San Luis Obispo 2023; CDOC 2015). The nearest mapped potentially active fault lines to the project site include the San Marcos Fault approximately 3.5 miles to the southwest and the San Antonio Fault approximately 4 miles to the southwest. The San Andreas Fault line is located approximately 21 miles east of the project site. Therefore, *no impacts would occur* related to rupture of known fault zones.

(a-ii) Strong seismic ground shaking?

The project site is located within a seismically active region. The nearest mapped potentially active fault lines to the project site include the San Marcos Fault approximately 3.5 miles to the southwest and the San Antonio Fault approximately 4 miles to the southwest. The San Andreas Fault line is located approximately 21 miles east of the project site. The project would include the option to install

2 acres of outdoor cannabis cultivation within hoop structures no more than 12 feet in height and 0.5 acre of outdoor nursery cultivation in hoop structures. Other structural components include fencing, a security gate, a 12-foot-tall Seatrain container, and irrigation water tanks. The project site may be subject to strong seismic ground shaking within the lifetime of the proposed components; however, no new structures for habitation or other structures that could result in a significant safety risk (e.g., bridges, etc.) are proposed. Therefore, potential impacts associated with substantial adverse effects involving strong seismic ground shaking would be *less than significant*.

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

As described above, the project is located in a seismically active region but is not traversed or located adjacent to any known fault lines. The project is located in an area with low liquefaction potential (County of San Luis Obispo 2023). The project does not propose habitable structures that have the potential to put people at risk of loss, injury, or death in the event of seismic-related ground failure; therefore, impacts would be *less than significant*.

(a-iv) Landslides?

According to the Safety Element, the project site is located within a region with moderate potential for landslides. Landslides typically occur in areas with steep slopes. The project would not result in deep cuts into existing slopes, substantial changes to the existing topography of the project site, or otherwise exacerbate the potential for landslides to occur on- or off-site. In addition, the project does not propose habitable structures that would put people at risk in the event of a landslide. Therefore, potential impacts associated with landslides would be *less than significant*.

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

The project would result in approximately 3.66 acres of site disturbance, including 350 cubic yards of earthwork, to be balanced on-site. Based on information provided by the NRCS Soil Survey of San Luis Obispo County, Paso Robles Area, both soils underlying the project site have a high potential for erosion. According to the Inland LUO (Section 22.52.130), projects that disturb more than 1 acre of soil or that may result in substantial degradation of water quality are required to prepare a Stormwater Pollution Prevention Plan (SWPPP) with best management practices (BMPs) in accordance with the National Pollution Discharge Elimination System (NPDES). In addition, preparation and approval of an Erosion and Sedimentation Control Plan is required by the County for all construction and grading projects (Inland LUO Section 22.52.120) to minimize potential impacts related to erosion, sedimentation, and siltation. The plan would be prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Therefore, potential impacts associated with substantial soil erosion or loss of topsoil 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?

The project site is not located within or adjacent to a known fault zone. According to the Safety Element, the project site is located within a region with low potential for liquefaction and, according to the U.S. Geological Survey (USGS) Areas of Land Subsidence in California map, the project site is not located within an area of known subsidence. The project would not result in deep cuts into existing slopes, substantial changes to the existing topography of the project site, or otherwise exacerbate the

potential for landslides, subsidence, liquefaction, or other geologic hazards to occur on- or off-site. Therefore, impacts would *be less than significant*.

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

Based on the Soil Survey of San Luis Obispo County and Web Soil Survey, the project site is underlain by the Nacimiento-Los Osos complex, 30 to 50 percent slopes. This soil has low shrink-swell capacity and the project does not propose construction of any habitable structures that could create substantial risks to life or property if not constructed to accommodate for expansive soils. Therefore, potential impacts would be *less than significant*.

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

Project employees would utilize a portable restroom facility to be located on-site. No septic systems or other wastewater treatment systems are proposed. Therefore, *no impacts would occur* associated with soils incapable of adequately supporting the use of wastewater disposal systems.

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

No known paleontological resources are known to exist in the project area and the project site does not contain any unique geologic features. The project site is underlain by the Paso Robles formation, which is considered to have high paleontological sensitivity (SWCA 2019). However, the project's proposed trenching activities would result in a maximum depth of 2 feet (24 inches), and the soil unit underlying the proposed development site has an average of 28 inches of topsoil before reaching weathered bedrock (NRCS 2023). During operation, disking of the project site would result in the disturbance of the top 6 inches of soil on-site. Therefore, proposed activities would not disturb potential paleontological resources that may occur in the underlying geologic layer and potential impacts would be *less than significant*.

Conclusion

The project site would not have the potential to result in substantial adverse effects due to seismic activity or land instability. Cut and fill activity is proposed for construction activities and would be required to follow state and County regulations for sedimentation and erosion control. Potential impacts associated with geology and soils would be less than significant.

Mitigation

None necessary.

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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). Carbon dioxide (CO_2) is the most abundant GHG and is estimated to represent approximately 80–90% of the principal GHGs that are currently affecting the earth's climate. According to the CARB, transportation (vehicle exhaust) and electricity generation are the main sources of GHGs in the state.

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.

State Regulatory Setting

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

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

- Reduce GHG emissions to 1990 levels by 2020;
- Reduce GHG emissions to 40% below 1990 levels by 2030; and

- Reduce GHG emissions to 80% below 1990 levels by 2050.

AB 1279 (the California Climate Crisis Act) was signed into law in September 2022 and established the revised GHG reduction goals, including the following (California Legislative Information 2022):

- Achieve net zero GHG emissions as soon as possible, but no later than 2045;
- Maintain net negative GHG emissions thereafter (following 2045); and
- Reduce statewide anthropogenic GHG to at least 85% below 1990 levels by 2045.

The initial Scoping Plan was first approved by the 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 *2022 Scoping Plan for Achieving Carbon Neutrality* (2022 Scoping Plan), which was finalized and adopted in December 2022. The 2022 Scoping Plan lays out the strategies for achieving carbon neutrality and reduce anthropogenic (i.e., human-caused) GHG emissions by 85% below 1990 levels no later than 2045, as directed by AB 1279 (CARB 2023).

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:

As of January 1, 2023, all indoor, tier 2 mixed-light license types of all sizes, and nurseries using indoor or tier 2 mixed-light techniques, are required to 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.

Regional Regulatory Setting

As a Commenting Agency under CEQA, the SLOAPCD has developed the *CEQA Air Quality Handbook* to assist lead agencies, planning consultants, and project proponents in assessing the potential air quality and GHG impacts from residential, commercial, and industrial development. The SLOAPCD recently developed and published the 2023 Administrative Update Version of the CEQA Air Quality Handbook, which included updated thresholds of significance for GHG emissions. These thresholds have been established through the year 2045, the last year specified in AB 1279 and the CARB 2022 Scoping Plan Update for California to achieve its net zero GHG emissions target (SLOAPCD 2023).

Discussion

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

During construction, fossil fuels and natural gas would be used by construction vehicles and equipment. Federal and state regulations in place require fuel-efficient equipment and vehicles and prohibit wasteful activities, such as diesel idling. The proposed construction period is anticipated to be 10 days long and would result in limited emissions. Construction activity would adhere to federal and state regulations regarding release of emissions, and impacts would be *less than significant*.

Operational GHG emissions would primarily come from equipment used during land preparation that would occur as needed and vehicle emissions associated with employee transportation and transport of goods and materials on- and off-site. The project proposes to use PG&E for operational energy demands. The 2021 PG&E electric power mix consists of 50% renewable energy sources and 43% GHG-free energy sources (PG&E 2021). Disking for land preparation would occur on an as-needed basis and would require limited diesel fuel. Lighting mounted on the outside of the proposed fencing would be motion sensor activated to avoid wasteful use of electricity. In addition, the security gate located on the access driveway would require a minimal amount of electricity.

Employee vehicle and delivery trips to and from the project site would be the predominant source of GHG emissions during project operation. The project would employ up to three full-time regular employees during the cultivation season, and up to 10 additional temporary employees during the harvest season(s). The *Technical Advisory on Evaluating Transportation Impacts in CEQA* (Technical Advisory) (California Governor's Office of Planning and Research [OPR] 2018) identifies a suggested screening threshold of 110 trips per day to determine potentially significant impacts based on VMT. Based on County Public Works Department standard trip generation rates for cannabis activities,[1] the project would generate approximately 24 ADT based on the acreage of the proposed activities and number of seasonal employees. Because the project would not significantly increase VMT to and from the project site, employee trips are not expected to generate a significant amount of GHG emissions. Therefore, potential impacts associated with generation of GHG emissions during construction and/or operation would be *less than significant*.

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

Project consistency with applicable GHG reduction plans and policies is discussed below.

<u>San Luis Obispo County 2023 Regional Transportation Plan and Sustainable Communities Strategy</u>

San Luis Obispo County's *2023 Regional Transportation Plan* (RTP) was adopted by the San Luis Obispo Council of Governments (SLOCOG) on June 7, 2023 (SLOCOG 2023). The 2023 RTP is the San Luis Obispo region's long-term blueprint for a transportation system that enhances quality of life and meets the mobility needs of the region's residents and visitors, now and in the future. This blueprint offers the region's communities a mix of mobility options for people and goods and makes a strong commitment to creating a more sustainable transportation system that maximizes choice, holistically addresses transportation issues, and is both visionary and attainable. SB 375 (2008) dramatically shifted the context and framework for RTP development, placing new emphasis on performance and outcomes and presenting significant opportunities to create healthier, more equitable communities and regions. The 2023 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) is an integrated plan for transportation, land use, and housing that must meet feasible GHG reduction targets for cars and light trucks set by the CARB. 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.

The project consists of a commercial enterprise located in a predominantly agricultural area. As discussed in Section III, Air Quality, the project does not include development of retail or commercial uses that would be open to the public; therefore, land use planning strategies, such as mixed-use

[1] Refer to Table 2 in Section XVII, Transportation, for trip generation rate calculations.

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 three full-time regular employees and 10 seasonal employees. The project would likely draw from the local labor pool and would not require a significant number of employees and therefore would not significantly affect the local area's jobs/housing balance. Therefore, the project would not conflict with the RTP/SCS.

California Air Resources Board 2022 Climate Change Scoping Plan

The 2022 Scoping Plan identifies a feasible path to achieve carbon neutrality by 2045, or earlier, while also assessing the progress the state is making toward reducing its GHG emissions by at least 40% below 1990 levels by 2030, as called for in SB 32 and laid out in the 2017 Scoping Plan. Specifically, this plan:

- Identifies a path to keep California on track to meet its SB 32 GHG reduction target of at least 40% below 1990 emissions by 2030.
- Identifies a technologically feasible, cost-effective path to achieve carbon neutrality by 2045 or earlier.
- Focuses on strategies for reducing California's dependency on petroleum to provide consumers with clean energy options that address climate change, improve air quality, and support economic growth and clean sector jobs.
- Integrates equity and protecting California's most impacted communities as a driving principle throughout the document.
- Incorporates the contribution of natural and working lands to the state's GHG emissions, as well as its role in achieving carbon neutrality.
- Relies on the most up to date science, including the need to deploy all viable tools to address the existential threat that climate change presents, including carbon capture and sequestration as well as direct air capture.
- Evaluates multiple options for achieving our GHG and carbon neutrality targets, as well as the public health benefits and economic impacts associated with each.

The strategies described in the 2022 Scoping Plan are programmatic and intended to be implemented state-wide and industry-wide. They are therefore not applicable at the level of an individual project. However, as discussed in Section XVII, Transportation, the project is not expected to generate a significant increase in construction-related or operational traffic trips or VMT, which is consistent with Scoping Plan strategies for reducing VMT.

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

Conclusion

The project would not generate significant GHG emissions above existing levels and would not exceed any applicable GHG thresholds, contribute considerably to cumulatively significant GHG emissions, or conflict with plans adopted to reduce GHG emissions. Therefore, potential impacts related to GHG emissions would be less than significant and no mitigation measures are necessary.

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Mitigation

None necessary.

IX. HAZARDS AND HAZARDOUS MATERIALS

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

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		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

Setting

The Hazardous Waste and Substances Site List (Cortese List), which is a list of hazardous materials sites compiled pursuant to California Government Code (CGC) Section 65962.5, is a planning document used by the state, local agencies, and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. The project would not be in an area of known hazardous material contamination and is not on a site listed on the Cortese List (SWRCB 2023; California Department of Toxic Substance Control [DTSC] 2023). Based on the SLOAPCD NOA screening map, the project is not located in an area with potential for soils containing NOA.

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

The California Health and Safety Code provides regulations pertaining to the abatement of fire-related hazards and requires that local jurisdictions enforce the CBC, which provides standards for fire-resistive building and roofing materials and other fire-related construction methods. The Safety Element provides a Fire Hazard Zones Map that indicates unincorporated areas in the county within moderate, high, and very high Fire Hazard Severity Zones (FHSZs). The project would be located within the State Responsibility Area in a high FHSZ. Based on the County Land Use View web tool, it would take approximately 15 to 20 minutes for local authorities to respond to a call regarding fire or life safety. For more information about fire-related hazards and risk assessment, see Section XX, Wildfire.

Discussion

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

The project proposes the use of pesticides and fertilizers that are non-hazardous and in compliance with the California Department of Pesticide Regulation (DPR) and the County Agricultural Commissioner (CAC). Pest management and nutrient products would be stored within the proposed Seatrain container in containers of 20 gallons or less. Project solid waste would include waste from cannabis cultivation and ancillary services that may use cleaning solutions or non-volatile chemicals. Cannabis plant waste would be disposed of in accordance with CDFA regulations. Commonly used hazardous materials (e.g., cleaners, solvents, oils, paints, etc.) would be transported, stored, and used according to regulatory requirements and existing procedures for the handling of hazardous materials. Therefore, potential impacts associated with the routine transport, use, or disposal of hazardous materials would be *less than significant.*

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

Construction of the proposed project is anticipated to require use of limited quantities of hazardous substances, including gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws for the handling of hazardous materials, including response and clean-up requirements for any minor spills. Therefore, 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 Lillian Larsen Elementary School, located approximately 2.3 miles northeast of the project site. The project site is not located within 0.25 mile of an existing or proposed school; therefore, *no impacts would occur.*

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

Based on a search of the DTSC EnviroStor database, the SWRCB Geotracker database, and the California Environmental Protection Agency (CalEPA) Cortese List website, there are no hazardous waste cleanup sites within the project site (DTSC 2023; SWRCB 2023) and there are no mapped oil or gas wells in the area (California Geologic Energy Management Division 2019). The nearest Cortese List site is located approximately 2 miles northeast of the project site. The proposed project site is not listed on or located near a site listed on the Cortese List, therefore, *no impacts would occur.*

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

The project would not be located within an Airport Review Area and there are no active public or private landing strips within 2 miles of the project site; therefore, *no impacts would occur.*

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

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

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

The project is located within the High FHSZ and is located on a parcel with limited access. The project is located in a sparsely developed area with large areas of open grassland, scattered woodlands, and other vegetation. Based on the County Land Use View web tool, it would take approximately 15 to 20 minutes for local authorities to respond to a call regarding fire or life safety.

The project has been reviewed by the California Department of Forestry and Fire Protection (CAL FIRE)/County Fire Department and would be designed to comply with all fire safety rules and regulations, including the California Fire Code and PRC, which includes improvements to the existing

access road/driveway to accommodate emergency vehicle access and provision of a Knox Key entry system, as detailed in the referral response letter prepared for the project (CAL FIRE/County Fire Department 2021). The project does not include any proposed structures for human habitation, and all combustible fuels proposed to be used on-site would be required to be stored, used, and transported according to applicable state and local regulations. The project would not include any components or activities that would expose people or structures to a significant risk of loss, injury, or death involving wildland fires; therefore, 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

None 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;	☐	☐	☒	☐

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		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(iii)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
(iv)	Impede or redirect flood flows?	☐	☐	☐	☒
(d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
(e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☒	☐	☐

Setting

The RWQCB *Water Quality Control Plan for the Central Coast Basin* (Basin Plan; RWQCB 2019) describes how the quality of surface water and groundwater in the Central Coast Region should be managed to provide the highest water quality reasonably possible. The Basin Plan outlines the beneficial uses of streams, lakes, and other water bodies for humans and other life. There are 24 categories of beneficial uses, including, but not limited to, municipal water supply, water contact recreation, non-water contact recreation, and cold freshwater habitat. Water quality objectives are then established to protect the beneficial uses of those water resources. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose discharges can affect water quality.

The Inland LUO dictates which projects are required to prepare a drainage plan, including any project that would, for example, change the runoff volume or velocity leaving any point of the site, result in an impervious surface of more than 20,000 square feet, or involve hillside development on slopes steeper than 10 percent. Preparation of a drainage plan is not required where grading is exclusively for an exempt agricultural structure, crop production, or grazing. The Inland LUO also dictates that an Erosion and Sedimentation Control Plan is required year-round for all construction and grading permit projects and site disturbance activities of 0.5 acre or more in geologically unstable areas, on slopes steeper than 30 percent, on highly erodible soils, or within 100 feet of any watercourse.

Per the County's Stormwater Program, the County Public Works Department is responsible for ensuring that new construction sites implement BMPs during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1 acre or more must obtain coverage under the SWRCB Construction General Permit. The Construction General Permit requires the preparation of a SWPPP to minimize on-site sedimentation and erosion. There are several types of projects that are exempt from preparing a SWPPP, including routine maintenance to existing developments,

emergency construction activities, and projects exempted by the SWRCB or RWQCB. Projects that disturb less than 1 acre must implement all required elements within the site's erosion and sediment control plan as required by the Inland LUO.

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

Discussion

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

The project site is located approximately 370 feet northeast from the nearest mapped surface water feature, which is an unnamed intermittent stream located just outside of the southwestern project parcel boundary. According to Inland LUO Section 22.52.130, projects that disturb more than 1 acre of ground or would result in substantial degradation to water quality require the preparation and implementation of a SWPPP under the NPDES. The project would result in approximately 3.66 acres of site disturbance including 350 cubic yards of earthwork, to be balanced on-site. Therefore, preparation of a SWPPP is required prior to issuance of grading permits and the SWPP will be implemented during project construction activities. The SWPPP would include BMPs, identification of possible pollutants, and an Erosion and Sedimentation Control Plan. Inland LUO Section 22.52.120 requires the preparation and approval of an Erosion and Sedimentation Control Plan to minimize potential impacts related to erosion, sedimentation, and siltation. The plan would be prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Compliance with existing regulatory requirements would reduce erosion and sedimentation from project activities.

All potentially hazardous materials would be stored, refilled, and dispensed on-site in full compliance with applicable County Environmental Health Department standards. The project would include the use of pesticides and fertilizers on-site. All pesticides would be registered and regulated by federal and state government codes, with the CAC being the primary local regulator. Based on the distance from the nearest creek or water feature, and compliance with existing County and state water quality, sedimentation, and erosion control standards, the project would not result in a violation of any water quality standards, discharge into surface waters, or otherwise alter surface water quality during project operation. Therefore, impacts related to violation of water quality standards would be *less than significant.*

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

Based on the water demand estimate prepared by GeoSolutions, Inc., the project's proposed cultivation, landscaping irrigation, and other miscellaneous activities would result in a water demand of approximately 2.0 AFY (GeoSolutions, Inc. 2021). The project would attain its water supply from an existing well located on-site. Based on a well pump test conducted in 2020, the on-site well sustained approximately 23 gallons per minute over a 4-hour period and the water level recovered to within 1 foot of the starting level within 15 minutes (Filipponi & Thompson Drilling Inc. 2020).

The Paso Robles Subbasin is identified as a high-priority groundwater basin (Level of Severity III) under the Sustainable Groundwater Management Act (SGMA). The project would be required to offset new water use at a 1:1 ratio, which would be 2.0 AFY for the project. Mitigation Measure WQ-1 has been identified to require the project's water use to be offset through approved methodology subject to the review and verification of the County. Mitigation Measure WQ-2 has been identified to require ongoing monitoring of project offset compliance methods. Upon implementation of Mitigation Measures WQ-1 and WQ-2, the project would result in a net-neutral water demand on the Paso Robles Subbasin; therefore, impacts would be *less than significant with mitigation*.

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

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

The topography of the project site ranges between gently and moderately sloping. The project would require the preparation of a SWPPP prior to issuance of grading permits and erosion BMPs would be implemented during project grading and construction activities. In addition, the project would be required to implement an Erosion and Sedimentation Control Plan to minimize potential impacts related to erosion, sedimentation, and siltation and would address both temporary and long-term sedimentation and erosion impacts. Compliance with existing regulatory requirements would reduce erosion and sedimentation from project activities. Therefore, potential impacts associated with substantial alteration of the existing drainage pattern of the site or area that would result in substantial erosion or siltation 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 not substantially increase the amount of impervious surface area or the rate and volume of surface runoff in a manner that could result in flooding on- or off-site. Based on the nature and size of the project, changes in surface hydrology would be negligible. Therefore, potential impacts related to increased surface runoff resulting in flooding would be *less than significant*.

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

The project would require the preparation of a SWPPP prior to issuance of grading permits, and stormwater runoff BMPs would be implemented during project grading and construction activities. The project would not substantially increase the amount of impervious surface area or the rate and volume of surface runoff in a manner that could exceed the capacity of existing stormwater or drainage systems. Based on the nature and size of the project, changes in surface hydrology would be negligible. Therefore, potential impacts related to increased surface runoff exceeding stormwater capacity 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. The project would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. Therefore, *no impacts would occur.*

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

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

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

The project would be in compliance with Inland LUO Sections 22.52.120 and 22.52.130, which require a SWPPP and Erosion and Sedimentation Control Plan for the proposed project. Therefore, the project is not anticipated to result in a substantial increase of erosive or polluted runoff during project construction or operation due to compliance with existing regulations to ensure impacts to water quality are less than significant. The project is located within a high-priority basin (Level of Service III) and would be required to adhere to Section 22.40.050.CD.5 and offset new water demand at a 1:1 ratio as described in Mitigation Measures WQ-1 and WQ-2. Implementation of these mitigation measures and compliance with other applicable regulations would make impacts *less than significant with mitigation.*

Conclusion

Project construction and operation would result in a minimal increase of erosive and polluted runoff that would be minimized by implementation of BMPs and other federal and state regulations. The project is located in a high-priority basin and would require implementation of Mitigation Measures WQ-1 and WQ-2 to offset water demand at a 1:1 ratio. With implementation of necessary mitigation measures, impacts would be less than significant.

Mitigation

WQ-1 **Water Demand Quantification and Offset. Prior to issuance of a grading permit (or prior to initiation of permitted activities if no grading permits are required),** all applicants for cannabis-related activities within the Paso Robles Groundwater Basin shall provide to the County of San Luis Obispo Planning and Building Department for review and approval a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by Inland Land Use Ordinance Sections 22.40.050 D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042(4). The Water Conservation Plan shall include the following:

1. The quantification of water demand expressed in total acre-feet per year, consistent with the Water Management Plan required by Inland Land Use Ordinance Sections 22.40.050 C.1 and 22.40.060 C.1.
2. A program for achieving a water demand offset of the quantified water demand as required by Inland Land Use Ordinance Sections 22.40.050 D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042(4). Such a program may include, but is not limited to, the following:

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

   i. Installation of drip irrigation.

   ii. Installation of smart controllers, which are irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapotranspiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.

   iii. Installation of float valves on water tanks to prevent tanks from overflowing.

   iv. Conversion from using overhead sprinklers to wind machines for frost protection. (Note: The installation of wind machines shall be included in the project description for cannabis activities and subject to environmental review.)

   v. Installation of rainwater catchment systems to reduce demand on groundwater. (Note: The installation of rainwater catchment facilities shall be included in the project description for cannabis activities and subject to environmental review.)

   vi. Participation in an approved water conservation program within the Paso Robles Groundwater Basin that is verifiable; results in a permanent reduction of water demand equal to, or exceeding, the required water demand offset; and has been subject to environmental review.

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

3. The water demand offset documented by the Water Conservation Plan shall be verifiable and permanent and shall not result in adverse environmental effects beyond those assessed by the California Environmental Quality Act compliance document for the proposed cannabis project.

WQ-2 **Water Offset Monitoring. For the life of the project,** at the time of quarterly monitoring inspection, the applicant shall provide to the County of San Luis Obispo Planning and Building Department for review, evidence that the water efficiency improvements associated with the

approved Water Conservation Program remain in full effect and are continuing to achieve the required water demand offset associated with the approved cannabis activities.

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 Inland 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 Inland 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 and surrounding properties are within the Agriculture land use designation, with the exception of the Camp Roberts Military Base property located west of the project site, which is under the Public Facilities land use designation.

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

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Discussion

(a) Physically divide an established community?

The project does not propose project elements or components that would physically divide the site from surrounding areas and uses. The project would be consistent with the general level of development within the project vicinity and would not create, close, or impede any existing public or private roads, or create any other barriers to movement or accessibility within the community. Therefore, the proposed project would not physically divide an established community, and *no impacts would occur.*

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

The project would establish cannabis cultivation and ancillary activities on a parcel located within the Agriculture land use category. As described in the resources sections above, the project would be consistent with the type and density of surrounding residential uses and would not result in a conflict with policies regarding visual resources. The project is not located within a GSA, Sensitive Resource Area, or other combining designation with specific development standards detailed in the County LUO. Therefore, the project would not result in a conflict with the goals or policies set forth in the County LUO.

The COSE identifies several goals and policies regarding protection of visual resources in rural parts of the county. As described in Section I, Aesthetics, the project site is not located within the viewshed of an identified visual resource and would be consistent with the policies of the COSE pertaining to preservation of rural separation between established communities and maintenance of a cohesive visual character within urban areas. The COSE also identifies goals and policies regarding the protection of biological resources. Potential impacts to threatened, rare, endangered, and sensitive species and native trees are identified in Section IV, Biological Resources. The project site does not support wetlands, aquatic habitats, or marine resources. Therefore, with implementation of mitigation measures identified in Section IV, Biological Resources, the project would be consistent with goals and policies in the COSE related to biological resources. As described in Section IV, Biological Resources, the project would not result in a conflict with the adopted County Oak Woodland Ordinance. Potential impacts would be *less than significant with mitigation.*

The project was found to be consistent with standards and policies set forth in the *North County Area Plan*, the 2001 CAP (see section III, Air Quality), the 2023 RTP/SCS (see Section VIII, Greenhouse Gas Emissions), and other land use policies for this area. The project would be subject to comply with all applicable standards set forth by CAL FIRE/County Fire Department and the County Public Works Department.

The Camp Roberts Military Reservation, which occupies 26,146 acres, is adjacent to the project site to the west. Camp Roberts is operated by the state as a "federal mobilization station" used primarily for National Guard training, with other uses including equipment and maintenance operations, training, and U.S. Army satellite communications. The camp employs over 200, mostly civilians, that are in the National Guard reserve. Most of the camp is in Monterey County, though most employees live in San Luis Obispo County. The project site is located within the Camp Roberts Land Use Influence Area and was referred to the National Guard for review and comment in April 2018; no response has been received to date (November 9, 2023). The project would not interfere with any ongoing Camp Roberts

training operations or other activities, or otherwise result in a land use conflict due to proximity to the base.

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

Conclusion

The project would not physically divide an established community. Potential impacts related to land use and planning would be less than significant with mitigation measures associated with Air Quality, Biological Resources, and Hydrology and Water Quality, as discussed in detail in Sections III, IV, and IX, respectively.

Mitigation

Implement Mitigation Measures AQ-1 and AQ-2, BIO-1 through BIO-18, and WQ-1 and WQ-2.

XII. MINERAL RESOURCES

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

Setting

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

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

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

Discussion

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

Based on the CGS Information Warehouse for Mineral Land Classification and County Land Use View web tool, the project site is not located within an area that has been evaluated for mineral resources and is not in close proximity to an active mine (CGS 2015; County of San Luis Obispo 2023). The project is not located within a designated MRZ or an Extractive Resource Area combining designation. There are no known mineral resources in the project area; therefore, *no impacts would occur.*

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

Based on the CGS Information Warehouse for Mineral Land Classification and County Land Use View web tool, the project site is not located within an area that has been evaluated for mineral resources and is not in close proximity to an active mine. The project is not located within a designated MRZ or an Extractive Resource Area combining designation. There are no known mineral resources in the project area; therefore, *no impacts would occur.*

Conclusion

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

Mitigation

None necessary.

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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:

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

Table 3. Maximum Allowable Exterior Noise Level Standards[1]

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

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

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

The Inland LUO noise standards are subject to a range of exceptions, including noise sources associated with construction, provided such activities do not take place before 7:00 a.m. or after 9:00 p.m. on weekdays, or before 8:00 a.m. or after 5:00 p.m. on Saturday or Sunday. Noise associated with agricultural land uses (as listed in Inland LUO Section 22.06.030), traffic on public roadways, railroad line operations, and aircraft in flight are also exempt.

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?*

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

The project site is located in a rural area and existing ambient noise in the project area is comprised of vehicle traffic on surrounding roadways and agricultural operations. Operational noise from the project would be generated by vehicle trips to and from the project site, disking for land preparation, and running a pump for on-site irrigation. The nearest off-site sensitive receptor location is a single-family residence located 0.15 mile (810 feet) northeast of the proposed project site. Other surrounding sensitive receptors include single-family residences located between approximately 1,500 feet and 2,170 feet from the proposed project site to the northeast, east, and southeast. Noise produced from the project site during operation would be intermittent and would attenuate considerably before

reaching the nearest sensitive receptor location. The project does not propose features that would significantly increase long-term ambient noise levels and would be consistent with current ambient noise levels in the area; therefore, impacts would be *less than significant*.

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

The project would result in approximately 3.66 acres of site disturbance, including 350 cubic yards of earthwork, to be balanced on-site. The project does not propose the use of any high-impact equipment or deep cuts into bedrock during construction. Operation of the proposed project would include disking of the top 6 inches of soil within the cultivation areas and therefore would not produce noticeable levels of groundborne noise or vibration from off-site uses. Therefore, impacts related to exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels would be *less than significant.*

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

The project site is not located within an Airport Review designation or within 2 miles of a public airport or private airstrip; therefore, *no impacts would occur.*

Conclusion

No significant long-term change in noise levels would occur. Short-term construction-related noise would be limited in nature and duration and would only occur during appropriate daytime hours. Therefore, potential noise impacts would be less than significant, and no mitigation measures are necessary.

Mitigation

None necessary.

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?	☐	☐	☐	☒

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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 a number of relevant goals, objectives, policies, and implementation programs to ensure the County meets its goals of meeting the housing needs while remaining consistent with state law.

Discussion

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

The project proposes cannabis activities within a rural area and would employ up to three 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 would not displace existing housing or necessitate the construction of replacement housing elsewhere; therefore, *no impacts would occur.*

Conclusion

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

Mitigation

None necessary.

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XV. PUBLIC SERVICES

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

Setting

Fire protection services in unincorporated San Luis Obispo County are provided by CAL FIRE, which has been under contract with the County to provide full-service fire protection since 1930. Approximately 180 full-time state employees operate the County Fire Department, supplemented by as many as 100 state seasonal fire fighters, 300 County paid-call and reserve fire fighters, and 120 state inmate fire fighters. CAL FIRE responds to emergencies and other requests for assistance, plans for and takes action to prevent emergencies and reduce their impact, coordinates regional emergency response efforts, and provides public education and training in local communities. CAL FIRE has 24 fire stations located throughout the county, and the nearest station to the project site would be CAL FIRE Station #98, located approximately 6.2 miles southeast of the project site in the city of Paso Robles. Based on the County Land Use View web tool, emergency personnel would be able to reach the site within 15 to 20 minutes of receiving a call.

Police protection and emergency services in the unincorporated portions of the county are provided by the San Luis Obispo County Sheriff's Office. The County Sheriff's Office Patrol Division responds to calls for service, conducts proactive law enforcement activities, and performs initial investigations of crimes. Patrol personnel are deployed from three stations throughout the county: Coast Station in Los Osos, North Station in Templeton, and South Station in Oceano. The project would be served by the County Sheriff's Office, and the nearest station is located approximately 11 miles south of the project site in the community of Templeton.

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

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

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

Discussion

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

Fire protection?

The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and PRC, which include designing the extension and improvement of the existing access road to accommodate emergency vehicle access. The project would not result in any new structures for human habitation; therefore, the project would not create a significant new demand for fire services. Therefore, impacts would be *less than significant*. Additional information regarding wildfire hazard impacts is discussed in Section XX, Wildfire.

Police protection?

The applicant has prepared a security plan subject to the review and approval by the County Sheriff's Office. The Security Plan lays out infrastructure and operational guidelines to prevent and deter any foreseeable security breaches, crimes, and/or statute violations. The project would be required to adhere to the security measures and protocols in the Security Plan, as well as with any additional recommendations or requirements provided by the County Sheriff's Office and CDFA. 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. The project does not include any new residential buildings or other structures for human habitation. Based on the limited number of full-time and seasonal employees required by the project, the project would not result in a noticeable increase in population of school-age children in the area. 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 not result in the development of any new structures for human habitation and would result in a marginal new employment demand; therefore, impacts related to other public facilities would be *less than significant.*

Conclusion

The project does not propose development that would substantially increase demands on public services and would not induce population growth that would substantially increase demands on public services. Therefore, potential impacts related to public services would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

XVI. RECREATION

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

Setting

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

Public facilities fees, Quimby fees, and developer conditions are several ways the County currently funds public parks and recreational facilities. Public facility fees are collected upon construction of new residential

units and currently provide funding for new community-serving recreation facilities. Quimby Fees are collected when new residential lots are created and can be used to expand, acquire, rehabilitate, or develop community-serving parks. Finally, a discretionary permit issued by the County may condition a project to provide land, amenities, or facilities consistent with the Parks and Recreation Element.

The *2015/2016 County Bikeways Plan* identifies and prioritizes bikeway facilities throughout the unincorporated area of the county, including bikeways, parking, connections with public transportation, educational programs, and funding (County of San Luis Obispo 2016). The Bikeways Plan is updated every 5 years and was last updated in 2016. The plan identifies goals, policies, and procedures geared towards realizing significant bicycle use as a key component of the transportation options for San Luis Obispo County residents. The plan also includes descriptions of bikeway design and improvement standards, an inventory of the current bicycle circulation network, and a list of current and future bikeway projects within the county.

Discussion

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

The project proposes cannabis activities within a rural area and would employ up to three 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 result in increased demand on existing or planned recreational facilities in the county. The project is not proposed in a location that would affect any existing trail, park, recreational facility, coastal access, and/or natural area. The project would not induce population growth or create a significant need for additional park or recreational facilities; therefore, potential impacts would be *less than significant.*

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

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

Conclusion

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

Mitigation

None necessary.

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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

San Luis Obispo County's RTP was adopted by SLOCOG on June 7, 2023 (SLOCOG 2023). The 2023 RTP is the San Luis Obispo region's long-term blueprint for a transportation system that enhances quality of life and meets the mobility needs of the region's residents and visitors, now and in the future. This blueprint offers the region's communities a mix of mobility options for people and goods and makes a strong commitment to creating a more sustainable transportation system that maximizes choice, holistically addresses transportation issues, and is both visionary and attainable.

The *County of San Luis Obispo Framework for Planning (Inland)* includes the *County of San Luis Obispo General Plan Circulation Element* and LUE. 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 existing pedestrian, bicycle, or public transit facilities within 2 miles of the project site.

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 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.

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The County has established screening criteria and thresholds of significance for VMT based on guidance provided by the OPR and the regional travel demand model, maintained by SLOCOG. Consistent with OPR, screening criteria for presuming a project has a less-than-significant impact have been established, including screening maps for residential and work-based projects. The screening maps indicate locations where residential and work-based projects would generate an average VMT of 15% or less below the baseline VMT rates and would not require a VMT analysis. In addition, small projects that are consistent with the SCS or General Plan and generate or attract less than 110 daily trips can be presumed to have a less-than-significant VMT impact. If a project is not presumed to be less than significant through the screening criteria, a VMT analysis would be necessary to determine whether VMT impacts would be significant or not. VMT impacts would be considered significant if VMT per capita exceeds 27.2 for residential projects or exceeds 25.7 for work-based projects. For retail and public uses, projects that result in a net increase in VMT are considered to have a significant VMT impact (County of San Luis Obispo 2020).

Discussion

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

The project does not propose the substantial temporary or long-term alteration of any proximate transportation facilities. The project would result in approximately 24 ADT, which would be able to be accommodated by existing local streets and the project would not result in any long-term changes in surrounding traffic or circulation systems. The project does not propose uses that would interfere or conflict with applicable policies related to circulation, transit, roadway, bicycle, or pedestrian systems or facilities. The project would be consistent with the Framework for Planning (Inland) and consistent with the projected level of growth and development identified in the RTP. The County Public Works Department did not identify any concerns regarding the circulation system. Therefore, potential 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 nature and location of the project, the project would not generate a significant increase in construction-related or operational traffic trips or VMT. The project is not located in an area where work-based projects would generate VMT of 15% or less below the baseline VMT rates. However, based on County Public Works Department standard trip generation rates for cannabis activities, the new VMT generated by the proposed project would fall below the suggested screening threshold of 110 trips/day identified in the state guidance (see Table 2 in OPR 2018), and would therefore be less than significant. Therefore, potential impacts would be *less than significant*.

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

The project would include the extension and improvement of the existing access driveway on-site to meet applicable Public Works Department design standards and to accommodate emergency vehicles. The project would not result in any public road closures or modifications and does not include geometric design features that would create new hazards or result in an incompatible use; therefore, impacts would be *less than significant*.

(d) Result in inadequate emergency access?

The project would include the extension and improvement of the existing access driveway on-site to meet applicable Public Works Department design standards and to accommodate emergency vehicles. The project would not result in any public road closures or modifications or otherwise result in inadequate emergency access to the project site or surrounding parcels. Therefore, the project would provide for adequate emergency access and impacts would be *less than significant*.

Conclusion

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

Mitigation

None necessary.

XVIII. TRIBAL CULTURAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
	(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☒	☐

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		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(ii)	A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

Setting

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

1. Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
    a. Included or determined to be eligible for inclusion in the CRHR; or
    b. Included in a local register of historical resources as defined in PRC Section 5020.1(k).
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(c). In applying these criteria for the purposes of this 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 of 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. No responses have been received to date (November 9, 2023).

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Discussion

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

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

In accordance with AB 52 Cultural Resources requirements, outreach has been conducted to four Native American tribes: Northern Salinan, Xolon Salinan, yak titᵛu titᵛu yak tiłhini Northern Chumash, and Northern Chumash Tribal Council. No responses have been received to date (November 9, 2023).

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

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

The County has provided notice of the opportunity to consult with appropriate tribes per the requirements of AB 52 and no requests for consultation were received. Based on the results of the Phase 1 archaeological resources survey and records search, the project site does not contain any resources determined by the County to be a potentially significant tribal cultural resource. Impacts associated with potential inadvertent discovery would be minimized through compliance with existing standards and regulations (Inland LUO Section 22.10.040). Therefore, potential impacts would be *less than significant.*

Conclusion

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

Mitigation

None necessary.

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XIX. UTILITIES AND SERVICE SYSTEMS

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

Setting

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

Per the County's Stormwater Program, the County Public Works Department is responsible for ensuring that new construction sites implement BMPs during construction and that site plans incorporate appropriate post-

construction stormwater runoff controls. Construction sites that disturb 1 acre or more must obtain coverage under the SWRCB's Construction General Permit. PG&E is the primary electricity provider and both PG&E and SoCalGas provide natural gas services for urban and rural communities within the county.

There are three landfills in San Luis Obispo County: Cold Canyon Landfill, located near the city of San Luis Obispo; Chicago Grade Landfill, located near the community of Templeton; and Paso Robles Landfill, located east of the city of Paso Robles.

Discussion

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

The project would utilize a portable restroom facility and therefore would not result in wastewater generation. As described in Section VI, Energy, the project would not result in a substantial increase in energy demand and would not utilize natural gas. The project would require approximately 370 linear feet of trenching for new underground electrical and communication lines and 234 linear feet of trenching for new water lines. The new electrical lines would connect to an existing electrical panel located northwest of the existing residence on-site and extend to the proposed security cameras, lights, and access gate. The new water lines would connect to the existing well on-site and carry water to each of the proposed 5,000-gallon water storage tanks. These trenching activities would contribute to projects impacts associated with air quality and biological resources, as evaluated in the sections above. Upon implementation of mitigation measures identified to reduce potential impacts associated with construction equipment emissions and ground disturbance, potential impacts associated with the expansion of these utility lines 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?

Based on the water demand estimate prepared by GeoSolutions, Inc., the project's proposed cultivation, landscaping, and other miscellaneous activities would result in a water demand of approximately 2 AFY (GeoSolutions, Inc. 2021). The project would attain its water supply from an existing well located on-site. Based on a well pump test conducted in 2020, the on-site well sustained approximately 23 gallons per minute over a 4-hour period and the water level recovered to within 1 foot of the starting level within 15 minutes (Filipponi & Thompson Drilling Inc. 2020).

The project is located in the Paso Robles Subbasin, which is identified as a high-priority groundwater basin (Level of Severity III) under the SGMA. Based on this classification and because groundwater is proposed as the sole water source for the project, the project may not have sufficient water supplies available to meet its water demand during normal, dry, and/or multiple dry years. The project would be required to offset new water use at a 1:1 ratio, which would be 1.80 AFY for the project. Mitigation Measure WQ-1 has been identified to require the project's water use to be offset through approved methodology subject to the review and verification of the County. Mitigation Measure WQ-2 has been identified to require ongoing monitoring of project offset compliance methods. Upon implementation of Mitigation Measures WQ-1 and WQ-2, the project would result in a net-neutral water demand on the Paso Robles Subbasin, and with all other water-demand projects being subject to these same requirements, potential impacts would be *less than significant with mitigation.*

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

The project would be served by a portable restroom facility and would not be connected to a community wastewater service provider; therefore, *no impacts would occur.*

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

Construction activities would result in the generation of minimal solid waste materials; no significant long-term increase in solid waste would occur.

Project solid waste would include waste from cannabis cultivation and ancillary services that may use cleaning solutions or non-volatile chemicals. Cannabis plant waste would be disposed of in accordance with CDFA regulations. Municipal waste and recyclable materials would be collected in on-site receptacles and pick-up services will be contracted to empty bins when they become full. 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?

As described in threshold XIX.d, above, based on the size and scope of proposed project activities, the project would not result in a substantial increase in waste generation during project construction or operation. Construction waste disposal would comply with federal, state, and local management and reduction statutes and regulations related to solid waste; therefore, potential impacts would be *less than significant.*

Conclusion

Potential impacts associated with the installation of expanded water, communication, and electrical utility lines would be reduced to less than significant with implementation of mitigation measures identified below. No new or expanded infrastructure for wastewater would be required and the project would not result in a substantial increase in solid waste generation.

Mitigation

Implement Mitigation Measures AQ-2 and AQ-3, BIO-1 through BIO-9, and BIO-11 through BIO-18.

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XX. WILDFIRE

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

Setting

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

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

- Identifies the departments and agencies designated to perform response and recovery activities and specifies tasks they must accomplish;

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

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

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

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

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

Discussion

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

The project would not require any road closures and would be designed to accommodate emergency vehicle access. Implementation of the proposed project would not have a permanent impact on any adopted emergency response plans or emergency evacuation plans. Temporary construction activities and staging would not substantially alter existing circulation patterns or trips. Access to adjacent areas would be maintained throughout the duration of the project. The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and PRC, which would include design requirements for the proposed improvements to the existing access road/driveway to accommodate emergency vehicle access and vegetation clearing or trimming around all existing and proposed structures, as needed. 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 would be designed to comply with all fire safety rules and regulations, including the California Fire Code and PRC, which includes design requirements for the proposed improvements to the existing access road/driveway to accommodate emergency vehicle access and vegetation clearing or trimming around all existing and proposed structures, as needed. These infrastructure improvements would reduce fire risk. The project does not include the construction of any new structures for human habitation, or the routine use or storage of flammable materials; therefore, potential impacts would be *less than significant*.

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

All proposed new electrical lines would be installed underground. The project would include the extension of and improvements to an existing driveway to accommodate emergency vehicle access and would not result in the exacerbation of fire risk. The project would be required to demonstrate compliance with all applicable provisions of the CBC and California Fire Code, as detailed in the CAL FIRE/County Fire Department referral response letter (CAL FIRE/County Fire Department 2021). The project would not result in the removal of large portions of trees or otherwise remove a natural windbreak. Therefore, potential impacts would be *less than significant*.

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

The project is located in a region with high risk for wildfire; however, the project does not include grading that would substantially alter the topography of the site. Therefore, project operation would be done on level slopes. As described in Section VII, Geology and Soils, the project is located on soil with low risk for landslides and the site does not have a history of landslides. The project does not include any design elements that would put people or structures in significant risk. Therefore, the potential impacts are *less than significant*.

Conclusion

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

Mitigation

None necessary.

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XXI. MANDATORY FINDINGS OF SIGNIFICANCE

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
(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

Table 4 below provides a summary of the maximum possible cannabis cultivation activities that could be approved through permit applications that have been received by the County to date (October 25, 2023). Each of these proposed activities is considered a reasonably foreseeable future project for the purposes of this cumulative impact analysis. It is important to note, however, that many proposed activities are subject to change during the land use permit process and a portion of these applications may be withdrawn by the applicant or denied by the County approving body. Figure 5 shows the project site along with other approved and proposed cannabis project sites within 5 miles of the proposed project site, including approved and proposed cannabis cultivation areas; nurseries; processing, testing, or manufacturing facilities; and dispensaries.

Table 4. 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	
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

Proposed Cannabis Activity Type	Total Number of Proposed Cannabis Activities[1,2]	Total Proposed Canopy (acres)	Approved Activities
Total	**180**	**238.3**	**81**

[1] As of the date of this initial study.

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

Of the 60 total applications for cannabis cultivation projects in the unincorporated areas of the county, four are located within 5 miles of the project site (see Figure 5). For purposes of assessing the cumulative impacts of cannabis cultivation activities, the following assumptions have been made:

All 60 applications for cultivation sites would be approved and developed;

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

a. *3 acres of outdoor cultivation;*
b. *0.5 acres of indoor cultivation;*
c. *22,000 square feet of nursery 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 six average daily motor vehicle trips; and*
g. *All sites would be served by a well and septic leach field.*

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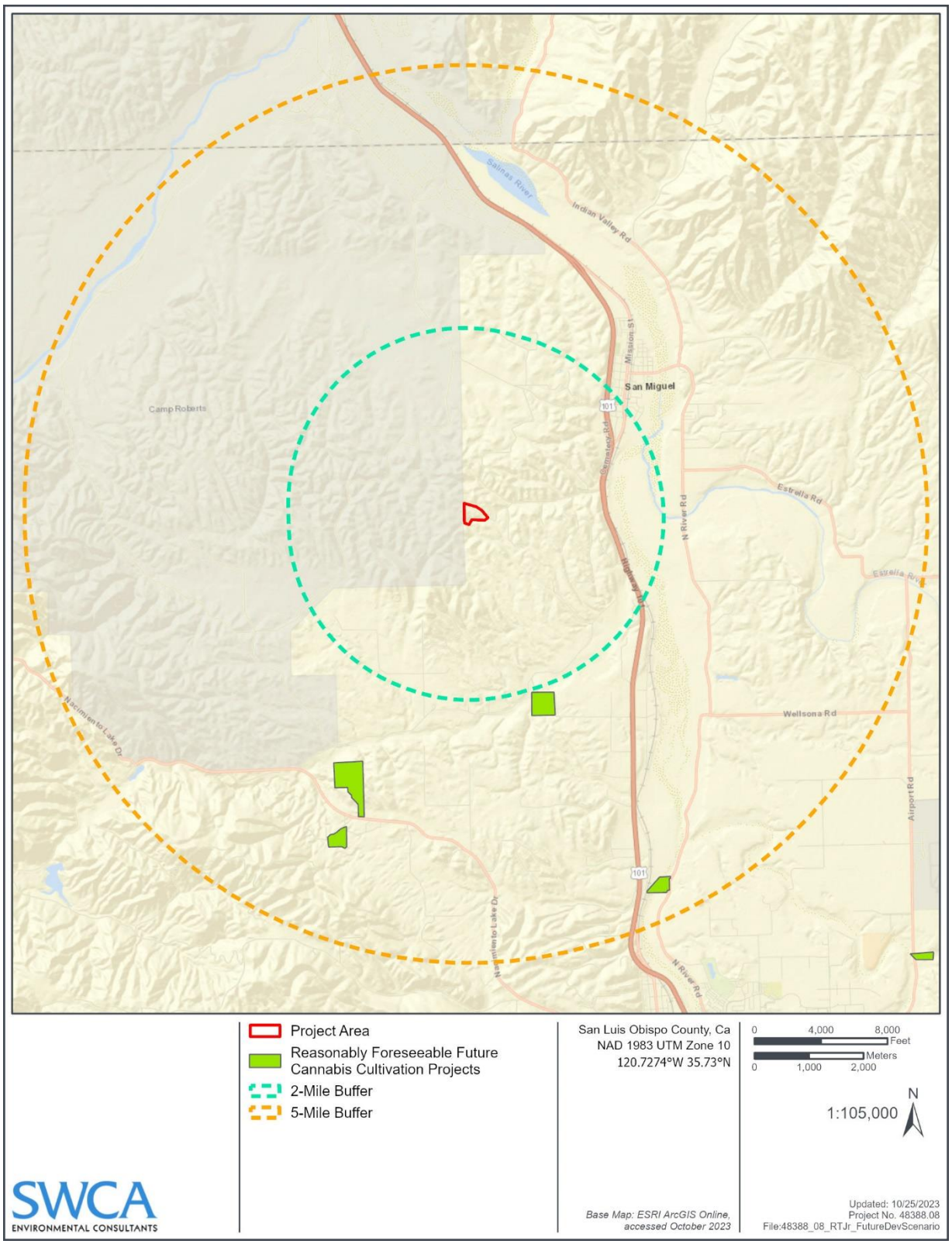

Figure 5. Reasonably Foreseeable Future Development Scenario Map.

Aesthetics

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 Inland 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 web tool, the project site is in an area with four approved or potential cannabis facilities within 5 miles (as of October 25, 2023). Surrounding proposed cannabis cultivation operations would require discretionary permits and be evaluated for their potential to result in potentially significant environmental effects, including potential impacts to visual resources. Based on the rural and agricultural visual character of the area, newly proposed structures visible from surrounding public roadways would undergo evaluation for consistency with the surrounding visual character and may be required to implement visual screening and/or other measures if County staff identify potential impacts to visual resources. Proposed cannabis cultivation projects, including use of mixed-light growing techniques, would be subject to standard County mitigation measures to eliminate off-site nighttime light overspill.

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

Agriculture and Forestry Resources

The analysis provided in Section II, Agriculture and Forestry Resources, indicates that the project would not result in the permanent conversion of Prime Farmland, based on the FMMP, 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 would be less than cumulatively considerable.

Air Quality

The analysis provided in Section III, Air Quality, the project has the potential to result in PM_{10} emissions in exceedance of operational SLOAPCD standards and could adversely affect nearby sensitive receptors. Mitigation Measure AQ-1 has been identified to require the applicant to coordinate with the County Public Works Department in the preparation of an operational dust and air quality control plan to be reviewed and approved by the County Planning and Building Department and implemented for the life of the project in order to reduce project operational fugitive dust emissions to below applicable SLOAPCD thresholds and reduce potential impacts to nearby sensitive receptors to less than significant. Mitigation Measure AQ-2 has been identified to require all applicable DPM control measures on project site plans. Upon implementation of these measures, project-specific impacts would be less than significant.

The project is located in an area with no other proposed and/or approved cannabis projects within 2 miles and four proposed and/or approved cannabis projects within 5 miles. 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 size and scope of proposed activities, installation of natural buffering techniques, 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 Inland 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 associated with air quality and required air pollutant emission and odor control requirements for the project and all surrounding proposed cannabis projects, the contribution of the project's potential impacts to air quality would be less than cumulatively considerable.

Biological Resources

The analysis provided in Section IV, Biological Resources, concludes that upon implementation of Mitigation Measures BIO-1 through BIO-18, potential impacts to biological resources would be less than significant. Mitigated impacts included both temporary and long-term impacts to special-status wildlife and implementation of compensatory mitigation to address the project's contribution to the cumulative loss of SJKF habitat in San Luis Obispo County.

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 HCPs 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.

Hydrology and Water Quality

As discussed in Section X, Hydrology and Water Quality, project construction and operation would result in a minimal increase of erosive and polluted runoff that would be minimized by implementation of BMPs and other federal and state regulations. The project is located in a high-priority basin and would require implementation of Mitigation Measures WQ-1 and WQ-2 to offset water demand at a 1:1 ratio. With implementation of necessary mitigation measures, project-level impacts associated with hydrology and water quality would be less than significant.

All proposed cannabis cultivation projects located in the county would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. All potentially hazardous materials (e.g., pesticides, fertilizers, etc.) proposed to be utilized for these projects would be required to comply with the applicable County 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 project is one of 33 proposed cannabis cultivation projects located within the Paso Robles Groundwater Basin, a high-priority groundwater basin (Level of Severity III) under SGMA (Table 5).

Table 5. Estimated Water Demand from Reasonably Foreseeable Cannabis Cultivation in the Paso Robles Groundwater Basin

Bulletin 118 Groundwater Basin[1]	Number of Reasonably Foreseeable Cultivation Projects	Total Estimated Water Demand From Cannabis Cultivation (AF/Year)	Total Basin Storage Capacity (AF)
Paso Robles Groundwater Basin	33[2]	190.09	Approximately 400,000

[1] Source: California Department of Water Resources Bulletin 118.

[2] Includes 661.21 acres (12 projects) in the Area of Severe Decline.

All cannabis cultivation projects located within the Paso Robles Groundwater Basin would be required to offset new water use at a 1:1 ratio and projects located in Areas of Severe Decline would be required to offset new water use at a 2:1 ratio. These water offsets would be subject to the review, approval, and monitoring by the County to ensure compliance. Therefore, based on recommended mitigation measures and compliance with existing policies and programs, project's individual impacts associated with hydrology and water quality would be *less than cumulatively considerable with mitigation.*

Transportation

As discussed in Section XVII, Transportation, the project would not conflict with any policies addressing circulation, would not result in a potentially significant amount of VMT, and would not result in a hazardous circulation design feature or result in inadequate emergency access. The County's VMT methodology and thresholds are based on a regionally cumulative scale. Based on the project's size and scope of proposed activities, it would not contribute a cumulatively considerable impact associated with transportation.

Other Impact Issue Areas

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

- Cultural Resources;
- Energy;
- Geology and Soils;

- Greenhouse Gas Emissions;
- Hazards and Hazardous Materials;
- Land Use Planning;
- Mineral Resources;
- Noise;
- Population and Housing;
- Public Services;
- Recreation;
- Tribal Cultural Resources;
- Utilities and Service Systems; and
- Wildfire.

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

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

Conclusion

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

Mitigation

Implement Mitigation Measures AQ-1 and AQ-2, BIO-1 through BIO-18, and WQ-1 and WQ-2.

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Exhibit A – Initial Study References and Agency Contacts

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

Contacted	Agency	Response
☒	County Public Works Department	**In File****
☒	County Environmental Health Services	**None**
☒	County Agricultural Commissioner's Office	**In File****
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☐	Air Pollution Control District	**Not Applicable**
☒	County Sheriff's Department	**None**
☒	Regional Water Quality Control Board	**None**
☐	CA Coastal Commission	**Not Applicable**
☒	CA Department of Fish and Wildlife	**None**
☒	CA Department of Forestry (Cal Fire)	**In File****
☐	CA Department of Transportation	**Not Applicable**
☐	Community Services District	**Not Applicable**
☒	Other San Miguel Advisory Council	**In File****
☒	Other National Guard/Camp Roberts	**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
- ☒ EnergyWise Plan
- ☒ North County Area Plan/Salinas River 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

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

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Exhibit B – Other Agency Approvals That May Be Required

California Department of Cannabis Control

In California, all commercial cannabis activity must be licensed by the state. The Department of Cannabis Control (DCC) licenses and regulates commercial cannabis activity. The DCC's responsibilities also include, but are not limited to:

- Engaging with local and state partners to provide environmental, outreach, and natural resource management guidance;
- Partnering with law enforcement at local, state, and federal levels to eliminate illegal operators and criminal enterprises that threaten public and consumer safety;
- Educating licensees on compliance requirements such as track-and-trace, conducting routine inspections and investigations, and helping licensees resolve challenges;
- Requiring all cannabis products to be tested for safety and accuracy before they can be sold; and
- Guide development of cannabis regulations through expert led and DCC funded scientific research around public health, criminal justice, and economic and environmental impacts.

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:

<u>Section 8102 – Annual State License Application Requirements</u>

(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

Initial Study – Environmental Checklist

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.