Summary of Water Consumption for GREENHOUSE Cannabis Cultivation @
CALIFORNIA PRODUCTION SERVICES
5790 ROCKY CANYON RD., PASA ROBLES
Permit No DRC2019-00183
Exceptions to Applicants Environmental Submittals Water Management
Water Demand Analysis and Summary

Sirs:

Based on the applicants **STATED DEMAND TOTAL OF 4.66 acre-feet/year** (see attached pg 60) of water, we hereby take exception to the demand factors this applicant has provided for this project as follows:

1) For the purposes of this exercise, we are factoring a cannabis plants modestly assessed 2 gal/day water requirement when grown in a greenhouse. This value allows for an average consumption over the life of the plant. We will factor the area per plant water demand at 16 sq-ft per plant. This will account for a single mature flowering plant area calculation as well as multiple plants in that same area while in a vegetative state.

2) When completing CEQA applications the applicant will present the total sq-ft being considered for cultivation. As well as where the water will be coming from and how many gallons/day that operation will require. This will ultimately be converted into an acre-foot/year demand on whatever water supply will be feeding that applicant.

1 acre = 43,560 sq-ft **1 acre-foot = 325,851 gallons**

3) Here is our project water demand analysis for a STATED 320,976 sq-ft canopy (see pg 3):

109,120 sq-ft (Total Area) ÷ 16 sq-ft (per plant area) = 20,061 plants

20,061 (plants) x 2 gal/day water = 40,122 gal/day water

40,122 (gal/day) ÷ 325,851 (gal) = 0.12 acre-feet/day

ACTUAL GREENHOUSE DEMAND: 0.12 X 365 days = 43.8 acre-feet/year

This project represents a potential **161%** difference between STATED and ACTUAL water use.

We propose this project, if allowed to operate, be required to install ultrasonic flow meters at all incoming and outgoing water systems that would account for all real time (BIM compatible) water distribution and discharge on this project.

Concerned Citizens

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING

Initial Study – Environmental Checklist

PLN-2039
04/2019

Project Title & No. California Production Services/Davis Conditional Use Permit ED19-299 (DRC2019-00183) -- *Formerly Draeger Minor Use Permit* (DRC2018-00102)

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.

Steve Conner			02/03/20
Prepared by (Print)	Signature		Date
Eric Hughes		For Steve McMasters Principal Environmental Specialist	02/03/20
Reviewed by (Print)	Signature		Date

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:

Hearing request by California Production Services / Davis for a Conditional Use Permit (DRC2019-00183) (formerly Draeger Minor Use Permit DRC2018-00102) to establish up to three acres of outdoor cannabis cultivation canopy and 21,600 square feet of indoor cannabis cultivation, ancillary nursery and processing activities. Project development would result in 5.49 acres of site disturbance on an approximately 37.37-acre parcel, and will include the construction of seven 2,880-square foot greenhouses, one 1,440-square foot greenhouse, one 5,000-square foot metal building, up to 130,680 square feet of hoop house structures, and the use of two existing storage units (568 square feet of storage). A modification from the parking provisions set forth in Section 22.18.050.C.1 of the County Land Use Ordinance (LUO) is requested to reduce the parking from 59 to 13; a modification from the setback standards set forth in Section 22.40.050.D.3.b of the County's LUO is requested to reduce the setback from 300 feet to 100 feet from the east and west property lines. The project site is located in the Agriculture land use category located at 5790 Rocky Canyon Road, Creston (APN 043-211-037) in the El Pomar-Estrella Subarea of the North County Planning Area.

An aerial image of the project site is shown in Figure 2. The proposed cannabis operations would be located in areas with annual grassland, existing cannabis cultivation, and developed/disturbed land. As shown in Figure 3 and summarized in Table 1, project construction and implementation would occur in two phases. All outdoor/hoop-house cultivation and storage would be established in Phase One. Phase Two will involve construction of the greenhouses and the 5,000-square foot building for ancillary processing activities (2,500 square feet for drying and 2,500 square feet for packaging). The proposed greenhouses would consist of permitted structures placed on the soil without a floor or foundation. Therefore, indoor cultivation would involve planting in the soil rather than using benches or bays. The existing, 19,008-square foot, outdoor grow (discussed below under Baseline Conditions) is proposed to be entirely relocated to the newly proposed outdoor cultivation areas. The area of the existing grow will then be used as ancillary nursery space to propagate plants for the project. Installation of ten 5,000-

gallon water tanks and one 10,000-gallon water tank is also proposed. The project would employ up to four people and would operate seven days per week, between the hours of 6:00 AM and 6:00 PM.

Details regarding proposed operations and routine maintenance are provided in the Operations Plan which is incorporated by reference and available for review at the Department of Planning and Building, 970 Osos Street, suite 200, San Luis Obispo.

Table 1 – Project Components by Phase

Project Component	Count	Size (sf)	Footprint (sf)	Canopy(sf)
Phase One				
(N) Hoop-House Cultivation	57	2,288 (22' x 104')	130,680	130,680
(E) Hoop-House Nursery*	1	varies	19,008	19,008
(E) Organic Pesticide Storage	1	144 (8' x 18')	144	n/a
(E) Cannabis Secure Storage	1	424 (8' x 53')	424	n/a
(N) Parking / Delivery Area	1	n/a	2,930	n/a
Sub-Total of Phase One			***153,186***	***149,688***
Phase Two				
(N) Greenhouse A	1	1,440 (30' x 48')	1,440	1,440
(N) Greenhouses (B-H)	7	2,880 (30 x 96)	20,160	20,160
(N) Drying Room	1	5,000 (50' x 100')	2,500	n/a
(N) Packaging Room	1		2,500	n/a
Sub-Total of Phase Two			***26,600***	***21,600***
Total			**179,786**	**171,288**
Water Storage Tank (5,000 gallons)		10	n/a	n/a
Water Storage Tank (10,000 gallons)		1	n/a	n/a

** Nursery to be placed in existing outdoor cultivation area*
(E) = existing
(N) = new
(sf) = square feet

Access to the site would be directly from Rocky Canyon Road. The cannabis operation would utilize an existing unpaved driveway. The applicant will improve the existing driveway in accordance with County and Cal Fire standards. A fire equipment turnaround will be constructed to County/Cal Fire design specifications to ensure access to the greenhouses is maintained for emergency response vehicles.

The project will include installation of ten 12.6-foot tall water tanks. Each tank will hold 5,000 gallons and will be centrally located to the cultivation areas for irrigation purposes. In addition, Cal Fire requires the installation of one 10,000- gallon steel water tank that is accessible to emergency responders. This larger tank will be 13.3-feet tall and located near the hammer-head turnaround. All proposed water tanks would be green in color to blend into the surrounding landscaping.

The earthwork anticipated for project development will be minor; about 92 cubic yards of trenching will be required for utilities. All cannabis operations will be enclosed within a 6-foot tall deer fence with vinyl screening. The entrance to the operation will be secured with a chain-link rolling gate. On-site parking will include 10 standard spaces and three ADA-compliant spaces.

Outdoor security lighting is proposed that would use motion detectors and LED solar lights on 12-foot tall poles in the interior of the fenced operation. The lighting would be downward-facing to minimize light pollution.

Non-cannabis solid waste consisting of general refuse will be stored in an 8' x 16' dump trailer located near the outdoor cultivation area. The dump trailer will be accessible by the main roadway and towed by a waste management company to the dump as needed. No cannabis waste will be disposed of through commercial solid waste operations. The cannabis waste created from the cannabis cultivation will be composted on site. The composting area would be located inside the secure fence and would be easily accessible from the indoor greenhouse cultivation sites.

For the indoor cultivation and ancillary activities, the project proposes to use exhaust air filtration systems with carbon filters that prevent internal odors from being emitted externally. These systems will be solar powered to reduce the amount of required energy consumption. Combined noise resulting from the use of wall- or roof-mounted HVAC, generator and odor mitigation equipment will be expected to generate noise levels of approximately 53 dBA at 25 feet from the source. The expected energy usage for Phase 1 would be 14,000 kilowatt-hours (kWh) per year. Energy usage for Phases 1 and 2 combined would be approximately 113,493 kWh.

The project will use an existing well for water supply. The total demand for Phases 1 and 2 combined will be approximately 4.66-acre feet per year. The project is located in the Paso Robles Groundwater Basin and will be required to offset the projected water use at a 1:1 ratio in compliance with the Countywide Water Conservation Program (CWWCP).

The project site is subject to a Williamson Act Contract and the property owner has filed for non-renewal of the contract. (see discussion under Section 2 below).

Baseline Conditions. The project site was historically used for cattle grazing and keeping horses. An existing cannabis cultivation operation is on site and is registered as Cooperative/Collective registration for Michael Draeger (CCM2016-00308) under Urgency Ordinance 3334. Due to a previous cannabis-related code violation related to the registration, CCM2016-00308, the project was elevated from a Minor Use Permit to a Conditional Use Permit as required by County LUO Section 22.40.040. Once the property owner was notified of the violation, the issues were corrected. Based on this action, the property and proposed project are in compliance with all laws, rules, and regulations pertaining to land uses, building and construction, health and safety, and other applicable provisions of Title 22.

In addition to the established cannabis operation, an existing manufactured single-family house and six agricultural and storage buildings are located on site. All existing structures will remain and be brought up to code; however, only two of the existing storage buildings will be used in the cannabis operation. An existing on-site septic system would serve the proposed operation.

Water is supplied to the project site by an existing well. A well pump test, completed by Farm Supply Co. on 06/29/2019, shows the well has the ability to supply between 17 and 35 gal/minute. Based on the minimum, 17 gal/min, the well can supply 24,480 gal/day. Historic water use, as determined by the water demand analysis submitted with the project application materials, has been 0.79 acre-feet per year, exclusive of the existing outdoor cannabis cultivation which is assumed to consume about 0.60 acre-feet per year.

Ordinance Modifications:

The project includes a request for a modification from the setback provisions set forth in Section 22.40.050.D.3.b of the LUO, which establishes a minimum 300-foot setback from the property line for outdoor cultivation. As described in Sections 22.40.050.D.3.e and 22.40.050.E.7, the setback may be modified with a Use Permit if specific conditions of the site and/or vicinity make the required setback unnecessary or ineffective; and if the modification of the setback will not allow nuisance odor emissions from being detected offsite. The requested modification is for a reduced setback from 300 feet to 100 feet from the eastern and western property lines. Materials submitted with the application provide the following rationale that the 300-foot setback is unnecessary for this particular project:

- The topography and layout of the property would not allow for an efficient cultivation operation under the current ordinance setback standards.
- The cultivation areas on site will be enclosed within an opaque screened deer fence, thereby creating a barrier for nuisance odors and visibility.
- Using the setback as an odor mitigation tactic is unnecessary in this instance as the nearest offsite residence is 622 feet east of the property line. An odor reduction plan has been prepared and its implementation will be made a condition of the project.
- The project has been conditioned to operate in a manner that ensures odors associated with cannabis activities are contained on the project site.
- The project has been conditioned to participate in an ongoing cannabis monitoring program. Once implemented by the County, the project site will be inspected four times per year to ensure ongoing compliance with conditions of approval, including those relating to odor management.

The project request also includes a modification from the parking standards set forth in Section 22.18.050.C.1 of the LUO. Indoor cannabis cultivation is considered a Nursery Specialties land use which requires one parking space per 500 square feet of floor area. The proposed processing activities are considered a New Agricultural Processing land use, which requires one parking space per 1,000 square feet of floor area. For the subject project, this would apply to the greenhouses, storage units, and processing buildings. Therefore, the parking requirement for the use is 59 spaces. The project proposes 13 parking spaces. Up to four employees may be on site at various times during the day. Therefore, 13 spaces are proposed as sufficient to meet the parking demands of the project.

Table 2. Parking Requirement

Use	Parking Standard	Floor Area	Parking Requirement
Nursery Specialty	1:500	26,600	54
New Agricultural Processing	1:1,000	5,000	5
Total			**59**

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Project Location

N

Figure 1 –Regional Location

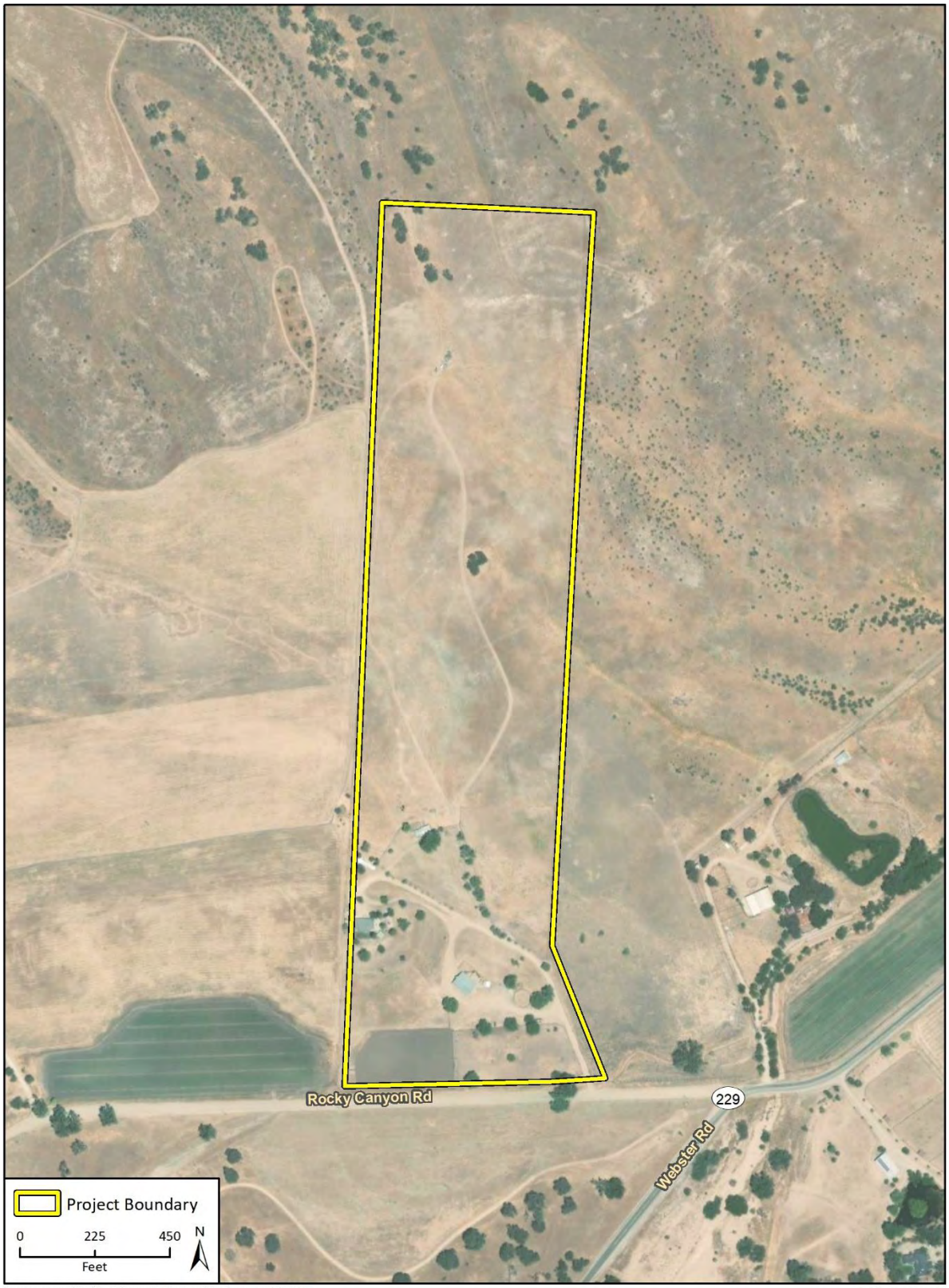

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Figure 2 –Project Location

Figure 3 – Existing Conditions

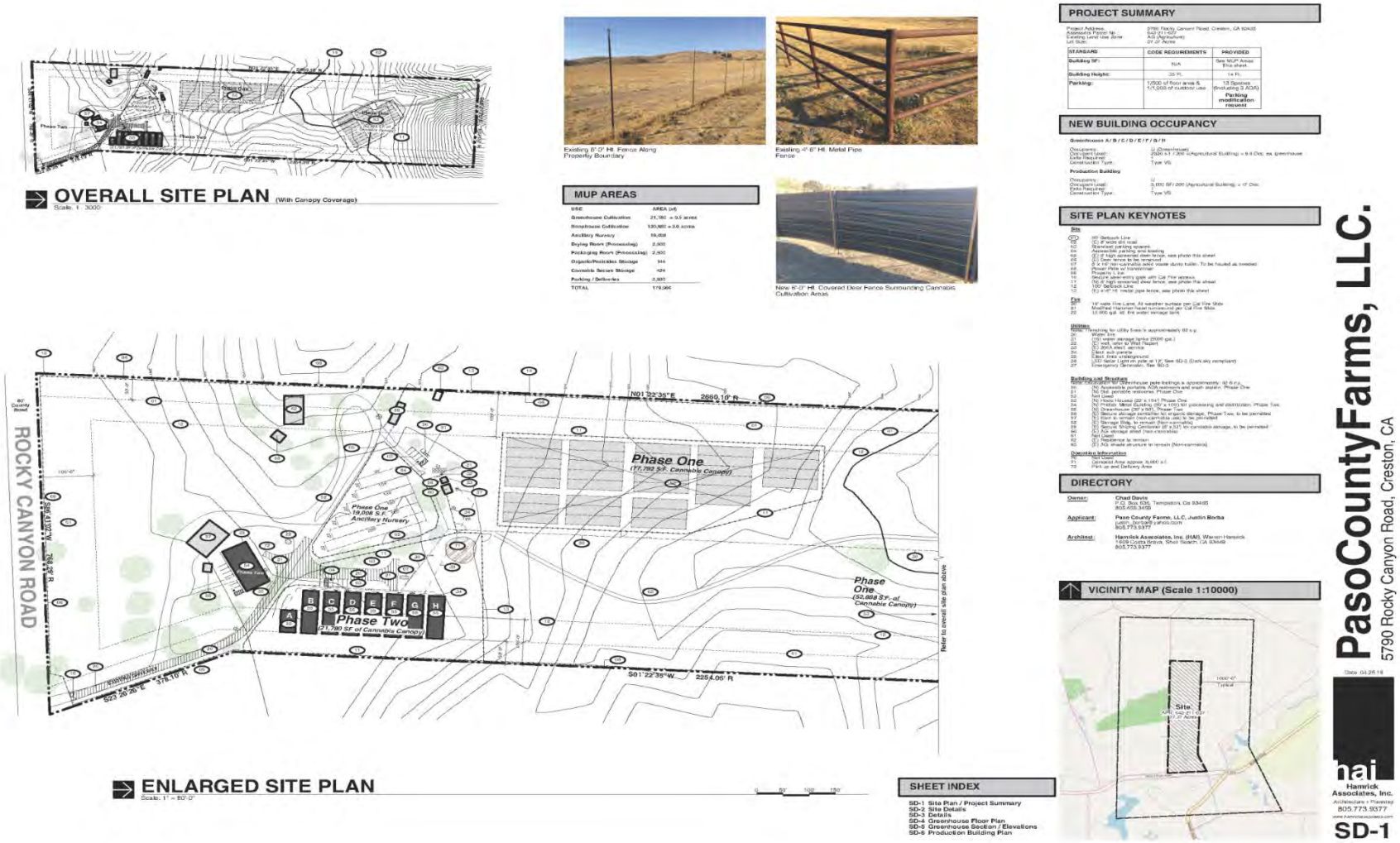
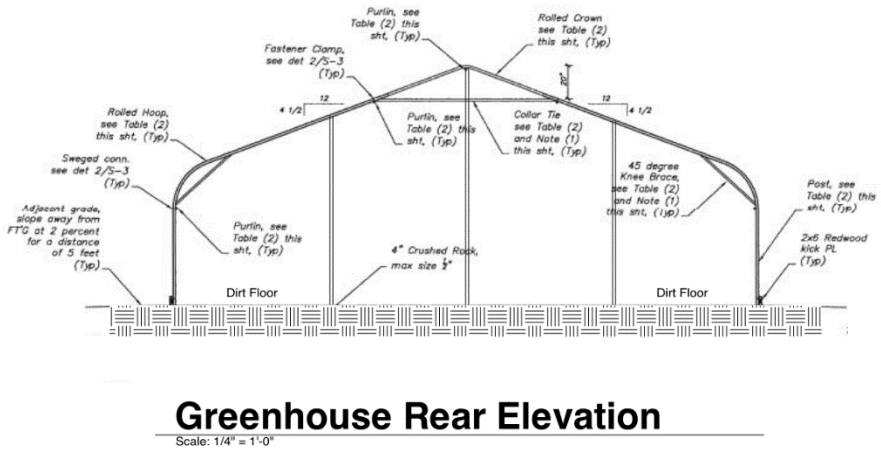
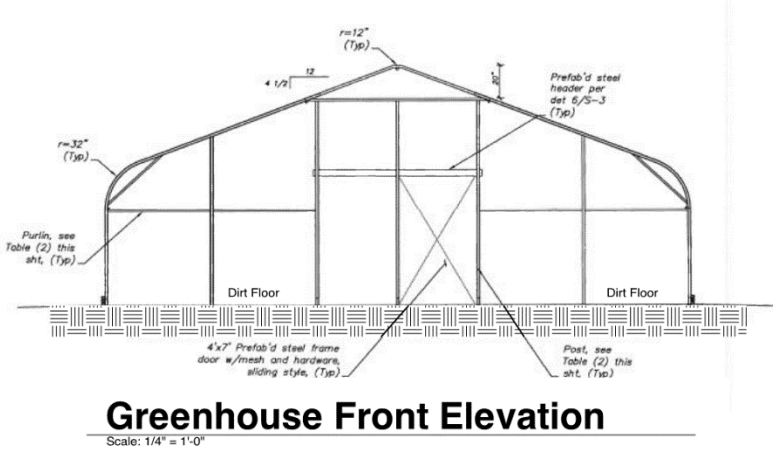


Figure 4 – Overall Site Plan





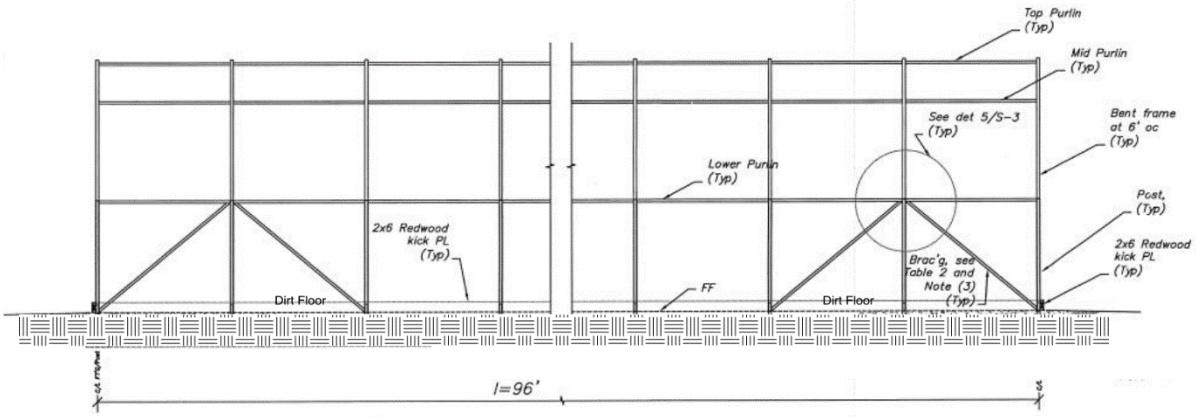


Figure 5 – Greenhouse Elevations

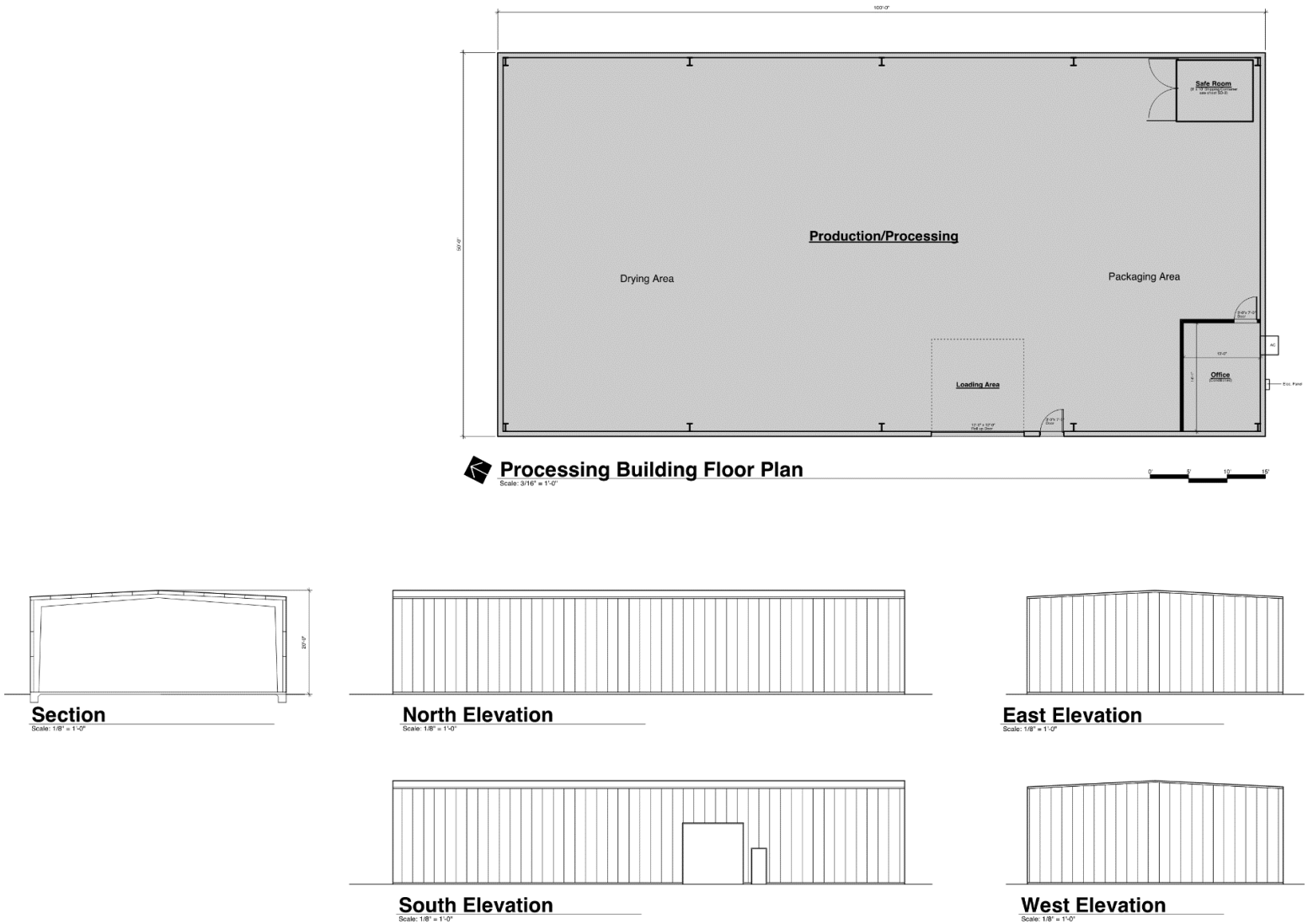


Figure 6 – Processing Building Floor Plan and Elevations

ASSESSOR PARCEL NUMBER(S): 043-211-037

Latitude: 35.49212 º N **Longitude:** 120.54611 º W **SUPERVISORIAL DISTRICT #** 5

Other Public Agencies Whose Approval is Required

Permit Type/Action	Agency
Cultivation Licenses	California Department of Food and Agriculture – CalCannabis
Written Agreement Regarding No Need for Lake and Streambed Alterations	California Department of Fish and Wildlife
Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities, Order No. WQ-2017-0023-DWQ (General Order)	Regional Water Quality Control Board (RWQCB)
Safety Plan Approval and Final Inspection	California Department of Forestry (CalFire)

A more complete discussion of other agency approvals and licensing requirements is provided in Appendix A of this Initial Study.

B. Existing Setting

Plan Area: North County **Sub:** El Pomar/Estrella **Comm:**

Land Use Category: Agriculture

Combining Designation: Flood Hazard

Parcel Size: 37.37 acres

Topography: Nearly level to to gently rolling

Vegetation: Grasses; Agriculture; ;

Existing Uses: Single-family residence(s) ;accessory structures ;cannabis

Surrounding Land Use Categories and Uses:

North: Agriculture ***East:*** Agriculture

South: Rural Lands ***West:*** Agriculture

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

The site is located along Rocky Canyon Road in a predominantly rural and agricultural area. The site is currently utilized for cannabis cultivation. The project site slopes moderately upward (about 17%) to the north and more steeply where the project site transitions to the foothills of the La Panza Range. One single-family residence, and six agricultural and storage buildings are located in the southern portion of the site. Vegetation is characterized primarily by annual grasses, ornamental landscaping and scattered blue oaks. The project site is not located in a designated scenic area. Lastly, Table VR-2 of the Conservation and Open Space Element provides a list of Suggested Scenic Corridors; none of the roadways in the vicinity of the project site are listed on Table VR-2.

In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 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. Compliance with the recommended mitigation measure as well as Section 8304 (c) and (g) will reduce potential impacts to less than significant.

Discussion

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

The project site is not located in a designated scenic view open to the public. 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 not visible from a Designated State Scenic Highway. Impacts would be less than significant.

(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 involves the construction of eight greenhouses, a metal processing building and 130,680 square feet of hoop structures within a predominantly rural and agricultural area. The greenhouses will be 30 ft. wide and 96 ft. long with a metal frame and exterior walls; a pitched roof extends along the long axes of the buildings (Figure 5). The processing building will be a 50 ft. by 100 ft. metal frame structure with a shallow-sloping roof and metal siding (Figure 6). The processing building will be located on the interior of the site, and set back a minimum 385 feet from Rocky Canyon Road where it will be partially screened from the roadway by the existing barn, the intervening vegetation, and existing and proposed fencing. The greenhouses will be located further north on the interior of the site near the east property line. The buildings will be arranged perpendicular to the east property line and will be set back a minimum of 50 feet. The southernmost greenhouse building (Building A) will be about 430 feet from the Rocky Canyon Road right-of-way.

Ten, 5,000-gallon water tanks and one 10,000-gallon water tank will be placed in the southern portion of the site near the ancillary nursery. The water tanks will be 13.3 feet in height and green in color to blend into the surrounding landscaping.

In compliance with LUO Section 22.40.050.D.6, cannabis plants associated with cultivation shall not be easily visible from offsite. The proposed outdoor cultivation site will also be located in the central portion of the site, and will not be visible due to intervening vegetation and fencing. Further, the ancillary nursery would be enclosed in six-foot deer fencing incorporating vinyl screening material and would thus not be visible from off-site. The proposed indoor cultivation site would take place in eight greenhouses and will be enclosed in fencing as well. Project design will ensure the project would be compatible with adjacent uses and surrounding visual character (agricultural and rural residential). 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?

Outdoor security lighting is proposed in the center of the fenced operation, providing light for the proposed fire access road. The lighting will be motion-activated and utilize LED solar lights on 12-foot poles. The lighting will be downward-facing to minimize light pollution. The project will also be conditioned such that indoor lighting would be screened so as to not be visible from off-site.

Lighting at the project access gate will be downward directed and consistent with other entry gate lighting in the vicinity of the site and consistent with LUO Section 22.10.060 B through F.

The nearest off-site residence is located about 620 feet to the east; dwellings on other surrounding properties are over 1,000 feet distant. Given the sparsity of development and the distance to the nearest urban areas, the project site and vicinity experience relatively little non-natural lighting which contributes to the rural character of the area. Therefore, the potential for new light and glare to adversely impact surrounding properties is considered *significant unless mitigated*.

Conclusion

Implementation of mitigation measure AES-1 combined with regulatory compliance would ensure that impacts to visual resources will be less than significant.

Mitigation

AES-1 **Nighttime lighting. Prior to issuance of construction permits**, the applicant shall submit a light pollution prevention plan (LPPP) to the County Planning Department for approval that incorporates the following measures to reduce impacts related to night lighting:

a. Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;

b. All facilities employing artificial lighting techniques shall include shielding and/or blackout tarps that are engaged between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping;

c. Any exterior path lighting shall conform to LUO Section 22.10.060, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site. Exterior path lighting shall be "warm-white" or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions; and

d. Any exterior lighting used for security purposes shall be motion activated, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site, and shall be of the lowest-lumen necessary to address security issues.

Sources

See Exhibit A.

II. AGRICULTURE AND FORESTRY RESOURCES

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

Setting

The project site is located in a rural area of the county where the primary agricultural activities are grazing and limited irrigated row crops on the level areas of some properties. Aerial photographs of the project site from 2004 reveal livestock pens that have since been removed. There are no indications of past cultivation. The following area-specific elements relate to the property's importance for agricultural production:

Land Use Category: Agriculture

State Classification: Farmland of Local Potential, Other Land, and Grazing land

Historic/Existing Commercial Crops: None

In Agricultural Preserve? Yes, El Pomar Agricultural Preserve

Under Williamson Act contract? Yes

The site is nearly level to moderately sloping, with an average slope of 17 percent. Table SL-2 of the Conservation/Open Space Element lists the important agricultural soils of San Luis Obispo County. Soils on the project site and total acreages are shown in Table 3 and then described in detail below. Farmland classifications of the State Farmland Mapping and Monitoring Program (FMMP) are summarized in Table 4.

Table 3 – COES Classifications and Acreages of Soils on Site

Soil	COES Classification	Total Acres	Acres Impacted By Project
Elder loam (0 to 2% slope)	Prime Farmland	4.71	0.00
Nacimiento- Los Osos complex (9 to 30% slope)	Other Productive Soils	17.77	2.31
Mocho clay loam (2 to 9% slope)	Prime Farmland	7.00	2.68
Linne Calodo complex (9 to 30% slope)	Other Productive Soils	5.55	0.50
Linne Calodo complex (30 to 50% slope)	N/A	2.34	0.00
Total:		37.37	5.49
Source: Classifications based on Table SL-2 of the County General Plan's Conservation/Open Space Element			

Table 4 – FMMP Classifications and Acreages of Soils on Site

FMMP Classification	Total Acres	Acres Impacted By Project
LP, Local Potential[1]	5.79	1.02
G, Grazing	22.37	4.31
X, Other Land[2]	9.21	0.16
Total:	37.37	5.49
Source: Farmland Mapping and Monitoring Program, 2016		

Notes:

1. Local Potential (LP): lands having the potential for farmland, which have Prime or Statewide characteristics and are not cultivated.
2. Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than forty acres.

Based on the County's Conservation/Open Space Element, the project site contains Prime Farmland and Other Productive Soils. The Department of Conservation Farmland and Monitoring Program classifies the soils on site as Farmland of Local Potential, other land, and grazing land. Based on the Natural Resources Conservation Service Soil classifications, the soil type(s) and characteristics on the site include:

Elder loam (0-2% slope)

The parent material of this soil type is alluvium derived from sedimentary rock. The drainage class of this unit is well drained, and it is composed of loam, sandy loam, and loamy sand. This soil type tends to occur on inset fans and alluvial fans, at elevations between 110 and 1,560 feet. This soil is considered prime farmland if irrigated.

Nacimiento-Los Osos complex (9-30% slope)

The parent material of this soil type is residuum weathered from calcareous shale and/or sandstone. The drainage class of this unit is well drained, and it is composed of silty clay loam. This soil type tends to occur on hills, at elevations between 600 and 1,500 feet.

Mocho clay loam (2-9% slope)

The parent material of this soil type is alluvium derived from sedimentary rock. The drainage class of this unit is well drained, and it is composed of clay loam. This soil type tends to occur on inset fans and alluvial fans, at elevations between 520 and 2,020 feet. This soil is considered prime farmland if irrigated.

Linne Calodo complex (9-30% slope)

The parent material of this soil type is residuum weathered from calcareous shale and/or sandstone. The drainage class of this unit is well drained, and it is composed of channery clay loam and clay loam. This soil type tends to occur on hills, at elevations between 600 and 1,500 feet.

Linne Calodo complex (30-50% slope)

The parent material of this soil type is residuum weathered from calcareous shale and/or sandstone. The drainage class of this unit is well drained, and is composed of channery clay loam and clay loam. This unit tends to occur on hills, at elevations between 500 to 2,500 feet.

Discussion

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

Project impacts to Prime Farmland are considered less than significant because:

- None of the project components will be located on land classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance according to the FMMP.
- The proposed greenhouses will be constructed without a slab foundation, thereby preserving the underlying soils for a future agricultural use if the cannabis activities were to be removed.
- The proposed processing building and the up-slope outdoor cultivation area are located on the least productive farmland on the project site.
- The potential for livestock grazing on the remainder of the site will be unaffected by cannabis activities.
- The project is consistent with the following policies of the Agriculture Element with regard to the protection and preservation of productive agricultural land:

AGP8: Intensive Agricultural Facilities.

a. Allow the development of compatible intensive agricultural facilities that support local agricultural production, processing, packing, and support industries.

b. Locate intensive agricultural facilities off of productive agricultural lands unless there are no other feasible locations. Locate new structures where land use compatibility, circulation, and infrastructure capacity exist or can be developed compatible with agricultural uses.

AGP18: Location of Improvements.

a. Locate new buildings, access roads, and structures so as to protect agricultural land.

Discussion: Cannabis cultivation is not considered agricultural crop production. However, the proposed processing building and upslope outdoor cultivation area will be located on the least productive agricultural soils. Agricultural operations on the remainder of the project site would be unaffected by cannabis activities.

AGP14: Agricultural Preserve Program.

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

Discussion: The project site is subject to an active LCA contract.

AGP24: Conversion of Agricultural Land.

a. Discourage the conversion of agricultural lands to non-agricultural uses through the following actions:

1. Work in cooperation with the incorporated cities, service districts, school districts, the County Department of Agriculture, the Agricultural Advisory Liaison Board, Farm Bureau, and affected community advisory groups to establish urban service and urban reserve lines and village reserve lines that will protect agricultural land and will stabilize agriculture at the urban fringe.

Discussion: The project site is located about eight miles from the nearest urban reserve.

2. Establish clear criteria in this plan and the Land Use Element for changing the designation of land from Agriculture to non-agricultural designations.

3. Avoid land redesignation (rezoning) that would create new rural residential development outside the urban and village reserve lines.

4. Avoid locating new public facilities outside urban and village reserve lines unless they serve a rural function or there is no feasible alternative location within the urban and village reserve lines.

Discussion: The project is consistent with the allowable land uses in the Agriculture land use category and does not propose a change in the land use designation.

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

The project site was created by deed from a larger parcel that was subject to a Land Conservation ("Williamson Act") contract. However, the resulting 37.47-acre parcel violates the contract's minimum parcel size for conveyance, which is 160 acres.

Because the LCA contract remains in effect on the project site, the project was referred to the County's Agricultural Preserve Review Committee (APRC) in March 2019. After considering the history of the parcel, the APRC voted to recommend that the decision-making body deny the project because the creation of the parcel violated the terms of the active LCA contract and the County's Land Conservation Act Rules of Procedure. The recommendation of the APRC was not based on the project's potential impacts to agriculture. To resolve the conflict with the LCA contract, staff recommended that the landowner file a Notice of Non-renewal; the Notice was recorded in 2018 and the LCA contract will expire in approximately nine years.

Cannabis cultivation is an allowable activity on parcels subject to an active LCA contract. And although the project site is not currently consistent with the LCA contract and, therefore, the Williamson Act, a remedy has been initiated and the inconsistency will be resolved when the term of the contract expires. Therefore, impacts from the project would be considered less than significant.

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

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

The project site does not contain forest land or timberland. Impacts would be less than significant.

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

The project site is in a predominantly agricultural area surrounded by agricultural uses and undeveloped land. Although the site contains Prime Farmland according to the County's Conservation/Open Space Element, there is no prohibition on locating structures (e.g. the proposed greenhouses and processing building) on Prime Farmland in the inland part of the County and the structures would only occupy approximately 0.6-acre. The project would not alter the existing environment such that it could result in the conversion of agricultural land. The project site does not contain forest land. Impacts to agricultural resources would be less than significant.

Conclusion

Project design combined with regulatory compliance would ensure that any impacts to agricultural resources are less than significant. No mitigation measures are necessary

Sources

See Exhibit A.

III. AIR QUALITY

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

Setting

The project site is located in the South Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (APCD). The APCD is in non-attainment for the 24-hour state standard for particulate matter (PM_{10}) and the eight-hour state standard for ozone (O_3) (APCD 2015). The APCD adopted the 2001 Clean Air Plan (CAP) in 2002, which sets forth strategies for achieving and maintaining Federal and State air pollution standards. The CAP provides a complete description of the air basin and the environmental and regulatory setting and is incorporated by reference. The CAP may be reviewed in its entirety by following this link: https://www.slocleanair.org/rules-regulations/clean-air-plan.php

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

Thresholds of Significance for Construction Activities. The APCD's CEQA Handbook establishes thresholds of significance for construction activities (Table 5). According to the Handbook, a project with grading in excess of 4.0 acres and/or a project that will move 1,200 cubic yards of earth per day can exceed the construction threshold for respirable particulate matter (PM_{10}). In addition, a project with the potential to generate 137 pounds per day of ozone precursors (ROG + NOx) or diesel particulates in excess of 7 pounds per day can result in a significant impact.

Table 5 – Thresholds of Significance for Construction

Pollutant	Threshold[1]		
	Daily	Quarterly Tier 1	Quarterly Tier 2
ROG+NOx (combined)	137 lbs	2.5 tons	6.3 tons
Diesel Particulate Matter	7 lbs	0.13 tons	0.32 tons
Fugitive Particulate Matter (PM10), Dust2		2.5 tons	
Greenhouse Gases (CO2, CH4, N2O, HFC, CFC, F6S)	Amortized and Combined with Operational Emissions		

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

Notes:

1. Daily and quarterly emission thresholds are based on the California Health & Safety Code and the California Air Resources Board Carl Moyer Guidelines.
2. Any project with a grading area greater than 4.0 acres of worked area can exceed the 2.5-ton PM10 quarterly threshold.

Thresholds of Significance for Operations. Table 1-1 of the APCD's CEQA Handbook provides screening criteria based on the size of different types of projects that would normally exceed the operational thresholds of significance for greenhouse gases and ozone precursors. The list of project categories in Table 1-1 is not comprehensive and does not include cannabis-related activities. However, operational impacts are focused primarily on the indirect emissions associated with motor vehicle trips associated with development. For example, a project consisting of 99 single family residences generating 970 average daily vehicle trips would be expected to exceed the 25 lbs/day operational threshold for ozone precursors. A project consisting of 54 single family residences generating 529 average daily motor vehicle trips would be expected to exceed the threshold for greenhouse gas emissions.

The APCD has also estimated the number of vehicular round trips on an unpaved roadway necessary to exceed the 25 lbs/day threshold of significance for the emission of particulate matter (PM_{10}). According to the APCD estimates, an unpaved roadway of one mile in length carrying 6.0 round trips would likely exceed the 25 lbs/day PM_{10} threshold.

The nearest sensitive receptor to the site is a single-family residence located approximately 750 feet east of the proposed greenhouse construction (622 feet from the property line).

Discussion

(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?*

In order to be considered consistent with the 2001 San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP (SLOAPCD 2012). Adopted land use planning strategies include, but are not limited to, planning compact communities with higher densities, providing for mixed land use, and balancing jobs and housing. The project does not include development of retail or commercial uses that would be open to the public, therefore, land use planning strategies such as mixed-use development and planning compact communities are generally not applicable. The project would result in the establishment of activities that are agricultural in nature and would employ up to twelve full-time

regular employees, with eight regular employees onsite at a time, and up to twenty-five 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. Project employees would generally be performing manual tasks such as planting, harvesting, and monitoring the irrigation equipment; therefore, the project would not be a feasible candidate for participation in a telecommuting program. No regional transit system serves this area and therefore improvements to the transit system are not feasible. The project site is in a rural area, off an established bikeway system, and therefore bikeway enhancements are not feasible.

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

(c) Construction related impacts: As proposed, the project would result in the disturbance of approximately 5.49 acre for the construction of eight greenhouses, outdoor cultivation areas, drying room and packaging room, and parking/delivery area. This would result in the creation of dust and short-term vehicle emissions during the construction phase, as well as long-term vehicle emissions associated with employee trips during operation. The project would move less than 1,200 cubic yards/day of material but would disturb more than four acres of area, and as such, would exceed the thresholds triggering construction-related mitigation. With implementation of mitigation measures AQ-1 and AQ-2, construction related impacts would be less than significant.

Lastly, SLO APCD regulations prohibit developmental burning of vegetative material within SLO County. Therefore, mitigation measure AQ-3 is recommended to ensure the potential impacts of construction activities are less than significant.

(d) Operational impacts. According to trip generation rates for cannabis activities applied by the Department of Public Works (Letter from Glenn Marshal, Department of Public Works, July 11, 2018), the project is expected to generate 23 average daily motor vehicle trips. According to the 2012 APCD CEQA Handbook, a project that generates fewer than 99 average daily motor vehicle trips will generate emissions that fall below the threshold of significance for ozone precursors and greenhouse gas emissions.

(e) LUO Section 22.40.050.D.4 states that cannabis cultivation sites located on an unpaved road shall incorporate measures to mitigate the air pollution (i.e. dust) effects created by the use. Motor vehicle access to the project site is accessed via Rocky Canyon Road which is a paved, county-maintained roadway. Therefore, the provisions of LUO 22.40.050.D.4 do not apply.

With incorporation of the recommended mitigation measures, impacts related to exceedance of federal, state, or SLOAPCD ambient air quality standards due to operational activities would be less than significant and less than cumulatively considerable.

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

(g) Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residential dwelling unit(s). The nearest sensitive receptor to the site is a single-family residence located 622 feet east of the property line.

(h) Grading associated with project construction and cannabis cultivation would be minor and the project would not result in substantial operational emissions. However, the project is within 1,000 feet of sensitive receptors and the SCCAB is in non-attainment for PM_{10}; therefore, standard mitigation measures apply. To address potential cumulative impacts and impacts to sensitive receptors during the construction phase, the project will be required to reduce localized fugitive dust, ozone precursors, and diesel particulate matter emissions per the APCD CEQA Air Quality Handbook. Adherence to Fugitive Dust Control Measures outlined in the Handbook would ensure the project shall implements dust control measures to reduce PM_{10} emissions in accordance with APCD requirements.

(i) Dust control measures will include, but are not limited to: watering/spraying to reduce dust emissions, soil stabilizers and other best management practices (jute netting, chemical binders), reduced vehicle speeds onsite, and sweeping and washing streets. In addition, the project would employ Standard Control Measures for Construction Equipment, which include but are not limited to: maintaining all equipment in proper tune according to manufacturer's specifications, use of diesel construction equipment meeting CARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, restricting vehicle idling time, staging and queuing areas located 1,000 feet away from sensitive receptors, and using electric equipment when feasible. With implementation of mitigation measures AQ-1 and AQ-2, construction related impacts would be less than significant.

According to the APCD CEQA Air Quality Handbook, Naturally Occurring Asbestos (NOA) has been identified as a toxic air contaminant by the California Air Resources Board (CARB). Under the CARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities a geologic evaluation should be conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Based on the APCD on-line map of potential NOA occurrence, the project site is not in the area where a geologic study for the presence of NOA is required.

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

The project includes outdoor cannabis cultivation which can produce potentially objectionable odors during the flowering, harvest, drying, and processing and these odors could disperse through the air and be sensed by surrounding receptors. Accordingly, Section 22.40.050 of the LUO mandates the following:

> *All cannabis cultivation shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite. All structures utilized for indoor cannabis*

cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.

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

The precise adverse health effects of cannabis odors, if any, are unknown. However, exposure to unpleasant odors may affect an individual's quality of life. As discussed above, odors are not considered an air pollutant under federal or state laws air quality laws.

The project is located in an area designated for agricultural uses and the surrounding properties are primarily undeveloped or support rural/agricultural uses.

The Project incorporates the following features to address odors:

- The Operations Plan required by LUO Section 22.40.040.A.3. sets forth operating procedures to be followed to help ensure odors associated with cannabis related activities do not leave the project site.
- The applicant has prepared an odor reduction plan that will be implemented as a condition of approval
- The project has been conditioned to operate in a manner that ensures odors associated with cannabis activities are contained on the project site.
- The project has been conditioned to participate in an ongoing cannabis monitoring program. Once implemented by the County, the project site will be inspected four times per year to ensure ongoing compliance with conditions of approval, including those relating to odor management.

Conclusion

Implementation of mitigation measures AQ-1 and AQ-2, which specify fugitive dust control measures and standard control measures for construction equipment, and AQ-3 which prohibits developmental burning, are required to reduce construction related air quality emissions to a less than significant level. Project design combined with implementation of mitigation measures and regulatory compliance would ensure that any operational impacts are less than significant.

Mitigation

AQ-1 Fugitive Dust Emissions. The following measures shall be implemented to minimize construction-generated emissions. These measures are based on SLOAPCD standard mitigation measures and would help to ensure compliance with the SLOAPCD's 20% opacity limit (SLOAPCD Rule 401) and nuisance rule (SLOAPCD Rule 402). These measures shall be shown on grading and building plans:

a. Construction of the proposed project shall use low-VOC content paints not exceeding 50 grams per liter.

b. To the extent locally available, prefinished building materials or materials that do not require the application of architectural coatings shall be used.

c. Reduce the amount of the disturbed area where possible.

d. Use water trucks, APCD approved dust suppressants (see Section 4.3 in the CEQA Air Quality Handbook), or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook.

e. All dirt stock-pile areas should be sprayed daily as needed.

f. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;

g. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.

h. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD.

i. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

j. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

k. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.

l. Install wheel washers at the construction site entrance, wash off the tires or tracks of all trucks and equipment leaving the site, or implement other SLOAPCD-approved methods sufficient to minimize the track-out of soil onto paved roadways.

m. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

n. The burning of vegetative material shall be prohibited. Effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. If you have any questions regarding these requirements, contact the SLOAPCD Engineering and Compliance Division at (805) 781-5912.

o. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork or demolition.

p. When applicable, portable equipment, 50 horsepower (hp) or greater, used during construction activities shall be registered with the California statewide portable equipment registration program (issued by the California Air Resources Board) or be permitted by the APCD. Such equipment may include: power screens, conveyors, internal combustion engines, crushers, portable generators, tub grinders, trammel screens, and portable plants (e.g, aggregate plant, asphalt plant, concrete plant). For more information, contact the SLOAPCD Engineering and Compliance Division at (805) 781-5912.

AQ-2 **ROG, NO_x, DPM Emissions.** The following measures based on the SLOAPCD standard mitigation measures for construction equipment for reducing nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment shall be implemented to reduce expose of sensitive receptors to substantial pollutant concentrations. These measures shall be shown on grading and building plans:

a. Implement Mitigation Measure AQ-1, as identified above.

b. 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:

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

d. Shall not operate a diesel-fueled auxiliary power system to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

e. Maintain all construction equipment in proper tune according to manufacturer's specifications;

f. Fuel all off-road and portable diesel-powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);

g. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;

h. Idling of all on and off-road diesel-fueled vehicles shall not be permitted when not in use. Signs shall be posted in the designated queuing areas and or job site to remind drivers and operators of the no idling limitation.

i. Electrify equipment when possible;

j. Substitute gasoline-powered in place of diesel-powered equipment, when available; and,

k. Use alternatively fueled construction equipment on-site when available, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

AQ-3 **Developmental burning**. As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, contact the APDD at (805) 781-5912.

Sources

See Exhibit A.

IV. BIOLOGICAL RESOURCES

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

The following are existing elements on or near the proposed project site relating to potential biological concerns:

On-site Vegetation: Non-native grasses and forbs, blue oak trees (*Quercus douglasii),* ornamental trees

Name and distance from blue line creek(s): West Branch Huerhuero Creek, on site approximately 340 feet south of the project footprint

Habitat(s): Annual grassland, anthropogenic, cropland, and riparian

Site's tree canopy coverage: Approximately 5%

A Biological Resources Assessment dated December 2018, was prepared by Althouse and Meade, Inc. for the proposed project and examined the entirety of the project site. The BRA included a California Natural Diversity Database (CNDDB) records search, and field surveys conducted in October and December 2018.

Habitat types on site include: annual grassland, anthropogenic, cropland, and riparian. West Branch Huerhuero Creek is located approximately 340 feet south of the proposed processing building.

Special status plant species were not observed during the field surveys. According to the CNDDB records search, 73 special status plant species have been reported to occur within the vicinity of the project site. However, due the previously disturbed nature of the project site and lack of suitable habitat, only two special status plant species have the potential to occur on site:

- Dwarf calycadenia (*Calycadenia villosa*)
- Shining navarretia (*Navarretia nigelliformis* subsp. *radians*)

No special status wildlife species were detected during the field surveys. Based on the CNDDB records search, 41 special status wildlife species have been reported within the vicinity of the project site. Habitat within the existing and proposed disturbed areas provide little to no habitat for special status wildlife species. However, due to the previously disturbed nature of the project site and lack of suitable habitat, only two special status wildlife species have the potential to occur on site:

- American badger (*Taxidea taxus*)
- Nesting birds

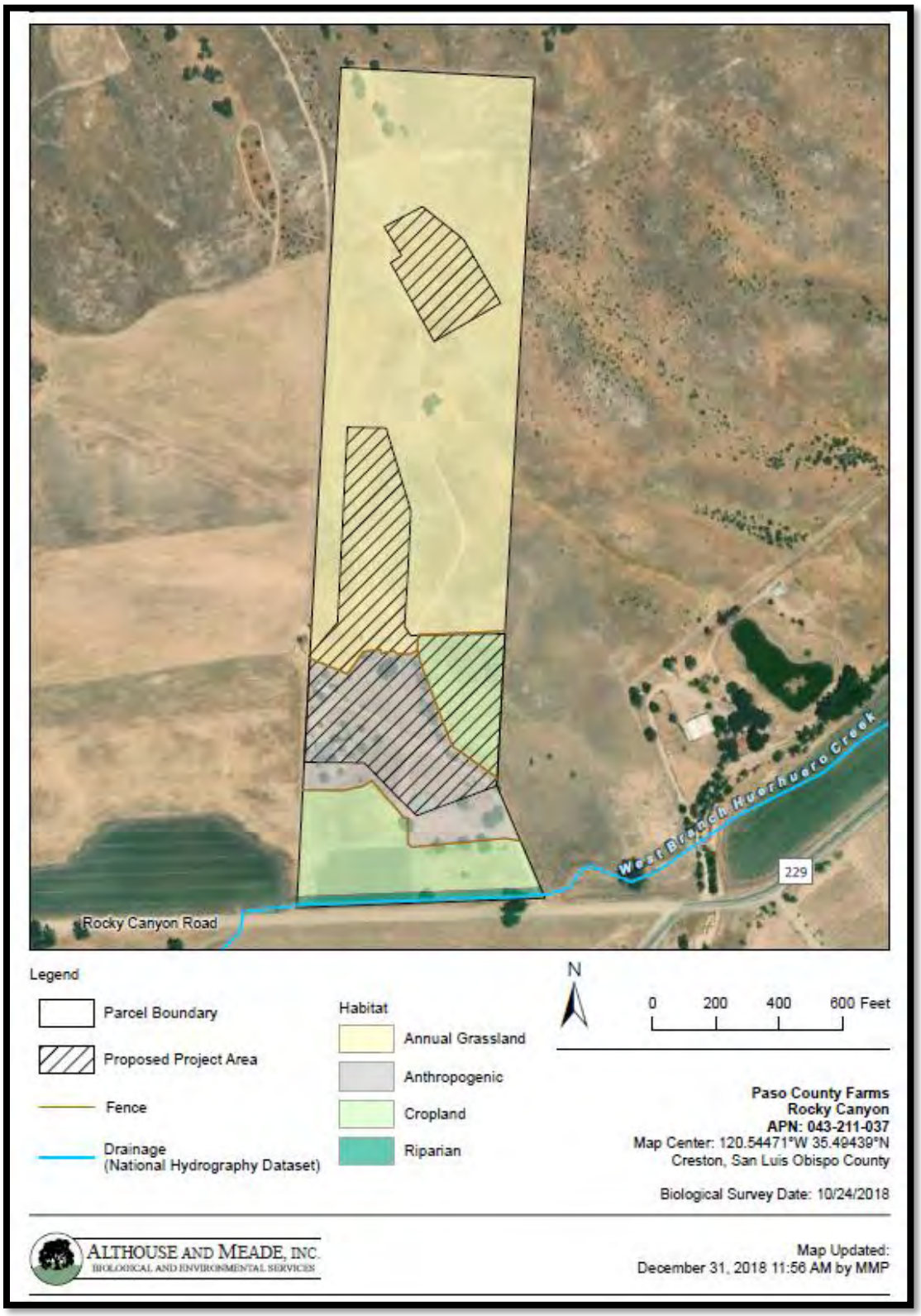


Figure 7 –Habitat Types

Discussion

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

Special status plants were not detected on the project site during the October and December 2018 site surveys and there is low potential for dwarf calycadenia and shining navarretia to occur. The surveys were not conducted during the appropriate blooming period for several state- and/or federally-listed species. If the special status plant species are identified on the project site, an appropriately timed spring botanical survey and avoidance and minimization measures will be required to reduce impacts to a less than significant level (see BIO-1).

Based on the presence of marginally suitable habitat, special status wildlife species have the potential to occur on site. The project is located outside the areas where the county has identified required mitigation ratios for San Joaquin kit fox. In order to minimize direct and indirect impacts associated with project-related disturbances to American badger during the construction phase, and avoidance and minimization measures will be required (see BIO-2). Special status nesting bird species are evaluated in item (d) below. Impacts would be less than significant with incorporation of mitigation measures.

(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?*

West Branch Huerhuero Creek is located approximately 340 feet south of the proposed processing building. The drainage feature may be subject to regulation under Fish and Game Code 1600, and the U.S. Army Corps of engineers (Clean Water Act section 404) and the Regional Water Quality Control Board (Clean Water Act section 401). The proposed project would not have any direct or indirect impacts to potentially jurisdictional drainages (Althouse and Meade, Inc. 2018). Impacts would be less than significant.

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

No wetlands were observed within the project site. No impact would occur. In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Sections 8304 (a) and (b) require cannabis projects to:

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

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

(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?*

Suitable foraging and nesting habitat are present for migratory birds throughout the property. Although none of these species were identified during the survey, the potential for some of these species cannot be completely ruled out due to their transient nature. Further, although no tree trimming or removal will be required, the project may directly or indirectly affect sensitive and nesting bird species through project-related disturbances that may deter nesting or cause nests to fail. Preconstruction surveys for sensitive and nesting birds, and avoidance and minimization measures if identified on the project site, would be required to ensure impacts remain less than significant (BIO-3).

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

A few blue oak trees are located in the northernmost portion of the property. As designed, the project would not result in the removal or trimming of any oak trees, as the proposed project footprint is located away from the trees. Impacts would be less than significant.

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

There are no habitat conservation plans that apply to the project site. The project would not conflict with the provisions of any applicable habitat or natural community conservation plans and there would be no impact.

Conclusion

Potential impacts to biological resources will be less than significant with incorporation of the mitigation measures that require focused botanical surveys, and preconstruction surveys for American badger and nesting birds, and avoidance and minimization measures if sensitive species are identified on the project site. These mitigation measures are included as BIO-1 through BIO-3.

Mitigation

BIO-1 **Special-Status Plant Species Avoidance and Minimization Measures**. Prior to initial ground disturbance and staging activities in areas of suitable habitat for special status plants, focused surveys shall be completed by a qualified biologist. The surveys shall be floristic in nature and shall be seasonally-timed to coincide with the blooming period of the target species. Surveys shall be conducted in accordance with the most current protocols established by the CDFW, USFWS, and consistent with the County's policies. All special-status plant species identified on site shall be mapped onto a site specific aerial photograph and topographic map. Survey results shall be submitted to the County Department of Planning and Building prior to initiation of construction. If special-status plant species, specifically dwarf calycadenia or shining navarretia, are identified within the proposed development footprint, impacts to these species will be minimized to the extent feasible to avoid impacting 90% of the plants observed. If special-status plant species are identified on the project site and direct impacts to special-status plants cannot be avoided, a salvage and relocation plan will be prepared to compensate for significant impacts on special-status plant species and identify suitable locations, methods, and success criteria for special-status plant mitigation through direct seeding and restoration of suitable unoccupied habitat. The plan shall, at a minimum, require replacement through collection of seed and topsoil from impact sites, a

monitoring and management component that outlines weed management and monitoring techniques, and success criteria that require successful establishment of the target species over the acreage and numbers of impacted plants within five years. If onsite salvage and restoration is not feasible, the plan will identify areas that contain verified extant populations of the special-status plant species, of similar size and quality, and equal or greater density to the population(s) that would be impacted by the Project proposed for preservation as compensatory mitigation for special-status plant impacts. Offsite habitat occupied by the affected species shall be preserved and managed in perpetuity at a minimum 1:1 mitigation ratio (at least one plant preserved for each plant affected, and at least one occupied acre preserved for each occupied acre affected). The restoration plan will be prepared and submitted to the County Department of Planning and Building for approval prior to initial site disturbance.

BIO-2 **Preconstruction Survey for American Badger** A qualified biologist shall conduct a pre-activity survey within 30 days prior to the start of greenhouse construction to ensure American badger are not present during the start of construction. If dens are discovered, they will be inspected to determine if they are currently occupied. If dens are determined to be inactive by the qualified biologist, they will be excavated by hand to prevent re-occupation prior to construction. If the qualified biologist determines that potential dens may be active during the non-breeding season, the entrances of the dens shall be blocked with soil, sticks, and debris for three to five days to discourage the use of these dens prior to project disturbance. The den entrances shall be blocked to an incrementally greater degree over the three to five-day period. After the qualified biologist determines that badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction. If badgers are found during their breeding and rearing season (May to December), dens shall be avoided by a 150-foot buffer to protect them from construction activities. If these dens cannot be avoided after the breeding season has concluded, the above procedure will be followed.

BIO-3 **Sensitive and Nesting Birds Avoidance and Minimization**. If construction is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to activity initiating construction. If active nests are located within the project area, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active. A non-disturbance buffer of 250 feet will be placed around non-listed, passerine species nests, and a 500-foot buffer will be implemented for raptor species. All activity will remain outside of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young.

Sources

See Exhibit A.

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

The project is located in an area historically occupied by the Obispeno Chumash and Salinan. No historic structures are present on site.

The project site is subject to the planning area standards of the El Pomar-Estrella Sub-area of the North County Area Plan. Section 22.94.040 A. of the Land Use Ordinance states:

A. **Archaeological Resources.** All land use permit applications subject to discretionary review that propose development within 100 feet of the bank of a creek (appearing as a solid, dotted, or dashed blue line on the applicable U.S. Geological Survey 7.5 -minute topographic quadrangle map), and within 300 feet of a creek where the slope of the site is less than 10 percent, shall be subject to the following requirements.

1. Preliminary site survey required.

No development is proposed within 100 feet of a creek and the slope of the project site is over 10 percent. Therefore, these requirements do not apply.

In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8304 (d) requires the project to Immediately halt cultivation activities and implement section 7050.5 of the Health and Safety Code if human remains are discovered.

Discussion

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

(b) No historic resources are located on site. Therefore, the project would not cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5. There would be no impact.

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

The project site is not located within a known culturally sensitive area. Impacts would be less than significant.

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

The project site is not located within a known culturally sensitive area. In addition, human remains are not expected to occur on site. However, per County LUO Section 22.10.040, if during any grading and excavation, buried or isolated cultural materials are unearthed, work in the area shall halt until they can be examined by a qualified archaeologist and appropriate recommendations made. Therefore, the project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5 or disturb human remains. Potential impacts would be less than significant.

Conclusion

Compliance with County regulations would ensure impacts to human remains are less than significant. No significant impacts to cultural resources are expected to occur, and no additional mitigation measures are necessary.

Sources

See Exhibit A.

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

Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within the County of San Luis Obispo. Approximately 33% of electricity provided by PG&E is sourced from renewable resources and an additional 45% is sourced from greenhouse gas-free resources (PG&E 2017).

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 kWh basis for clean solar power. The fee depends on the type of service, rate plan and enrollment level. Customers may choose to have 50% or 100% of their monthly electricity usage to be generated via solar projects. The Regional Renewable Choice program enables customers to subscribe to renewable energy from a specific community-based project within PG&E's service territory. The Regional Renewable Choice program allows a customer to purchase between 25% and 100% of their annual usage from renewable sources.

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

The County COSE establishes goals and policies that aim to reduce vehicle miles traveled, conserve water, increase energy efficiency and the use of renewable energy, and reduce greenhouse gas emissions. The COSE provides the basis and direction for the development of the County's EnergyWise Plan (EWP), which outlines in greater detail the County's strategy to reduce government and community-wide greenhouse gas 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 an EnergyWise Plan

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

The goals and policies in the COSE and EWP address the 2005 GHG emissions reduction targets for California (Executive Order 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.

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

The County LUO includes a Renewable Energy Area combining designation to encourage and support the development of local renewable energy resources, conserving energy resources and decreasing reliance on environmentally costly energy sources. This designation is intended to identify areas of the county where renewable energy production is favorable and establish procedures to streamline the environmental review and processing of land use permits for solar electric facilities (SEFs). The LUO establishes criteria for project eligibility, required application content for SEFs proposed within this designation, permit requirements, and development standards (LUO 22.14.100). The project site is not located in a Renewable Energy Area combining designation.

<u>Energy Use in Cannabis Operations</u>

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

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

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

Discussion

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

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

The project proposes indoor and outdoor cultivation and ancillary uses. The project incorporates the following features to ensure energy is not used in a wasteful, inefficient or unnecessary way:

- The project will be constructed with fixtures and equipment that meet Title 24 building codes for energy conservation and efficiency.
- Natural light is proposed to be used for the greenhouse cultivation since the project would cultivate auto-flowering cannabis (day neutral), which, due to its genetic makeup, does not need electrical or supplemental light to flower. The greenhouses themselves would allow for ample light and provide enough insulation needed for this method of cultivation.
- Only minimal outdoor lighting will be used for security.
- Minimal energy will be used to run the daily operation of the cannabis cultivation, but the estimate is conservative and considers factors such as the running of the pump for the irrigation system, 24-hour surveillance, and the emergency use of the back-up generator.
- The project will be conditioned to meter electricity used for cannabis activities and to provide the Department of Planning and Building with quarterly energy usage monitoring reports based on those meter readings. Ongoing monitoring will ensure that project energy consumption remains consistent with the energy use estimate provided in the application.

(a-b) Construction-related Energy Impacts.

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. State and federal 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.

Operational Energy Impacts

A cannabis project would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during operation if it utilizes significantly more energy (>20%) than a generic commercial building of the same size. Based on the California Energy Commission Report prepared by Itron, Inc, (March 2006), a generic commercial building utilizes 21.25 kWh/sf annually (13.63 kWh from electricity and 7.62 kWh from natural gas).

The CBC 2019 Building Energy Efficiency Standards includes mandatory energy efficiency standards; however, U-occupancy structures (such as greenhouses) are exempt from these standards and therefore are not necessarily using efficient energy practices. A project's processing, manufacturing, distribution, or retail structure would be subject to the CBC 2019 Building Energy Efficiency Standards, and therefore the energy demand of these uses would not be wasteful, inefficient, or unnecessary. Because the cultivation activities would not be subject to these state energy efficiency regulations, they could potentially result in wasteful, inefficient, or unnecessary energy consumption.

Electricity and Natural Gas. In order to calculate a project's energy demand the County will use the energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form (County of Santa Barbara 2018). This calculation form contains formulas for estimating electricity use of cannabis operations. The form assumes that indoor cultivation uses 200 kWh/sf annually and that mixed light (greenhouse) cultivation uses 110 kWh/sf annually. Because the County does not allow lighting or climate control for outdoor cultivation activities, it is assumed that energy use associated with outdoor cultivation (e.g. water pump) would be minor and less than significant. As discussed above, non-cultivation activities such as manufacturing would be subject to CBC standards regarding energy efficiency and therefore would not result in wasteful or inefficient energy use for the purpose of this analysis.

The proposed project would include 21,600 sf of greenhouse floor space. A preliminary estimate of the project's energy demand, based on the energy consumption rate associated with a generic commercial building of comparable size, is provided in Table 6. Since no artificial lighting for cultivation is proposed, the analysis compares the energy use with a typical commercial building. No diesel, gasoline, or natural gas is proposed. The application materials indicate total energy use for both phases will be about 113,493 kWh per year.

Table 6. Project's Projected Operational Energy Use Compared with A Generic Commercial Building of Comparable Floor Area

Project Component	Size (sf)	Rate (kWh/year-sf)	Projected Energy Demand (kWh/year)
Generic Commercial Building of Comparable Size	21,600	21.25	459,000
Natural Light Greenhouse Cultivation		--	113,493[1]

Notes:

1. Estimate provided by project agent. Solar power proposed to offset energy use.

Based on the California Energy Commission Report, a typical non-cannabis commercial building of 21,600 sf would use 459,000 kWh per year (21.25 kWh/sf x 21,600 sf). Based on the energy consumption rates above, the proposed project's cultivation activities would use considerably less energy than a generic non-cannabis commercial building of the same size. Therefore, this amount of energy use would not be considered wasteful and inefficient when compared to similar sized buildings implementing energy efficiency measures and would not require mitigation.

Fuel Use. Construction activities will result in fuel use for worker and delivery trips and the operation of construction equipment. Ongoing operation of the project will result in fuel use associated with employee motor vehicle trips and deliveries. For purposes of determining whether fuel use would be wasteful and inefficient and cumulatively considerable, project-related fuel use will be compared with the total fuel use from motor vehicles in San Luis Obispo County.

Table 7 provides a summary of total sales of gasoline and diesel fuel in San Luis Obispo County in 2018.

Table 7 -- State and County Fuel Consumption in 2018

Fuel	Statewide	San Luis Obispo County
Gasoline	13,475 million gallons	150 million gallons (or, about 410,958 gallons per day)
Diesel	1,602 million gallons	22 million gallons

Source: California Energy Commission

Assumptions:

- Estimated daily vehicle miles travelled in San Luis Obispo County in 2020: 8,017,992[1].
- 172 million gallons of fuel consumed per year / 365 days = 471,232 gallons of fuel use per day
- 471,232 gallons of gasoline and diesel fuel consumed per day / 8,017,992 miles travelled per day = 0.058 gallons of fuel consumed per day per mile travelled
- Average Daily Trips (ADT) for Project x 14.7 miles = Daily Vehicle Miles Travelled (VMT)
- Daily VMT x gallons per mile travelled = Daily gallons of fuel use
- Three worker trips and 1 delivery trip per day for construction activities for 10 working days
- 6 Average Daily Trips for operations for 365 days

<u>Construction Fuel Use</u>

4 ADT x 14.7 miles = 58.8 VMT per day

58.8 x 10 days = 588.8 total VMT

588.8 x 0.058 gallons consumed per mile travelled = 34.1 gallons

[1] SLO Council of Governments 2019 Regional Transportation Plan, Regional Traffic Model, Modeling and Technical Documentation, page 1-7. https://www.dropbox.com/s/vsrw4o9kqeu8snv/__TOTAL-APPENDICES.pdf?dl=0

Operational Fuel Use

23 ADT x 14.7 miles = 338.1 VMT per day

338.1 x 365 days = 123,406 total VMT per year

123,406 x 0.058 gallons consumed per mile travelled = 7,157 gallons per year

Total fuel use associated with construction and operation of the project would be about 1.5% of the total daily fuel consumed in the County in 2018. Accordingly, fuel consumption associated with the project would not be wasteful, inefficient or unnecessary.

Conclusion

Potential impacts related to energy would be less than significant. Thus, no mitigation measures are necessary.

Sources

See Exhibit A.

VII. GEOLOGY AND SOILS

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

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

Setting

The following relates to the project's geologic aspects or conditions:

Topography: Nearly level to gently sloping

Within County's Geologic Study Area?: No

Landslide Risk Potential: Low to moderate

Liquefaction Potential: Low to moderate

Nearby potentially active faults?: No Distance? Not applicable

Area known to contain serpentine or ultramafic rock or soils?: No

Shrink/Swell potential of soil: Not known

Other notable geologic features? None

The project site is not located within a Geologic Study Area and is not within a high liquefaction area. The Setting in Section 2, Agricultural Resources, describes the soil types and characteristics on the project site. The site's potential for landslide hazards is considered low to moderate. The project site is not located in an Alquist Priolo Fault Zone, and no active fault lines are on or near the project site (California Geologic Survey 2018). Prior to the issuance of a building permit, the site is subject to the preparation of a geological report per the County's Land Use Ordinance (LUO section 22.14.070 (c)) to evaluate geological stability and avoid hazards.

A sedimentation and erosion control plan are required for all construction and grading projects (LUO Section 22.52.120) to minimize impacts. The plan must be prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are also subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local agency who monitors this program.

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.

(a-ii) Strong seismic ground shaking?

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

The project site is not located in or near an Alquist Priolo Fault Zone, and no active fault lines cross the project site (California Geologic Survey 2018). Therefore, the project site would not be susceptible to rupture of a known earthquake fault or strong seismic ground shaking and the project would not exacerbate any existing hazards. Impacts would be less than significant.

All habitable structures are subject to compliance with relevant provisions of the California Building Code and may be informed by a soils engineering analysis as determined by the Building Division. The project site does not present any dangers associated with seismic activity, ground failure or liquefaction that cannot be addressed through the application of appropriate building codes. Impacts would be less than significant.

The site's potential for liquefaction hazards is mapped as low to moderate in the area where the buildings will be constructed. At the time building permit application, the applicant will be required to submit a geotechnical report demonstrating avoidance of hazards. Additional measures beyond compliance with code requirements are not needed. Implementation of plan and ordinance requirements avoid hazards related to liquefaction and the project would not exacerbate any existing hazards; impacts would be less than significant.

(a-iv) Landslides?

The site's potential for landslides is considered low to moderate. Prior to issuance of building permits, the applicant will be required to submit a geotechnical report demonstrating avoidance of hazards. The project would not exacerbate any existing hazards related to landslides; impacts would be less than significant.

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

The project would result in the disturbance of approximately 5.49 acrea for the establishment of the outdoor cultivation areas, nursery area and construction of the proposed greenhouses, processing building, and parking area. The earthwork anticipated for project development would be minor. In accordance with LUO Section 22.05.036, the project will be conditioned to provide an erosion and sedimentation control plan to be reviewed and approved prior to building permit issuance. Implementation of the erosion and sedimentation control plan required by the LUO will ensure potential impacts associated with erosion and the loss of topsoil will 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 is not proposing any development or activities that would cause instability of the soil or induce landslides, lateral spreading, subsidence, liquefaction or collapse. Soils associated with the project site are described in Section 2. Agriculture. As discussed in the setting, the project site is not located in an area subject to unstable geologic conditions. In accordance with LUO Sections 22.52.100 and 22.52.110, the areas to be graded will be subject to an approved grading and drainage plan and erosion and sedimentation control plan. Compliance with relevant provisions of the California Building Code will ensure potential impacts associated with site landslide, lateral spreading, subsidence, liquefaction or collapse will 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?*

According to the NRCS Web Soil Survey, none of the soils present on the project site are considered expansive as defined by Table 18-1-B of the Uniform Building Code.

(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?*

According to the NRCS Web Soil Survey, soils of the project site do not present significant limitations for the use of septic leach fields. The project site has an adequate septic system but is proposing portable restrooms for employees. Therefore, impacts would be less than significant.

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

There are no unique geologic features on site. No paleontological resources are known to exist in the area. Therefore, significant impacts are not anticipated.

Conclusion

Prior to issuance of building permits, the applicant would be required to submit a geotechnical report. During construction, the applicant will be required to follow recommendations in the geotechnical report to avoid adverse impacts and ensure workers are not exposed to geologic hazards. In addition, the applicant will be required to prepare drainage plans and adhere to the best management practices in the erosion and sedimentation control plans and the SWPPP. Implementation of plan and ordinance requirements reduce potential impacts associated with geology and soils to a less than significant level. Additional measures beyond compliance with code requirements are not needed.

Sources

See Exhibit A.

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

Greenhouse gases (GHG) are any gases that absorb infrared radiation in the atmosphere, and are different from the criteria pollutants discussed in Section III, Air Quality, above. 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 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 ARB, transportation (vehicle exhaust) and electricity generation are the main sources of GHGs in the state.

In March 2012, the SLOAPCD approved thresholds for Greenhouse Gas (GHG) emission impacts, and these thresholds have been incorporated into the CEQA Air Quality Handbook. The Bright-Line Threshold of 1,150 Metric Tons CO_2/year (MT CO_2e/yr) is the most applicable GHG threshold for most projects. Table 1-1 in the SLOAPCD CEQA Air Quality Handbook provides a list of general land uses and the estimated sizes or capacity of those uses expected to exceed the GHG Bight Line Threshold of 1,150 Metric Tons of carbon dioxide per year (MT CO_2/yr). Projects that exceed the criteria or are within ten percent of exceeding the criteria presented in Table 1-1 are required to conduct a more detailed analysis of air quality impacts.

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.

In October 2008, ARB published its *Climate Change Proposed Scoping Plan*, which is the State's plan to achieve GHG reductions in California required by Assembly Bill (AB) 32. The Scoping Plan included ARB-recommended GHG reductions for each emissions sector of the state's GHG inventory. The largest proposed GHG reduction recommendations were associated with improving emissions standards for light-duty vehicles, implementing the Low Carbon Fuel Standard program, implementation of energy efficiency

measures in buildings and appliances, the widespread development of combined heat and power systems, and developing a renewable portfolio standard for electricity production.

Senate Bill (SB) 32 and Executive Order (EO) S-3-05 extended the State's GHG reduction goals and require ARB to regulate sources of GHGs to meet a state goal of reducing GHG emissions to 1990 levels by 2020, 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050. The initial Scoping Plan was first approved by ARB on December 11, 2008 and is updated every five years. The first update of the Scoping Plan was approved by the ARB 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 ARB is the 2017 Climate Change Scoping Plan, which was released in November 2017. The 2017 Climate Change Scoping Plan incorporates strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05.

The County Energy Wise Plan (EWP; 2011) identifies ways in which the community and County government can reduce greenhouse gas emissions from their various sources. Looking at the four key sectors of energy, waste, transportation, and land use, the EWP incorporates best practices to provide a blueprint for achieving greenhouse gas emissions reductions in the unincorporated towns and rural areas of San Luis Obispo County by 15% below the baseline year of 2006 by the year 2020. The EWP includes an Implementation Program that provides a strategy for actions with specific measures and steps to achieve the identified GHG reduction targets including, but not limited to, the following:

- Encourage new development to exceed minimum Cal Green requirements;
- Require a minimum of 75% of nonhazardous construction and demolition debris generated on site to be recycled or salvaged;
- Continue to implement strategic growth strategies that direct the county's future growth into existing communities and to provide complete services to meet local needs;
- Continue to increase the amount of affordable housing in the County, allowing lower-income families to live closer to jobs and activity centers, and providing residents with greater access to transit and alternative modes of transportation;
- Reduce potable water use by 20% in all newly constructed buildings by using the performance methods provided in the California Green Building Code;
- Require use of energy-efficient equipment in all new development;
- Minimize the use of dark materials on roofs by requiring roofs to achieve a minimum solar reflectivity index of 10 for high-slope roofs and 68 for low-slope roofs; and
- Use light-colored aggregate in new road construction and repaving projects adjacent to existing cities.

In 2016 the County published the EnergyWise Plan 2016 Update, which describes the progress made toward implementing measures in the 2011 EWP, overall trends in energy use and emissions since the baseline year of the inventory (2006), and the addition of implementation measures intended to provide a greater understanding of the County's emissions status.

Pursuant to Section 8203 (g) of the Title 3, Division 8, Chapter 1 of the California Code of Regulations, beginning January 1, 2022, CDFA will require cultivation applicants to disclose the greenhouse gas 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 California Code of Regulations. Section 8305 relating to Renewable Energy Requirements:

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

Discussion

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

Energy inefficiency contributes to higher greenhouse gas (GHG) emissions and by nature is in conflict with state and local plans for renewable energy or energy efficiency, including the policies of the COSE, the EWP goals, and the 2001 SLOAPCD CAP. (Additional background information on GHG Emissions is in Section VIII.) CalEEMod can be used to determine GHG emissions from a "typical" amount of indoor or mixed light cultivation:

Table 8 -- Projected Operational GHG Emissions (CO_2e)

Project Component	Size (sf)	Rate (MT/year-sf)	Projected GHG Emissions (MT/CO2e/year)
Natural Light Cultivation	21,600	0.0027[1]	60[1,2]

Notes:

1. US Environmental Protection Agency
2. Includes GHG emissions associated with energy use and fuel consumption.

Based on this information, the proposed project would not exceed the SLOAPCD's Bright Line Threshold of 1,150 $MTCO_2e$ and potential impacts associated with greenhouse gas emissions would be *less than significant*.

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

In 2011, the County adopted the Energy Wise Plan to serve as the climate action plan for the County. The Plan identifies energy conservation, transportation, land use, water use, and solid waste strategies to reduce community-wide GHG emissions. The project is consistent with County-wide GHG emissions reductions strategies associated with:

- Encouraging the use of energy efficient equipment in new development;
- Reducing methane emissions associated with solid waste through recycling and composting of green waste;
- The promotion of water conservation to reduce emissions associated with potable water use;

- The use of Best Management Practices to minimize the use of water, promote recycling and composting;
- Increasing opportunities for sequestration;

Since the project would not have a significant impact related to GHG emissions, it would not conflict with any plans, policies or regulations adopted for the purpose of reducing emissions. Impacts would be less than significant.

Conclusion

Impacts would be less than significant. No mitigation measures are necessary.

Sources

See Exhibit A.

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

Setting

To comply with Government Code section 65962.5 (known as the "Cortese List") the following databases/lists were reviewed to determine if the project site contains hazardous waste or substances:

- List of Hazardous Waste and Substances sites from Department of Toxic Substances Control (DTSC) EnviroStor database
- List of Leaking Underground Storage Tank Sites by County and Fiscal Year from Water Board GeoTracker database
- List of solid waste disposal sites identified by Water Board with waste constituents above hazardous waste levels outside the waste management unit
- List of "active" CDO and CAO from Water Board
- List of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, identified by DTSC

The database consultation concluded that the project site is not located in an area of known hazardous material contamination.

According to CalFire's San Luis Obispo County Fire Hazard Severity Zone map, the project site is within a state responsibility area and within a "high" severity risk area for fire. The nearest CalFire station (Station 50) is located approximately 2.6 miles to the northeast at 6055 Webster Road in Creston. According to the San Luis Obispo General Plan Safety Element Emergency Response Map, average emergency response time to the project site is between five and ten minutes (San Luis Obispo County 1999).

The project is not within the Airport Review area; and no schools are located within a quarter-mile of the project site.

Discussion

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

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

- Determining whether a product constitutes a hazardous material in accordance with federal and state regulations;
- Properly characterizing the physical properties, reactivity, fire and explosion hazards of the various materials;

- Using storage containers that are appropriate for the quantity and characteristics of the materials;
- Properly labeling of containers and maintaining a complete and up to date inventory;
- Ongoing inspection and maintenance of containers in good condition;
- Proper storage of incompatible, ignitable and/or reactive wastes;

Construction impacts would be less than significant.

Project operations would involve the intermittent use of small amounts of hazardous materials such as fertilizer and pesticides that are not expected to be acutely hazardous. In accordance with LUO Section 22.40.050.C.3. all applications for cannabis cultivation must include a list of all pesticides, fertilizers and any other hazardous materials expected to be used, along with a storage and hazardous response plan. The application materials are incorporated by reference and available for review at the Department of Planning and Building, 976 Osos Street, Suite 200, San Luis Obispo.

All approved cannabis cultivation operations employing the use of pesticides must obtain the appropriate pesticide use permitting from the Department of Agriculture / Weights and Measures. Accordingly, pesticide and fertilizer usage will be conducted according to the County of San Luis Obispo Department of Agriculture by obtaining an Operator Identification Number and complying with all application, reporting, and use requirements. Fertilizers and pesticides will be stored in separate, locked seatrain storage containers within the securely fenced area. Operational impacts would be less than significant.

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

Implementation of the required hazardous materials storage and response plan will ensure potential impacts associated with upset and accidents will 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?

There are no schools within one-quarter mile of the project site. The nearest school is Atascadero High School, located approximately 7.1 miles west of the project site. Impacts would be less than significant.

(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?

As discussed in the Setting above, the project site is not found on the 'Cortese List' (which is a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5). Impacts would be less than significant.

(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 is not located in an Airport Review area and would therefore not expose workers to aviation-related hazards.

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

Based on the project description, the project is not expected to conflict with any regional emergency response or evacuation plan. As such, impacts would be less than significant.

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

According to CalFire's San Luis Obispo County Fire Hazard Severity Zone map, the project is located in a "high" severity risk area which could present a significant fire safety risk. The applicant would improve the existing driveway in accordance with Cal Fire Standard 4, Access Roads and Driveways. A fire equipment turnaround would be constructed adhering to County of San Luis Obispo / Cal Fire design specifications, which would ensure that access to the greenhouses is maintained for emergency response vehicles. In addition, a 10,000-gallon water tank that is accessible to emergency responders would be installed near the proposed ancillary nursery and metal building. Impacts would be less than significant.

Conclusion

All requirements would be in accordance with County Ordinances and Cal Fire/San Luis Obispo Fire Department Standards. This would reduce fire related impacts to less than significant levels. No significant impacts related to hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

Sources

See Exhibit A.

X. HYDROLOGY AND WATER QUALITY

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

Setting

The Central Coast Regional Water Quality Control Board (RWQCB) has established Total Maximum Daily Load (TMDL) thresholds for waterbodies within the County. A TMDL establishes the allowable amount of a particular pollutant a waterbody can receive on a regular basis and still remain at levels that protect beneficial uses designated for that waterbody. A TMDL also establishes proportional responsibility for controlling the pollutant, numeric indicators of water quality, and measures to achieve the allowable amount of pollutant loading. Section 303(d) of the Clean Water Act (CWA) requires states to maintain a list of bodies of water that are designated as "impaired". A body of water is considered impaired when a particular water quality objective or standard is not being met.

The RWQCB's Water Quality Control Plan for the Central Coast Basin (Basin Plan; 2017) describes how the quality of surface water and groundwater in the Central Coast Region should be managed to provide the highest water quality reasonably possible. The Basin Plan outlines the beneficial uses of streams, lakes, and other water bodies for humans and other life. There are 24 categories of beneficial uses, including, but not limited to, municipal water supply, water contact recreation, non-water contact recreation, and cold freshwater habitat. Water quality objectives are then established to protect the beneficial uses of those water resources. The Regional Board implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose discharges can affect water quality.

The U.S. Army Corps of Engineers (USACE), through Section 404 of the CWA, regulates the discharge of dredged or fill material into waters of the U.S., including wetlands. Waters of the U.S. are typically identified by the presence of an ordinary high-water mark (OHWM) and connectivity to traditional navigable waters or other jurisdictional features. The State Water Resources Control Board (SWRCB) and nine RWQCBs regulate discharges of fill and dredged material in California, under Section 401 of the CWA and the State Porter-Cologne Water Quality Control Act, through the State Water Quality Certification Program. State Water Quality Certification is necessary for all projects that require a USACE permit, or fall under other federal jurisdiction, or have the potential to impact waters of the State. Waters of the State are defined by the Porter-Cologne Act as any surface water or groundwater, including saline waters, within the boundaries of the state.

DRAINAGE – The topography of the site is gently rolling to moderately sloping; the areas of disturbance will be sited on relatively level areas. The closest creek from the proposed development is the West Branch Huerhuero Creek, located on site approximately 340 feet south of the proposed processing building. As described in the NRCS Soil Survey, the soil surface is considered to have moderately low erodibility.

Portions of the project site are located within the 100-year flood hazard designation. However, proposed development would be located outside of the flood hazard area (Figure 8).

Soil drainage characteristics: Well drained

For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.110) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins or installing surface water flow dissipaters. The drainage plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – Soil type, area of disturbance, and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the

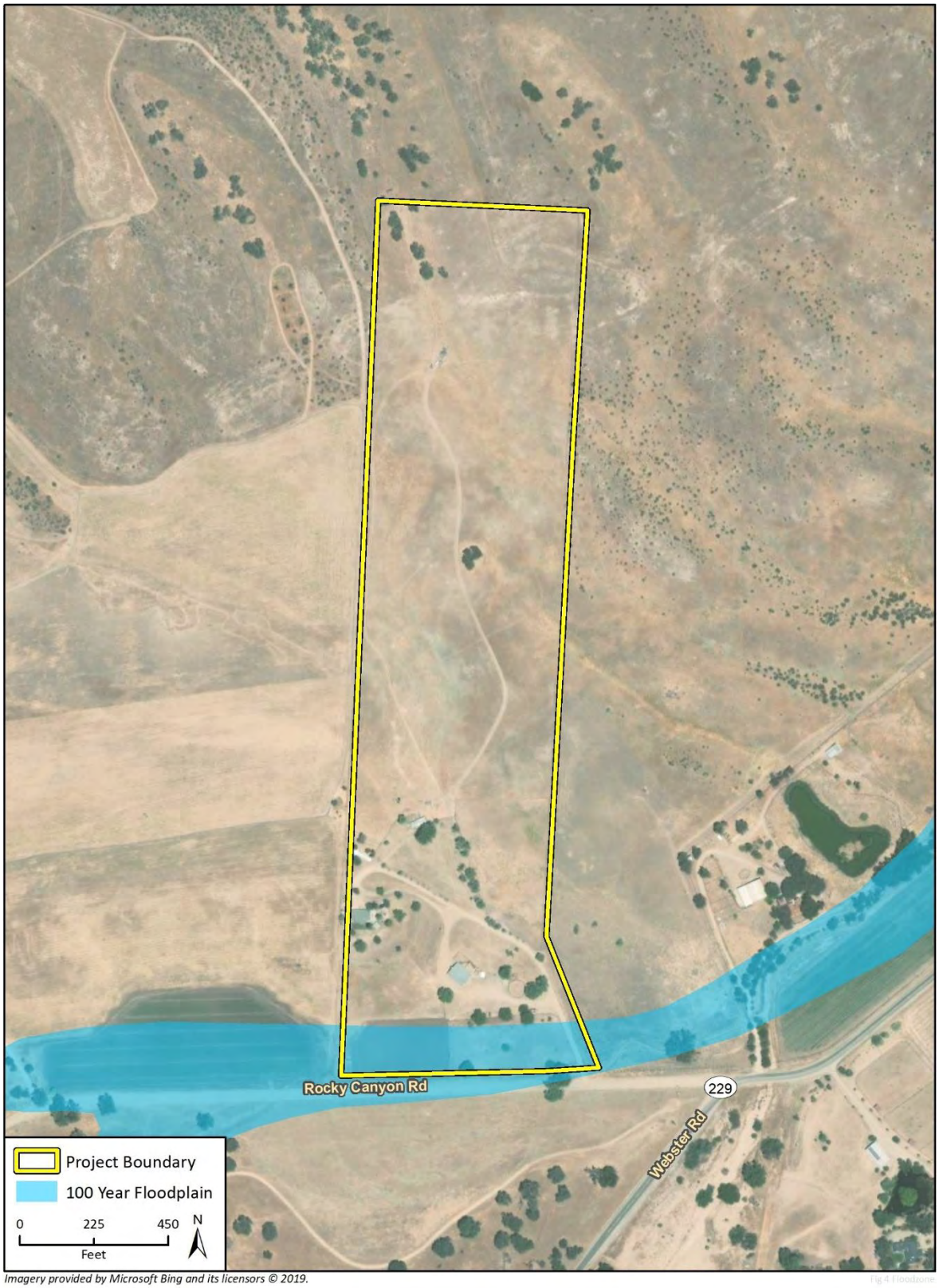
previous Agricultural Resources section under "Setting." As described in the NRCS Soil Survey, the project's soil erodibility is as follows:

Soil erodibility: Moderately low

A sedimentation and erosion control plan are required for all construction and grading projects (LUO Sec. 22.52.120) to minimize impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is responsible for monitoring this program.

WATER DEMAND -- The project site is in the Paso Robles Groundwater Basin, which has been assigned a Level of Severity (LOS) III by the 2014-2016 Resource Management System Summary Report. The Board of Supervisors adopted Resolution 2015-288 in 2015 to establish the Countywide Water Conservation Program (CWWCP) in response to the declining water levels in the Nipomo Mesa Water Conservation Area (NMWCA) part of Santa Maria Groundwater Basin), Los Osos Groundwater Basin (LOGWB), and the Paso Robles Groundwater Basin (PRGWB). A key strategy of the CWWCP is to ensure all new construction and new or expanded agriculture will offset its predicted water use by reducing existing water use on other properties within the same water basin. In addition, LUO Section 22.040.050.5.C.1. requires all applications for cannabis cultivation sites located within a groundwater basin with a Level of Severity III to provide a detailed water management plan that discusses the proposed water supply conservation measures and any water offset requirements. In addition, Section 22.40.050 D. 5. requires that a cultivation project located within a groundwater basin with a Level of Severity III (LOS III) provide an estimate of water demand prepared by a licensed professional or other expert, and a description of how the new water demand will be offset. For such projects, the water use offset ratio is 1:1. If the project is within an Area of Severe Decline the offset requirement is 2:1, unless a greater offset is required by the review authority through the permit review process. Offset clearance is obtained by the purchase of water use offset credits through a County-approved conservation program for the particular groundwater basin. If the average water use reported in the previous four quarterly water use reports is greater than the water use offset credits associated with the permitted use(s), the permittee will be required to either: 1) identify specific measures (and a timeframe for implementation) to reduce the metered water demand to be equal to, or less than, the water use offset credits associated with the project; or 2) purchase additional water use offset credits from the approved water conservation program for the particular groundwater basin to offset the increased use documented by the water use reports.

The project site is located within the Paso Robles groundwater basin which has been assigned a Level of Severity III, but is not in an area of severe decline. Therefore, a 1:1 water use offset is required.



Imagery provided by Microsoft Bing and its licensors © 2019.
Additional data provided by FEMA, 2018.

Figure 8 – 100 Year Floodplain

Discussion

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

The project will result in 5.49 acres of disturbance but will not require extensive grading or cut and fill. The project will be conditioned to provide final grading, erosion and sedimentation control plans for review and approval prior to building permit issuance as required by LUO Sections 22.52.100, 1106 and 120. According to the Public Works Department (Letter from Glenn Marshal, Department of Public Works, July 11, 2018) the project is located within a drainage review area and a drainage plan will be required at the time of building permit review. The project will disturb more than 1.0 acres and will therefore be required to enroll in coverage under California's Construction General permit. With regards to project impacts on water quality, the following conditions apply:

- Approximately 5.49 acres of site disturbance is proposed;
- The project would be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- The project footprint is not on highly-erodible soils, nor on moderate to steep slopes;
- The project is not within a 100-year Flood Hazard designation;
- The project footprint is more than 100 feet from the closest creek or surface water body;
- All disturbed areas will be permanently stabilized with impermeable surfaces and landscaping;
- Stockpiles will be properly managed during construction to avoid material loss due to erosion;
- The project is subject to the County's Plumbing Code (Chapter 7 of the Building and Construction Ordinance [Title 19]), and the "Water Quality Control Plan, Central Coast Basin" for its wastewater requirements, where wastewater impacts to the groundwater basin will be less than significant;
- All hazardous materials and/or wastes would be properly stored on site, which include secondary containment should spills or leaks occur.

These conditions and County standards would reduce the project's water quality impacts to 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?*

A water demand estimate was prepared by Paul Henderson, CPEng. (July 2019) and summarized in Table 9. The water demand analysis is incorporated by reference and available for review at the Department of Planning and Building, 97 Osos Street, San Luis Obispo.

Table 9 -- Project Water Demand

Outdoor Cultivation			Indoor Cultivation			Ancillary Nursery			Total: (gal./year)
Quantity (Sq.Ft.)	**Demand Factor (gal./sq.ft. per year)**	**Sub-Total:**	**Quantity (Sq.Ft.)**	**Demand Factor (gal./sq.ft. per year)**	**Sub-Total:**	**Quantity (Sq.Ft.)**	**Demand Factor (gal/per sq.ft. per year)**	**Sub-Total:**	
130,655	8.82	1,152,384	21,995	7.56	166,289	21,453	9.24	198,227	1,516,900
								Acre-Feet Per Year	4.66

Source: Paul Henderson, CPEng, 2019

The water demand study concludes that the project would use 4.66-acre feet per year (AFY). The project site is located within the Paso Robles groundwater basin which has been assigned a Level of Severity III, but not in an area of severe decline. Therefore, the water use offset is 1:1 and will be achieved by implementing one of the County-approved methods described above. The water demand study indicated that the applicant would elect to cease previous water use of 0.79 AFY for tree irrigation, raising cattle, and equestrian activities. The resulting new demand would be 3.87 AFY.

Water on site is supplied by an existing agricultural well producing 17 gallons per minute (San Luis Obispo County Farm Supply 2019). In addition, ten 5,000-gallon water tanks would be utilized for stored irrigation well water. The well produces sufficient water to meet the project's water demand. Impacts would be less than significant.

Water use is required to be metered and these data will be provided to the County every three months (quarterly). Should the metered water demand exceed the permitted quantity (4.66 AFY), the permittee will be required to undertake corrective measures to bring water demand back to within the permitted amount. In addition, the project will be conditioned to apply Best Management Practices for water conservation to maintain water use at or below the water analysis projections as described in the applicant's Water Management Plan. Such BMPs include, but are not limited to, the following:

- The use of drip irrigation systems and mulch to conserve water and soil moisture;
- Ongoing monitoring and maintenance of the water supply system;
- Installation of float valves on tanks to prevent tanks from overflowing;
- Installation of rainwater catchment systems to reduce demand on groundwater.

The conditions of approval will also require the project to participate in the County's ongoing cannabis monitoring program to ensure compliance with all conditions of approval and other relevant regulations thus ensuring that impacts would be less than significant.

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

(c-i) Result in substantial erosion or siltation on- or off-site?
(c-ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?
(c-iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
(c-iv) Impede or redirect flood flows?

A sedimentation and erosion control plan are required for all construction and grading projects to minimize impacts. The plan is required to be prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is responsible for monitoring this program. The project would comply with the Land Use Ordinance. Therefore, erosion and siltation would be addressed and impacts would be less than significant.

A minimal amount of impervious surface is proposed in areas that have historically been disturbed and the majority of the property would absorb runoff since it will be vegetated/cultivated area. Therefore, the project would not substantially increase runoff rates or quantities and impacts would be less than significant.

The project footprint would be located approximately 380 feet north of West Branch Huerhuero Creek. The project would result in the addition of approximately 26,600 square feet of additional impervious surfaces for the construction for the proposed greenhouses and processing building. However, the proposed greenhouses would be located on nearly level ground in a previously disturbed area. Impacts to the existing drainage pattern of the site or are would be less than significant.

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

Although a portion of the project site is located within the 100-year floodplain, the proposed development is not located within the 100-year floodplain (Figure 8). The project footprint is located in an area of minimal flood hazard (Federal Emergency Management Agency 2012). The project would, therefore, not expose people to risks from flooding, nor would the proposed greenhouses impede or redirect flood flows. The project site is not located in a dam inundation area and is not subject to flooding risks from dam failure. The project site is located inland from the coast and is not subject to tsunami hazards, nor is it located near any impounded bodies of water that could present hazards from seiches. Impacts would be less than significant.

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

The project proposes cultivation and ancillary uses; therefore, impervious surfaces will be minimal. While no sustainable groundwater management plans apply to this area, the project would be using groundwater from a LOS-III impacted basin. Per ordinance requirements, the project will be conditioned to offset its water use at a ratio of 1:1. Therefore, potential impacts related to water

quality and groundwater management would be less than significant with implementation of mitigation measures W-1 and W-2.

Conclusion

Adherence to existing regulations and compliance with the sedimentation and control plan would adequately address surface water quality impacts during construction and operation of the project.

Conclusion. Adherence to existing regulations and compliance with SWPPP would adequately address surface water quality impacts during construction and operation of the project. Potential impacts to water quantity are considered less than significant with incorporation of mitigation measures W-1 and W-2, as described in Exhibit B. These measures require: a detailed inventory of water demand associated with all cannabis-related activities, a water demand offset program that complies with LUO Section 22.40.050.D.5, water demand offset documented by the Water Conservation Plan, and quarterly monitoring and inspection.

Mitigation Measures

W-1 **Prior to issuance of building permits**, all applicants for cannabis related activities within the Paso Robles Groundwater Basin ("Basin") shall provide to the Department of Planning and Building for review and approval a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by LUO Sections 22.40.050.D.5, 22.40.060 D.5, and 22.94.025.F. and Building Ordinance Section 19.07.042 (4). The Water Conservation Plan shall include the following:

a. The quantification of water demand expressed in total acre-feet per year, consistent with the Water Management Plan required by LUO Sections 22.40.050.C.1. and 22.40.060.C.1.

b. A program for achieving a water demand offset of **4.66** AFY as required by LUO Section 22.40.050.D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). Such a program may include, but is not limited to, the following:

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

      1. Drip irrigation;

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

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

4. Converting from using overhead sprinklers to wind machines for frost protection [Note: The installation of wind machines shall be included in the project description for cannabis activities and subject to environmental review.];
5. Installation of rainwater catchment systems to reduce demand on groundwater. [Note: The installation of rainwater catchment facilities shall be included in the project description for cannabis activities and subject to environmental review.]

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

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

c. The water demand offset documented by the Water Conservation Plan shall be verifiable and permanent, and shall not result in adverse environmental effects beyond those assessed by the CEQA compliance document for the proposed cannabis project.

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

Sources

See Exhibit A.

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 proposed project is subject to the following Planning Area Standard(s) as found in the County's LUO:

1) LUO Chapter 22.94 – North County Planning Area

2) LUO Chapter 22.94 – El Pomar-Estrella Sub Area

Under the County's Cannabis Activities Ordinance (Ordinance 3358), Cannabis Cultivation is allowed within the Agricultural land use category. The purpose of the Agricultural land use category is to recognize and retain commercial agriculture as a desirable land use and as a major segment of the county's economic base. The Agriculture land use allows for the production of agricultural related crops, on parcel sizes ranging from 20 to 320 acres.

Discussion

(a) Physically divide an established community?

The project site is primarily undeveloped, with an existing single-family residence located in the southern portion of the project site. As such, implementation of the project would not physically divide an established community. Impacts would be less than significant.

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

The project is surrounded by agricultural uses. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County LUO, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, California Fish and Wildlife for the Fish and Game Code, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project would be required to adhere to all regulations and development standards as listed in the County LUO Chapter 22.94. This includes the receipt of all necessary permits, submittal of plans, adherence to application requirements, and limitations on use and cultivation.

The project is not within or adjacent to a Habitat Conservation Plan area. Since the project proposes cultivation and ancillary uses, it is consistent and compatible with the surrounding uses rural residential and agriculture.

Conclusion

No inconsistencies were identified and therefore no additional measures above what will already be required were determined necessary.

Sources

See Exhibit A.

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 San Luis Obispo County Mineral Designation Maps indicate the site is not located in a Mining Disclosure Zone or Energy/Extractive Area.

Discussion

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

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

The San Luis Obispo County Mineral Designation Maps indicate the site is not located in a Mining Disclosure Zone or Energy/Extractive Area. Therefore, the project would not result in the preclusion of mineral resource availability.

The San Luis Obispo County Mineral Designation Maps indicate the site is not located in a Mining Disclosure Zone or Energy/Extractive Area. Therefore, the project would not result in the preclusion of mineral resource availability.

Conclusion

The project site is not located within an area of known mineral resources. Impacts would be less than significant.

Sources

See Exhibit A.

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 project is not within close proximity of loud noise sources other than road noise from Rocky Canyon Road, as the project site and surrounding area consist of agricultural uses and scattered rural residential homes on agricultural land. The nearest sensitive receptor to the project site includes a single-family residence to the east, located approximately 750 feet away from the proposed greenhouses (622 feet from the property line). The Noise Element of the County's General Plan includes projections for future noise levels from known stationary and vehicle-generated noise sources.

The project is subject to the County's standards for exterior noise provided in LUO Section 22.10.120 (Table 10). Section 22.10.120 B. sets forth standards that apply to sensitive land uses that include (but are not limited to) residences.

Table 10 - Maximum Allowed Exterior Noise Level Standards

Sound Levels	Daytime 7 a.m. to 10 p.m.	Nighttime[1] 10 pm. To 7 a.m.
Hourly Equivalent Sound Level (Leq, dB)	50	45
Maximum Level, dB	70	65

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

Discussion

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

Construction Impacts: Construction activities may involve the use of heavy equipment for grading and for the delivery and movement of materials on the project site. The use of construction machinery would also be a source of noise and vibration. Construction-related noise impacts would be temporary and localized. County regulations (County Code Section 22.10.120.A) limit the hours of construction to daytime hours between 7:00 AM and 9:00 PM weekdays, and from 8:00 AM to 5:00 PM on weekends. Moreover, construction activities are not expected to take longer than a week or affect nearby residents.

Operational Impacts: The project is not expected to generate loud noises or conflict with the surrounding uses. Noise resulting from the use of wall- or roof-mounted HVAC and odor mitigation equipment would be expected to generate noise levels of approximately 53 dBA at 25 feet from the source. Noise attenuates (diminishes) at a rate of 6 dB per doubling of distance. Therefore, project related noise sources producing 53 dB at 25 feet will be perceived to produce about 47 dB at the nearest property line, assuming a distance of 50 feet from the proposed greenhouses. The resulting noise is anticipated to be below the maximum allowable nighttime level (65 dB) but will exceed the hourly average equivalent noise level (45dB). This is considered a significant impact unless mitigated.

Based on the low number of vehicle trips generated by the project, noise generated by vehicular traffic on Rocky Canyon Road would be comparable to background noise levels generated by surrounding agricultural operations and existing vehicular traffic.

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

No groundborne vibrations or noises would be generated by the project and, therefore, no impacts are expected.

(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 is not located within an Airport Review designation. Therefore, aviation-related noise impacts are not applicable.

Conclusion

With recommended mitigation measure N-1, potential impacts associated with noise will be less than significant.

Mitigation Measures

N-1 Prior to commencing permitted activities, the applicant shall demonstrate that noise generated by project air conditioning, ventilation and odor management equipment complies with applicable County standards for nighttime noise levels at the property lines. This shall be accomplished by:

a. Locating the equipment so that the building shields the noise from the nearest property line;

b. Constructing an acoustical enclosure around the equipment;

c. Any combination of equipment location and shielding that enables the project to meet the standards.

Sources

See Exhibit A.

XIV. POPULATION AND HOUSING

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

Setting

In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the County. The County's Inclusionary Housing Ordinance requires provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions. As of 2018, per the Department of Finance's Population and Housing estimates, the County of San Luis Obispo contains approximately 280,101 persons, and approximately 121,661 total housing units (DOF 2018).

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)?*

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

The project proposes cannabis activities that would employ up to 4 people full-time. The small number of full-time workers and the seasonal nature of proposed cannabis activities are not expected to generate the need for new or additional housing. The general scope and scale of the proposed activities 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. In addition, the project would be subject to inclusionary housing fees to offset any potential increased need for housing in the area. Therefore, impacts to housing and population would be *less than significant*.

The project site includes one existing single-family residence that would remain on site, and would not be used for cannabis activities. Therefore, the project would not displace existing housing and impacts would be *less than significant*.

Conclusion

The project would not result in a need for a significant amount of new housing and would not displace existing housing. The project would be conditioned to provide payment of the housing impact fee for commercial projects. No significant population/housing impacts are anticipated, and no mitigation measures are necessary.

Sources

See Exhibit A.

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

The project area is served by the following public services/facilities:

Police: County Sheriff

Location: Templeton (Approximately 10 miles to the northwest)

Fire: Cal Fire (formerly CDF) Hazard Severity: High Response Time: 5-10 minutes

Location: Approximately 2.6 miles to the northeast

School District: Paso Robles Unified School District

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 California Department of Forestry and Fire Protection (CalFire) provides mutual and automatic aid supporting the County of San Luis Obispo. The nearest CalFire station (Station 50) is located approximately 2.5 miles to the northeast at 6055 Webster Road in Creston. The project will be conditioned to comply with all fire safety rules and regulations including the California Fire prior to issuance of building permits. Based on the limited amount of development proposed, the project will not result in a need for new or altered fire protection services. In addition, the project would be subject to development impact fees to offset the project's contribution to the demand for fire protection services. Therefore, impacts would be less than significant. Additional information regarding fire hazard impacts is discussed in Section IX, Hazards and Hazardous Materials.
As proposed, the project would meet, or be able to meet, the standard CalFire conditions and would not necessitate the construction of new fire service facilities. Therefore, this impact would be insignificant.

Police protection?
The applicant has prepared a Security Plan which is subject to the review and approval of the County Sheriff's Department. The project will be conditioned to implement the security measures and protocols in the Security Plan as well as with any additional recommendation or requirements provided by the County Sheriff's Office. In addition, the project will be subject to development impact fees to offset the project's contribution to the cumulative demand on law enforcement services. Therefore, impacts related to police services would be *less than significant.*

Schools?
Parks?
Other public facilities?

Based on the project description, the project is not expected to generate additional population to the area that would require the construction of additional schools, parks or other public facilities.

Conclusion

Regarding cumulative effects, public facility (County) and school (State Government Code 65995 et seq.) fee programs have been adopted to address the project's contribution to cumulative impacts and will reduce potential cumulative impacts to less than significant levels. No significant public service impacts are anticipated, and no mitigation measures are necessary.

Sources

See Exhibit A.

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's Parks and Recreation Element does not show a potential trail on or near the proposed project site. The project is not proposed in a location that will affect any trail, park, recreational resource, coastal access, and/or Natural Area.

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?

(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 proposed project is not a residential project or large-scale employer and would not result in a significant population increase. Construction and operation of the proposed project would not have any adverse effects on existing or planned recreational opportunities in the County. Impacts would be less than significant.

The project does not include recreational facilities. In addition, the project would not induce population, thereby requiring the constriction or expansion of recreational facilities elsewhere. Impacts would be less than significant.

Conclusion

No significant recreation impacts are anticipated, and no mitigation measures are necessary.

Sources

See Exhibit A.

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

The County has established Level of Service (LOS) "C" or better for rural roadways. The project site currently has one residence and generates a very low volume of traffic.

The project site is located on Rocky Canyon Road in the unincorporated area east of the City of Atascadero. A referral was sent to Public Works to assess the project's traffic impacts and compliance with County standards.

Discussion

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

Construction Impacts. Construction related traffic will increase during the morning and afternoon peak hours on Rocky Canyon Road. Based on the project description, it is expected that as many as 3 workers may be arriving and leaving the project site on a typical construction work day. Assuming 3 PM peak hour trips on Rocky Canyon Road, traffic will increase by less than 1% per day for a construction timeframe of one-to-two months. The temporary increase in traffic will not reduce the level of service which will remain within the standard set by the General Plan Circulation Element.

Operational Impacts

Roadway Capacity. The project was referred to the Public Works Department. Their response (letter from Glenn Marshal, Department of Public Works, July 11, 2018) calculates the trip generation associated with the project based on the County's trip generation rates derived for cannabis operations. Using these factors, the project is expected to generate 23.0 average daily trips and 2.0

peak hour trips. The additional 2.0 PM peak hour trips on Rocky Canyon Road will increase the traffic volume by less than 1% per day. The increase in traffic will not reduce the level of service which will remain within the standard set by the General Plan Circulation Element.

(b) The project does not conflict with adopted policies, plans and programs on transportation.

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

The project will not be inconsistent with CEQA Guidelines Section 15064.3 which sets forth criteria for analyzing transportation impacts by applying a threshold of significance based on vehicle miles traveled.

(d) *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 does not propose any features or incompatible uses that would delay, disrupt, or result in unsafe conditions.

(e) *Result in inadequate emergency access?*

The applicant would improve the existing driveway in accordance with Cal Fire standards. A fire equipment turnaround would be constructed adhering to County of San Luis Obispo/Cal Fire design specifications, which would ensure that access to the greenhouses is maintained for emergency response vehicles.

Conclusion

The project would not conflict with applicable transportation plans or significantly increase vehicle trips to the circulation system. Therefore, the project's transportation impacts would be less than significant, and no mitigation measures are necessary

Sources

See Exhibit A.

XVIII. TRIBAL CULTURAL RESOURCES

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

Setting

In July 2015, the legislature added the new requirements to the CEQA process regarding tribal cultural resources in Assembly Bill 52 (Gatto, 2014). By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and Tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources. By taking this proactive approach, the legislature also intended to reduce the potential for delay and conflicts in the environmental review process.

The project site is located in an area historically occupied by the Obispeno Chumash and Salinan.

In order to meet AB 52 Cultural Resources requirements, outreach to Native American tribe groups was conducted (Salinan, Xolon Salinan, Yak Tityu Tityu Northern Chumash, and the Northern Chumash Tribal Council). Comments were received from the Northern Chumash Tribal Council on July 11, 2018, indicating that

they had no comments on the proposed project.

Discussion

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

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

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

There are no resources on the project site listed, or eligible for listing, in the California Register of Historic Resources, or in a local register of historical resources. Based on the absence of features typically associated with archaeological resources, the project site is not expected to impact significant resources within the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

Lastly, in accordance with AB 52 cultural resources requirements, outreach to numerous Native American tribes has been conducted: Santa Ynes Band of Chumash Indians, Barbareno/Ventureno Band of Mission Indians, Monterey Salinan, Xolon Salinan, yak titᵸu titᵸu yak tiłhini Northern Chumash, Coastal Chumash, and Northern Chumash Tribal Council. No significant resources within the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1relating to the significance of the resource to a California Native American tribe were identified.

Conclusion

The project will have a less than significant impact on tribal cultural resources. No archaeological monitoring is recommended during grading activities unless previously undiscovered cultural materials are unearthed during project grading or construction. Per the County Land Use Ordinance, if during any future grading and excavation, buried or isolated cultural materials are unearthed, work in the area should be halted immediately within 10 feet of the find until the find can be examined by a qualified archaeologist and appropriate recommendations made. No significant impacts to cultural resources are expected to occur and no additional mitigation measures are necessary.

Sources

See Exhibit A.

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?	☐	☐	☒	☐

Discussion

(a) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

The project would use on-site wastewater disposal systems and would not result in the construction or expansion of water or wastewater treatment facilities. Impacts would be less than significant.

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

As discussed in Section X, Hydrology and Water Quality, the project would use approximately 4.66-acre feet per year of water at full buildout. An existing well has served the existing residence. A well pump test conducted in 2019 concluded that the well produces sufficient water to meet the project's water demand. The project site is located over an impacted groundwater basin, and will therefore require an offset of 1:1. As discussed in Section X. Hydrology and Water Quality, implementation of mitigation measures W-1 and W-2 would ensure impacts to water supply are less than significant.

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

The project will continue to use on-site wastewater disposal systems and, therefore, would not affect the capacity of a wastewater treatment provider.

(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?*

The nearest landfill to the site is the Chicago Grade Landfill, located approximately 5.6 miles to the northwest. Solid waste consisting of general refuse would be stored in an 8-foot by 16-foot dump trailer located near the outdoor cultivation site. The dump trailer would be accessible by the main driveway and towed by a licensed waste management company to the landfill as needed. The applicant proposes on-site green-waste composting. Both indoor and outdoor cultivation sites would be planted into the ground, where the tilled soil would then be directly composted in the ground below. In addition, an on-site composting area would be located within the fenced area near the proposed greenhouses for trimmed cannabis waste. The green-waste would be combined with soil and rotated through the compost process until it can be reused in the cultivation process. Since the project is not expected to generate a substantial amount of solid waste, impacts would be less than significant.

Conclusion

Potential impacts to utilities and service systems would be less than significant with implementation of mitigation measures W-1 and W-2.

Sources

See Exhibit A.

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

According to CalFire's San Luis Obispo County Fire Hazard Severity Zone map, the project site is within a state responsibility area and within a "high" severity risk area for fire. The nearest CalFire station (Station 50) is located approximately 2.5 miles to the northeast at 6055 Webster Road in Creston. According to the San Luis Obispo General Plan Safety Element Emergency Response Map, average emergency response time to the project site is between five and ten minutes (San Luis Obispo County 1999).

Discussion

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

No adopted emergency response or evacuation plans pertain to the project site. Therefore, no impacts are anticipated.

(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?*

As proposed, the project meets or will be conditioned to meet all CalFire standards and will not exacerbate wildfire risks. Potential impacts would be less than significant.

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

The applicant would improve the existing driveway in accordance with Cal Fire standards. A fire equipment turnaround would be constructed adhering to County of San Luis Obispo/Cal Fire design specifications. The existing residence has power through PG&E; however, extensions will be needed to service the project. Such extensions will be required to meet PG&E and Cal Fire standards. The project includes the installation of a 10,000-gallon water tank in a relatively disturbed area near the proposed fire equipment turnaround and processing building. Installation of the proposed tank would reduce fire risk without causing significant 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?*

The project is located in a State Responsibility Area and is in a High Fire Severity Zone. The County will include standard conditions as recommended by Cal Fire to ensure that potential impacts related to wildfire hazards are less than significant.

Conclusion

All construction will be in accordance with County Ordinances and Cal Fire/San Luis Obispo Fire Department Standards. This would reduce fire related impacts to less than significant levels. No mitigation measures are necessary.

Sources

See Exhibit A.

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?*

Potential impacts to aesthetic and visual resources; air quality; biological resources; and noise have been identified but would mitigated to a level below significant. Compliance with all the mitigation measures identified in Exhibit B will ensure that project implementation will not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. Implementation of the project will not

eliminate important examples of the major periods of California history or pre-history. Therefore, the anticipated project-related impacts are less than significant with incorporation of the mitigation measures included in Exhibit B.

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

The State CEQA Guidelines define cumulative impacts as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts." Section 15355 of the CEQA Guidelines further states that individual effects can be various changes related to a single project or the change involved in a number of other closely related past, present, and reasonably foreseeable future projects. The discussion of cumulative impacts must 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. Furthermore, per State CEQA Guidelines, Section 15130 (a) (1), an EIR should not discuss impacts which do not result in part from the project evaluated in the EIR.

The State CEQA Guidelines allow for the use of two different methods to determine the scope of projects for the cumulative impact analysis:

- List Method - A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency (Section 15130).
- General Plan Projection Method - A summary of projections contained in an adopted General Plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact (CEQA Guidelines §15130).

This MND examines cumulative effects using both the List Method and the General Plan Projection method to evaluate the cumulative environmental effects of the project within the context of other reasonably foreseeable cannabis projects and regional growth projections.

Existing and Reasonably Foreseeable Cannabis Activities

Table 11 provides a summary of the total number of cannabis activities for which the County has either approved or has received an application as of the date of this initial study. As shown on Table 11, the County has received applications for a total of 115 cultivation sites (including indoor and outdoor) with a total canopy of 330 acres. Under the County's cannabis regulations (LUO Sections 22.40. et seq. and CZLUO Section 22.80 et seq.), the number of cultivation sites allowed within the unincorporated county is limited to 141, and each site may have a maximum of 3 acres of outdoor canopy and 22,000 sq.ft. (0.5 acres) of indoor canopy. Therefore, if 141 cultivation sites are ultimately approved, the maximum total cannabis canopy allowable in the unincorporated county will be 493 acres (141 sites x 3.5 acres of canopy per site = 493 acres). The actual location and range of cannabis activities associated with future cannabis applications is speculative.

Table 11 -- Summary of Cannabis Activities for Unincorporated San Luis Obispo County[1]

Project Type	Total Number of Cannabis Activities[2]	Canopy (acres)	Approved
Indoor Cultivation	115	89	10
Outdoor Cultivation		241	10
Total Cultivation:	115	330	20
Nursery	43	--	3
Processing	9	--	0
Manufacturing	25	--	6
Non-Storefront Dispensary	30	--	6
Distribution	7	--	0
Transport Only	4	--	0
Laboratory	1	--	1
Total:	**234**	**330**	**36**

Notes:
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 project site may include multiple cannabis activities.

Figure 9 shows the project site along with other approved and proposed cannabis activities in the vicinity of the project site.

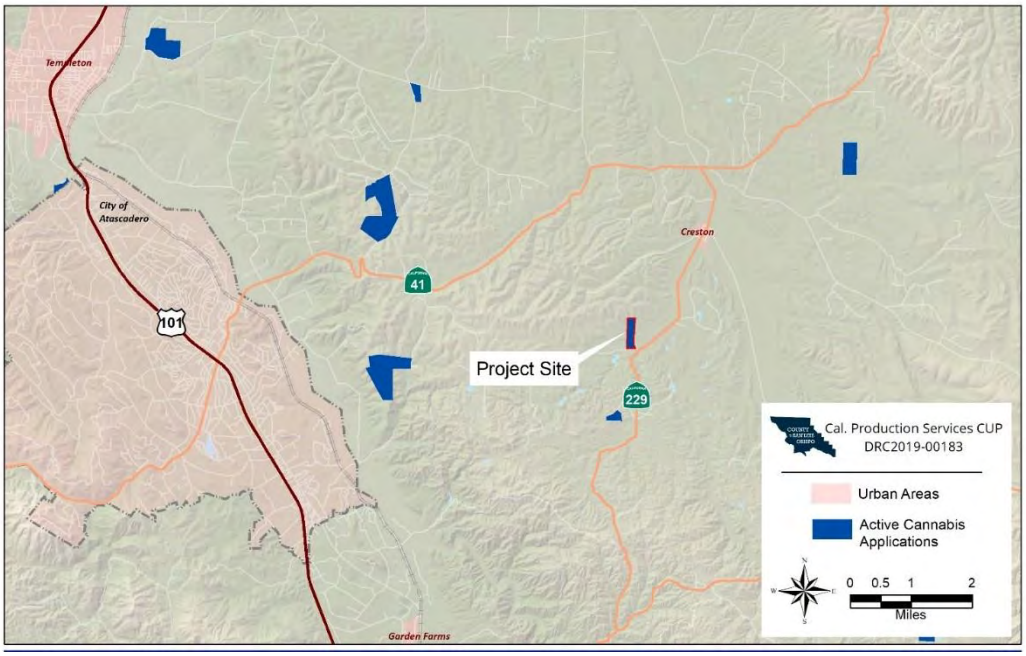


Figure 9 -- Project Site With Reasonably Foreseeable Cannabis Projects in the Vicinity

For purposes of assessing the cumulative impacts of cannabis activities, the following assumptions are made:

- All 115 cultivation sites will be approved and developed;
- Each cultivation site will be developed as follows:
  - 3 acres of outdoor cultivation;
  - 0.5 acres of indoor cultivation;
  - 19,000 sq.ft. of ancillary nursery;
  - A total area of disturbance of 4.5 acres to include the construction of one or more buildings to house the indoor cultivation, ancillary nursery and processing;
  - A total of six full-time employees;
  - A total of six average daily motor vehicle trips;
  - All sites will be served by a well and septic leach field;

Aesthetic and Visual Resources

The analysis provided in Section I. Aesthetic and Visual Resources provides an overview of the visual setting and concludes that the potential project-specific impacts will be less than significant with mitigation recommended for light and glare. Since project-specific impacts to visual and aesthetic resources are less than significant, the impacts to aesthetic and visual resources of this project, when considered with the potential impacts of other reasonably foreseeable development in the area, is less than cumulatively considerable.

Agricultural Resources

Table 12 provides a summary of the potential impacts to important farmland from all cannabis cultivation applications as of the date of this MND based on the following assumptions:

- All of the applications are approved;
- Each site is developed as described above;
- Cultivation sites often have multiple soil types with different qualities of farmland. For this analysis, the number of cultivation sites impacting a particular important farmland classification is assumed to be directly proportional to the total acreage for the farmland classification. For example, *Prime Farmland* is about 19% of the total acreage potentially impacted by the approved and currently active cultivation applications. Therefore, the number of cultivation sites assumed to impact Prime Farmland is: 115 x .19 = 22 sites.

Table 12 – Cumulative Impacts to Important Farmland Associated With Approved and Reasonably Foreseeable Cannabis Cultivation Projects

Farmland Classification	Total Acres for All Cultivation Projects By Farmland Classification	Percent of Total Acres	Number of Applications for Cultivation	Number of Cultivation Sites By Farmland Classification	Potential Area of Disturbance (Acres)
Prime Farmland if Irrigated	1,298.8	19%	115	22	98.1
Farmland of Statewide Importance	980.3	14%	115	16	74.0
Not Prime Farmland	4,568.8	67%	115	77	345.2
Total:	**6,848.0**	**--**	**--**	**115**	**517.5**

Source: NRCS Soil Survey, 2019

The analysis provided in Section II. Agricultural Resources, indicates that the project will not result in the permanent conversion of prime farmland as mapped by the Farmland Mapping and Monitoring Program. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to potential impacts to important farmland is considered less than cumulatively considerable because:

- As shown in Table 12, the total acreage of prime farmland potentially impacted by approved and reasonably foreseeable cannabis cultivation projects in the unincorporated county (about 98 acres) is less than the average annual increase in the total amount of prime farmland experienced each year in the County since 2006.
- Potential agricultural activities on the remainder of the project site would be unaffected by the proposed cannabis activities.

Air Quality

The analysis provided in Section III, Air Quality, concludes that the project's potential construction-related emissions would exceed APCD thresholds of significance for both project-related and cumulative impacts. With recommended mitigation measures AQ-1, AQ-2 and AQ-3 construction-related emissions would be less than significant. The analysis also concludes that operational emissions would fall below APCD thresholds. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to potential impacts to air quality, as mitigated, are considered less than cumulatively considerable.

Biological Resources

The analysis provided in Section IV., Biological Resources, concludes that the project will have a less than significant impact so long as the recommended avoidance and mitigation measures for listed plants, pre-construction surveys for listed animal species, and migratory birds are incorporated into the project description. Because project-specific impacts will have a less than significant impact with mitigation, when considered with the potential impacts of other reasonably foreseeable development in the area, project impacts are considered less than cumulatively considerable.

Energy Use

Cannabis cultivation typically uses an insignificant amount of natural gas. Accordingly, this assessment of cumulative impacts is based on the demand for electricity. The analysis provided in Section VI., Energy, states that the project will increase the demand for electricity by about 85,000 kWh per year.

Table 13 provides a summary of total electricity demand associated with development of all 115 previously approved and currently-active cannabis cultivation projects. The summary was derived using the CalEEMOD computer model used by the California Air Resources Board and assumes all 115 sites are developed with the maximum allowable canopies: 3 acres for outdoor cultivation and 22,000 sq. ft. for indoor cultivation.

Table 13 – Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects

Land Use	Total Electricity Demand From Current Cannabis Cultivation Projects[1] (Kilowatt Hours/Year)	Total Electricity Demand (Gigawatt Hours/Year)	Electricity Consumption In San Luis Obispo County in 2018[2] (Gigawatt Hours)	Total Demand In San Luis Obispo County With Cannabis Cultivation (Gigawatt Hours/Year)	Percent Increase Over 2018 Demand
Outdoor Cultivation	184,259,000	184			
Indoor Cultivation	620,400,000	620			
Total:	**804,659,000**	**804**	**1,765.9**	**2,569**	**45%**

Notes:

1. Source: CalEEMOD 2016 v.3.2. Assumes 115 cultivation projects with 3.5 acres of cannabis canopy.
2. Source: California Energy Commission, 2019.

Table 13 indicates that electricity demand in San Luis Obispo County could increase by as much 45% if all 115 cultivation projects are approved and constructed. Table 14 shows the percent increase in the projected 2030 demand throughout PG&E's service area for electricity, assuming all 115 cultivation projects are approved and implemented.

Table 14 – Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects Compared With Projected 2030 Demand

Increased Electricity Consumption In San Luis Obispo County With 115 Cannabis Cultivation Projects[1] (Gigawatt Hours)	804
Projected 2030 Demand[2]	33,784
Percent Increase in 2030 Demand With Cannabis Cultivation	**2.4%**

Notes:

1. Source: CalEEMOD 2016 v.3.2. Assumes 115 cultivation projects with 3.5 acres of cannabis canopy.
2. Source: Pacific Gas and Electric, 2018, Integrated Resource Plan. PG&E is required by State law (the Renewable Portfolio Standard) to derive at least 60% percent of their electricity from renewable sources by 2030. These sources are "bundled" and offered for sale to other Load Serving Entities (utility providers).

As discussed in Section V. Energy, the project is estimated to require considerably less electricity than a generic commercial building of comparable size. Therefore, the project's contribution to the increased demand for electricity, when considered with the growth of demand in other parts of the PG&E service area for electricity, would not be considered wasteful and inefficient and cumulatively considerable.

Greenhouse Gas (GHG) Emissions

As discussed in Section VII., the project is expected to generate 60.1 metric tons of GHG emissions per year. Using the GHG threshold information described in the Setting section, the project is expected to generate less than the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the project's potential direct and cumulative GHG emissions are considered less than significant and less than cumulatively considerable.

Hydrology/Water Demand

For purposes of assessing the cumulative impact to water supplies, the following assumptions are made:

- All 115 cannabis cultivation projects are approved and implemented;
- All 115 projects derive their water demand from groundwater resources;
- Water demand associated with outdoor cannabis cultivation is assumed to be 0.03 gallons per day per square foot of canopy, and 0.1 gallons per day per square foot of canopy for indoor cultivation;
- The growing period for outdoor cultivation and ancillary nursery is assumed to be 270 days; the growing season for indoor cultivation is assumed to be 365 days;
- This analysis assumes no recycling of water;

Table 15 – Total Estimated Water Demand from Cannabis Cultivation

Bulletin 118 Groundwater Basin[1]	Number of Cultivation Projects	Acres	Total Estimated Water Demand From Cannabis Cultivation AF/Year[3]
Paso Robles Groundwater Basin[4]	33[2]	2,648.41	190.09
Carrizo Plain Groundwater Basin	13	585.01	75.84
Pozo Valley Groundwater Basin	1	129	7.28
Atascadero Basin	6	190.55	35.85
Los Osos Groundwater Basin[4]	2	278.6	12.99
San Luis Obispo Valley	1	11.93	7.28
Santa Maria Valley Groundwater Basin[4]	13	833.73	75.84
Huasna Valley	2	50.21	12.99
Sub-Total:	71	4,727.44	407.18
Not Within A Bulletin 118 Groundwater Basin	44	2,120.56	252.93
Total for All Cultivation Sites	**115**	**6,848.21**	**660.11**

Notes:

1. Source: California Department of Water Resources Bulletin 118.
2. Includes 661.21 acres (12 projects) in the Area of Severe Decline.
3. Based on the assumptions for development and water demand outlined above.
4. Designated "Critically Overdrafted" groundwater basins by the California department of Water Resources.

As shown in Table 15, 71 cultivation projects are served by groundwater basins designated by the Department of Water Resources Bulletin 118. Two of the eight basins where cultivation is proposed, Los Osos Valley and the Paso Robles Groundwater Basin, are designated as "Critically Overdrafted" by the State. In addition, new development within the Paso Robles and the Santa Maria Valley groundwater basins is subject to the water conservation provisions of Chapter 19.07.042 of the County Code. Prior to issuance of a construction permit for a new structure with plumbing fixtures, the developer of such new structure must obtain an offset clearance from the department of planning and building verifying that new water use has been offset at a 1:1 ratio. Water savings must come from the same groundwater basin as the proposed new development.

Lastly, section 22.40.050 D. 5. requires that a cultivation project located within a groundwater basin with a Level of Severity III (LOS III) as determined by the most recent Resource Management Report must provide an estimate of water demand prepared by a licensed professional or other expert, and a description of how the new water demand will be offset. For such projects, the water use offset ratio is 1:1. If the project is within an Area of Severe Decline the offset requirement is 2:1, unless a greater offset is required by the review authority through the permit review process.

Groundwater basins serving cannabis cultivation that have been designated Level of Severity III include the Paso Robles, Los Osos and Santa Maria Valley groundwater basins. As shown in Table 16,

there are 48 cultivation projects with a total estimated water demand of 278.9 AFY within groundwater basins that are subject to the 1:1 water use offset requirement. Therefore, the net increase in water demand from cannabis cultivation in these basins is assumed to be zero. There are 23 cultivation sites within other groundwater basins that are not subject to the water use offset requirements of Title 19.04 and 44 sites that do not overlie a designated groundwater basin. Therefore, the net cumulative water demand from cannabis cultivation is assumed to be 392.17 AFY.

Table 16 – Total Estimated Water Demand from Cannabis Cultivation From Bulletin 118 Groundwater Basins With No Level of Severity

Bulletin 118 Groundwater Basin[1]	Number of Cultivation Projects	Acres	Total Estimated Water Demand From Cannabis Cultivation AF/Year[3]	Total Storage/ Safe Yield[1]	Status of Groundwater Basin[2]
Carrizo Plain Groundwater Basin	13	585.01	75.84	Total storage estimated to be 400,000 AF	No Level of Severity
Pozo Valley Groundwater Basin	1	129.00	7.28	The total storage capacity is estimated at 2,000 AF	No Level of Severity
Atascadero Basin	6	190.55	35.85	Safe Yield estimated to be 16,400 AFY	No Level of Severity
San Luis Obispo Valley	1	11.93	7.28	The total storage capacity is estimated at 10,000 – 22,000 AF	No Level of Severity
Huasna Valley	2	50.21	12.99	No estimate of storage of safe yield	No Level of Severity
Total:	23	966.69	139.24	--	--

Notes:

1. 2014 Integrated Regional Water Management Plan
2. 2014-2016 Resource Summary Report

The cumulative impact of water demand associated with cannabis cultivation is expected to be less than cumulatively considerable because:

- Water demand associated with the 48 cannabis cultivation projects within basins that have been assigned a Level of Severity III by the County's Resource Management System will be offset by a ratio of at least 1:1;
- Water demand associated with cannabis cultivation within groundwater basins without an assigned Level of Severity for water supply are not in a state of overdraft and the County's Resource Management System has concluded that they are expected to meet the estimated demand from urban, rural and agricultural demand for at least 15 years. As shown in Table 16, the marginal demand associated with cannabis cultivation is insignificant in relation to the available storage capacities of these basins;
- Water demand for areas outside of designated groundwater basins will not (by definition) adversely impact groundwater basins.

Noise

With recommended mitigation measure N-1, noise impacts associated with HVAC and odor management systems are considered less than significant. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to potential noise impacts, as mitigated, is considered less than cumulatively considerable.

Population and Housing

The most recent projection of regional growth for San Luis Obispo County is the 2050 Regional Growth Forecast (RGF) for San Luis Obispo County prepared and adopted by the San Luis Obispo Council of Governments (SLOCOG) in 2017. Using the Medium Scenario, the total County population, housing and employment for both incorporated and unincorporated areas is projected to increase at an average annual rate of 0.50 percent per year. Between 2015 and 2050 the County's population is projected to increase by 44,000, or about 1,260 residents per year. Within the unincorporated area, the population is expected to increase by about 19,500 residents, or about 557 per year. Employment is expected to increase by about 6,441, or about 184 per year.

Cannabis cultivation activities typically employ 4 – 6 full-time workers and up to 12 workers temporarily during the harvest. The 2050 employment forecast does not account for employment associated with cannabis activities because of the formerly illegal status of the industry. However, assuming 115 cultivation projects, total employment associated with cannabis cultivation could result in as many as 920 jobs. It is most likely that these workers will be sourced from the existing workforce in San Luis Obispo County. However, if all 920 workers are new residents to the County, it would represent a 2% increase in the projected growth in population between 2015 and 2050. The small increase in projected population is not expected to result in an increased demand for housing throughout the county. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to impacts related to housing and population is considered less than cumulatively considerable.

Public Services

Public facility (County) and school (State Government Code 65995 et seq.) fee programs have been adopted to address this impact and will reduce the cumulative impacts to less-than-significant levels.

Transportation

The Department of Public Works has derived trip generation rates for cannabis cultivation from traffic reports and through the trip generation rates published by the Institute of Traffic Engineers. Table 17 provides an estimate of total ADT and vehicle miles traveled associated with buildout of the 115 approved and active cannabis cultivation projects.

Table 17 – Cumulative Average Daily Trips From Cannabis Cultivation

Use	Unit	ADT[3]	Cannabis Cultivation	Total ADT	PM Peak Hour Trips	Vehicle Miles Travelled
Cultivation, Indoor (includes greenhouses, plant processing, drying, curing, etc.)	1,000SF[1]	0.27	2,530,000 sq.ft.	690	10.3	19,320
Cultivation, Outdoor (includes hoop house)	Acres[2]	2.00	345 acres	683	68.3	19,126
Seasonal Employees**	Employee	2.00	460 employees	460	460	12,880
Total:				**1,833**	**538.6**	**51,326**

Notes:

1. Units based on gross square feet, acres, and employees.
2. Seasonal Trips are adjusted based on the annual frequency.
3. Source: Department of Public Works

The most recent estimate of total vehicle miles travelled (VMT) for the County is from 2013 at which time total VMT per day was estimated to be 7,862,000. Assuming a 1% annual growth in VMT during the intervening six years, the current (2019) VMT is estimated to be about 8,333,720. Accordingly, the 51,326 VMT associated with cannabis cultivation will result in an increase about 0.61 percent in the total county VMT. The small increase in VMT is not expected to result in a reduction of the level of service on county streets and intersections. Moreover, each project is required to mitigate project-specific impacts to the transportation network. Such mitigation may include, but is not limited to, the installation of roadway and intersection improvements necessary to maintain an adequate level of service and the payment of road improvement fees. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to roadway impacts is considered less than cumulatively considerable.

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

In the evaluation of environmental impacts in this Initial Study, the potential for adverse direct or indirect impacts to human beings were considered in the response to certain questions in the preceding topical sections. Potential impacts related to air quality have been identified but would be mitigated to a level of less than significant. For the remaining issues, there is no substantial evidence that adverse effects to human beings are associated with this project. Therefore, impacts would be less than significant with incorporation of mitigation measures included in Exhibit B.

Conclusion

The project has been determined not to meet the Mandatory Findings of Significance with implementation of mitigation measures for aesthetic and visual resources, air quality, biological resources, energy, and water (Exhibit B).

Mitigation

See Exhibit B for full list of mitigation measures.

Sources

See Exhibit A.

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	**Attached**
☐	County Environmental Health Services	**Not Applicable**
☒	County Agricultural Commissioner's Office	**None**
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☒	Air Pollution Control District	**None**
☒	County Sheriff's Department	**None**
☒	Regional Water Quality Control Board	**None**
☐	CA Coastal Commission	**Not Applicable**
☒	CA Department of Fish and Wildlife	**None**
☒	CA Department of Forestry (Cal Fire)	**None**
☐	CA Department of Transportation	**Not Applicable**
☐	Community Services District	**Not Applicable**
☒	Other Building Division	**Attached**
☒	Other U.S. Fish and Wildlife	**None**
☒	Other Creston Advisory Board	**Attached**
☒	Other NCTC	**Attached**

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

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

- ☒ Project File for the Subject Application

County Documents

- ☐ Coastal Plan Policies
- ☒ Framework for Planning (Coastal/Inland)
- ☒ General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:
  - ☒ Agriculture Element
  - ☒ Conservation & Open Space Element
  - ☐ Economic Element
  - ☒ Housing Element
  - ☒ Noise Element
  - ☐ Parks & Recreation Element/Project List
  - ☒ Safety Element
- ☒ Land Use Ordinance (Inland/Coastal)
- ☐ Building and Construction Ordinance
- ☒ Public Facilities Fee Ordinance
- ☐ Real Property Division Ordinance
- ☒ Affordable Housing Fund
- ☐ Airport Land Use Plan
- ☒ Energy Wise Plan
- ☒ North County Area Plan/El Pomar-Estrella 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

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

Project application materials are incorporated by reference and available for review at the Department of Planning and Building, 970 Osos Street, Suite 200, San Luis Obispo

Althouse and Meade, Inc. Biological Resource Assessment. December 2018.

Public Health Laboratory, San Luis Obispo County. Environmental Report. June 2018.

Henderson, Paul. Water Demand Estimate for California Production Services – Rocky Canyon Project. July 2019.

GEI Consultants, 2014, San Luis Obispo County 2014 Integrated Regional Water Management Plan

CalEEMOD version 2016.3.2

California Department of Conservation (CDOC). 2015.CGS Information Warehouse: Regulatory Maps http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps accessed June 2019

California Department of Finance. 2018. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018 with 2010 Census Benchmark. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/ (accessed June 2019).

San Luis Obispo Council of Governments, 2017, 2050 Regional Growth Forecast (RGF) for San Luis Obispo County

San Luis Obispo Council of Governments, 2019 Regional Transportation Plan, Regional Traffic Model, Modeling and Technical Documentation, page 1-7. https://www.dropbox.com/s/vsrw4o9kqeu8snv/__TOTAL-APPENDICES.pdf?dl=0

Resource Management System 2014-2016 Resource Summary Report

2014-2016 Resource Summary Report

Letter from Glenn Marshal, Department of Public Works, July 11, 2018

E-mail of July 11, 2018 from the Northern Chumash Tribal Council

E-mail of July 9, 2018 from Michael Stoker, Building Department

Letter of October 9, 2018 from the Creston Advisory Body

Minutes of the San Luis Obispo Agricultural Preserve Review Committee, August 27, 2018 and March 25, 2019

Exhibit B - Mitigation Summary

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

Aesthetic and Visual Resources

AES-1 **Nighttime lighting. Prior to issuance of construction permits**, the applicant shall submit a light pollution prevention plan (LPPP) to the County Planning Department for approval that incorporates the following measures to reduce impacts related to night lighting:

a. Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;

b. All facilities employing artificial lighting techniques shall include shielding and/or blackout tarps that are engaged between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping;

c. Any exterior path lighting shall conform to LUO Section 22.10.060, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site. Exterior path lighting shall be "warm-white" or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions; and

d. Any exterior lighting used for security purposes shall be motion activated, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site, and shall be of the lowest-lumen necessary to address security issues.

Air Quality

AQ-1 **Fugitive Dust Emissions.** The following measures shall be implemented to minimize construction-generated emissions. These measures are based on SLOAPCD standard mitigation measures and would help to ensure compliance with the SLOAPCD's 20% opacity limit (SLOAPCD Rule 401) and nuisance rule (SLOAPCD Rule 402). These measures shall be shown on grading and building plans:

a. Construction of the proposed project shall use low-VOC content paints not exceeding 50 grams per liter.

b. To the extent locally available, prefinished building materials or materials that do not require the application of architectural coatings shall be used.

c. Reduce the amount of the disturbed area where possible.

d. Use water trucks, APCD approved dust suppressants (see Section 4.3 in the CEQA Air Quality Handbook), or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant

where feasible to reduce the amount of water used for dust control. For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook.

e. All dirt stock-pile areas should be sprayed daily as needed.

f. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;

g. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.

h. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD.

i. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

j. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

k. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.

l. Install wheel washers at the construction site entrance, wash off the tires or tracks of all trucks and equipment leaving the site, or implement other SLOAPCD-approved methods sufficient to minimize the track-out of soil onto paved roadways.

m. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

n. The burning of vegetative material shall be prohibited. Effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. If you have any questions regarding these requirements, contact the SLOAPCD Engineering and Compliance Division at (805) 781-5912.

o. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork or demolition.

p. When applicable, portable equipment, 50 horsepower (hp) or greater, used during construction activities shall be registered with the California statewide portable equipment registration program (issued by the California Air Resources Board) or be permitted by the APCD. Such equipment may include: power screens, conveyors, internal combustion engines, crushers, portable generators, tub grinders, trammel screens, and portable plants (e.g, aggregate plant, asphalt plant, concrete plant). For more information, contact the SLOAPCD Engineering and Compliance Division at (805) 781-5912.

AQ-2 **ROG, NO_x, DPM Emissions.** The following measures based on the SLOAPCD standard mitigation measures for construction equipment for reducing nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment shall be implemented to reduce expose of sensitive receptors to substantial pollutant concentrations. These measures shall be shown on grading and building plans:

a. Implement Mitigation Measure AQ-1, as identified above.

b. 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:

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

d. Shall not operate a diesel-fueled auxiliary power system to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

e. Maintain all construction equipment in proper tune according to manufacturer's specifications;

f. Fuel all off-road and portable diesel-powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);

g. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;

h. Idling of all on and off-road diesel-fueled vehicles shall not be permitted when not in use. Signs shall be posted in the designated queuing areas and or job site to remind drivers and operators of the no idling limitation.

i. Electrify equipment when possible;

j. Substitute gasoline-powered in place of diesel-powered equipment, when available; and,

k. Use alternatively fueled construction equipment on-site when available, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

AQ-3 **Developmental burning**. As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, contact the APDD at (805) 781-5912.

Biological Resources

BIO-1 Special-Status Plant Species Avoidance and Minimization Measures. Prior to initial ground disturbance and staging activities in areas of suitable habitat for special status plants, focused surveys shall be completed by a qualified biologist. The surveys shall be floristic in nature and shall be seasonally-timed to coincide with the blooming period of the target species. Surveys shall be conducted in accordance with the most current protocols established by the CDFW, USFWS, and consistent with the County's policies. All special-status plant species identified on site shall be mapped onto a site specific aerial photograph and topographic map. Survey results shall be submitted to the County Department of Planning and Building prior to initiation of construction. If special-status plant species, specifically dwarf calycadenia or shining navarretia, are identified within the proposed development footprint, impacts to these species will be minimized to the extent feasible to avoid impacting 90% of the plants observed. If special-status plant species are identified on the project site and direct impacts to special-status plants cannot be avoided, a salvage and relocation plan will be prepared to compensate for significant impacts on special-status plant species and identify suitable locations, methods, and success criteria for special-status plant mitigation through direct seeding and restoration of suitable unoccupied habitat. The plan shall, at a minimum, require replacement through collection of seed and topsoil from impact sites, a monitoring and management component that outlines weed management and monitoring techniques, and success criteria that require successful establishment of the target species over the acreage and numbers of impacted plants within five years. If onsite salvage and restoration is not feasible, the plan will identify areas that contain verified extant populations of the special-status plant species, of similar size and quality, and equal or greater density to the population(s) that would be impacted by the Project proposed for preservation as compensatory mitigation for special-status plant impacts. Offsite habitat occupied by the affected species shall be preserved and managed in perpetuity at a minimum 1:1 mitigation ratio (at least one plant preserved for each plant affected, and at least one occupied acre preserved for each occupied acre affected). The restoration plan will be prepared and submitted to the County Department of Planning and Building for approval prior to initial site disturbance.

BIO-2 Preconstruction Survey for American Badger A qualified biologist shall conduct a pre-activity survey within 30 days prior to the start of greenhouse construction to ensure American badger are not present during the start of construction. If dens are discovered, they will be inspected to determine if they are currently occupied. If dens are determined to be inactive by the qualified biologist, they will be excavated by hand to prevent re-occupation prior to construction. If the qualified biologist determines that potential dens may be active during the non-breeding season, the entrances of the dens shall be blocked with soil, sticks, and debris for three to five days to discourage the use of these dens prior to project disturbance. The den entrances shall be blocked to an incrementally greater degree over the three to five-day period. After the qualified biologist determines that badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction. If badgers are found during their breeding and rearing season (May to December), dens shall be avoided by a 150-foot buffer to protect them from construction activities. If these dens cannot be avoided after the breeding season has concluded, the above procedure will be followed.

BIO-3 Sensitive and Nesting Birds Avoidance and Minimization. If construction is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to activity initiating construction. If active nests are located within the project

area, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active. A non-disturbance buffer of 250 feet will be placed around non-listed, passerine species nests, and a 500-foot buffer will be implemented for raptor species. All activity will remain outside of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young.

Water Demand

W-1 Prior to issuance of building permits (or prior to occupancy if no building permits are required), all applicants for cannabis related activities within the Paso Robles Groundwater Basin ("Basin") shall provide to the Department of Planning and Building for review and approval a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by LUO Sections 22.40.050.D.5., 22.40.060.D.5, 22.94.025.F, and Building Ordinance Section 19.07.042 (4). The Water Conservation Plan shall include the following:

a. The quantification of water demand expressed in total acre-feet per year, consistent with the Water Management Plan required by LUO Sections 22.40.050.C.1 and 22.40.060.C.1.

b. A program for achieving a water demand offset of required by LUO Section 22.40.050.D.5. For areas within the Area of Severe Decline the water demand offset shall be 2:1. For all other areas within the Basin, the offset shall be 1:1. 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, the following:

        i. Drip irrigation;

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

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

        iv. 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.]

    b. 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.

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

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

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

Noise

N-1 Prior to commencing permitted activities, the applicant shall demonstrate that noise generated by project air conditioning, ventilation and odor management equipment complies with applicable County standards for nighttime noise levels at the property lines. This shall be accomplished by:

a. Locating the equipment so that the building shields the noise from the nearest property line;

b. Constructing an acoustical enclosure around the equipment;

c. Any combination of equipment location and shielding that enables the project to meet the standards.

Appendix A – Other Agency Approvals That May Be Required

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

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

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

Section 8102 – Annual State License Application Requirements

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

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

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

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

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

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

Section 8106 – Cultivation Plan Requirements

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

(3) A pest management plan.

Section 8108 -- Cannabis Waste Management Plans

Section 8216 – License Issuance in an Impacted Watershed

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

Section 8304 – General Environmental Protection Measures

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

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

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

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

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

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

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

Section 8305 – Renewable Energy Requirements

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

Section 8306 -- Generator Requirements

Section 8307 – Pesticide Use Requirements

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

Section 8308 – Cannabis Waste Management

Bureau of Cannabis Control

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

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

State Water Resources Control Board (SWRCB). The project may require issuance of a water rights permit for the diversion of surface water or proof of enrollment in, or an exemption from, either the SWRCB or Regional Water Quality Control Board program for water quality protection.

California Department of Fish and Wildlife (CDFW)

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

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

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

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

DATE: January 16, 2020

DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM FOR CALIFORNIA PRODUCTION SERVICES (CHAD DAVIS) CONDITIONAL USE PERMIT (DRC2019-00183)

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

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

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

AESTHETIC AND VISUAL RESOURCES

AES-1 Nighttime lighting. Prior to issuance of construction permits, the applicant shall submit a light pollution prevention plan (LPPP) to the County Planning Department for approval that incorporates the following measures to reduce impacts related to night lighting:

a. Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;

b. All facilities employing artificial lighting techniques shall include shielding and/or blackout tarps that are engaged between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping;

c. Any exterior path lighting shall conform to LUO Section 22.10.060, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site. Exterior path lighting shall be “warm-white” or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions; and

d. Any exterior lighting used for security purposes shall be motion activated, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site, and shall be of the lowest-lumen necessary to address security issues.

Monitoring: LPPP required at the time of application for construction permits. Implementation and compliance will be verified by the County Department of Planning and Building.

AIR QUALITY (AQ)

AQ-1 Fugitive Dust Emissions. The following measures shall be implemented to minimize construction-generated emissions. These measures are based on SLOAPCD standard mitigation measures and would help to ensure compliance with the SLOAPCD's 20% opacity limit (SLOAPCD Rule 401) and nuisance rule (SLOAPCD Rule 402). These measures shall be shown on grading and building plans:

a. Construction of the proposed project shall use low-VOC content paints not exceeding 50 grams per liter.

b. To the extent locally available, prefinished building materials or materials that do not require the application of architectural coatings shall be used.

c. Reduce the amount of the disturbed area where possible.

d. Use water trucks, APCD approved dust suppressants (see Section 4.3 in the CEQA Air Quality Handbook), or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook.

e. All dirt stock-pile areas should be sprayed daily as needed.

f. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;

g. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.

h. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD.

i. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

j. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

k. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.

l. Install wheel washers at the construction site entrance, wash off the tires or tracks of all trucks and equipment leaving the site, or implement other SLOAPCD-approved methods sufficient to minimize the track-out of soil onto paved roadways.

m. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

n. The burning of vegetative material shall be prohibited. Effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. If you have any questions regarding these requirements, contact the SLOAPCD Engineering and Compliance Division at (805) 781-5912.

o. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork or demolition.

p. When applicable, portable equipment, 50 horsepower (hp) or greater, used during construction activities shall be registered with the California statewide portable equipment registration program (issued by the California Air Resources Board) or be permitted by the APCD. Such equipment may include: power screens, conveyors, internal combustion engines, crushers, portable generators, tub grinders, trammel screens, and portable plants (e.g, aggregate plant, asphalt plant, concrete plant). For more information, contact the SLOAPCD Engineering and Compliance Division at (805) 781-5912.

AQ-2 ROG, NO_x, DPM Emissions. The following measures based on the SLOAPCD standard mitigation measures for construction equipment for reducing nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment shall be implemented to reduce expose of sensitive receptors to substantial pollutant concentrations. These measures shall be shown on grading and building plans:

a. Implement Mitigation Measure AQ-1, as identified above.

b. 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:

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

d. Shall not operate a diesel-fueled auxiliary power system to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

e. Maintain all construction equipment in proper tune according to manufacturer's specifications;

f. Fuel all off-road and portable diesel-powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);

g. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;

h. Idling of all on and off-road diesel-fueled vehicles shall not be permitted when not in use. Signs shall be posted in the designated queuing areas and or job site to remind drivers and operators of the no idling limitation.

i. Electrify equipment when possible;

j. Substitute gasoline-powered in place of diesel-powered equipment, when available; and,

k. Use alternatively fueled construction equipment on-site when available, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

AQ-3 **Developmental burning**. As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, contact the APDD at (805) 781-5912.

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

BIOLOGICAL RESOURCES (BIO)

BIO-1 Special-Status Plant Species Avoidance and Minimization Measures. Prior to initial ground disturbance and staging activities in areas of suitable habitat for special status plants, focused surveys shall be completed by a qualified biologist. The surveys shall be floristic in nature and shall be seasonally-timed to coincide with the blooming period of the target species. Surveys shall be conducted in accordance with the most current protocols established by the CDFW, USFWS, and consistent with the County's policies. All special-status plant species identified on site shall be mapped onto a site specific aerial photograph and topographic map. Survey results shall be submitted to the County Department of Planning and Building prior to initiation of construction. If special-status plant species, specifically dwarf calycadenia or shining navarretia, are identified within the proposed development footprint, impacts to these species will be minimized to the extent feasible to avoid impacting 90% of the plants observed. If special-status plant species are identified on the project site and direct impacts to special-status plants cannot be avoided, a salvage and relocation plan will be prepared to compensate for significant impacts on special-status plant species and identify suitable locations, methods, and success criteria for special-status plant mitigation through direct seeding and restoration of suitable unoccupied habitat. The plan shall, at a minimum, require replacement through collection of seed and topsoil from impact sites, a monitoring and management component that outlines weed management and monitoring techniques, and success criteria that require successful establishment of the target species over the acreage and numbers of impacted plants within five years. If onsite salvage and restoration is not feasible, the plan will identify areas that contain verified extant populations of the special-status plant species, of similar size and quality, and equal or greater density to the population(s) that would be impacted by the Project proposed for preservation as compensatory mitigation for special-status plant impacts. Offsite habitat occupied by the affected species shall be preserved and managed in perpetuity at a minimum 1:1 mitigation ratio (at least one plant preserved for each plant affected, and at least one occupied acre preserved for each occupied acre affected). The restoration plan will be prepared and submitted to the County Department of Planning and Building for approval prior to initial site disturbance.

Monitoring: Required during spring blooming period and prior to the onset of construction activities. Compliance will be verified by the County Department of Planning and Building.

BIO-2 Preconstruction Survey for American Badger A qualified biologist shall conduct a pre-activity survey within 30 days prior to the start of greenhouse construction to ensure American badger are not present during the start of construction. If dens are discovered, they will be inspected to determine if they are currently occupied. If dens are determined to be inactive by the qualified biologist, they will be excavated by hand to prevent re-occupation prior to construction. If the qualified biologist determines that potential dens may be active during the non-breeding season, the entrances of the dens shall be blocked with soil, sticks, and debris for three to five days to discourage the use of these dens prior to project disturbance. The den entrances shall be blocked

to an incrementally greater degree over the three to five-day period. After the qualified biologist determines that badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction. If badgers are found during their breeding and rearing season (May to December), dens shall be avoided by a 150-foot buffer to protect them from construction activities. If these dens cannot be avoided after the breeding season has concluded, the above procedure will be followed.

Monitoring: Required within 30 days of the onset of construction activities. Compliance will be verified by the County Department of Planning and Building.

BIO-3 **Sensitive and Nesting Birds Avoidance and Minimization**. If construction is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to activity initiating construction. If active nests are located within the project area, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active. A non-disturbance buffer of 250 feet will be placed around non-listed, passerine species nests, and a 500-foot buffer will be implemented for raptor species. All activity will remain outside of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young.

Monitoring: Required within one week prior to the onset of construction activities. Compliance will be verified by the County Department of Planning and Building.

Noise

N-1 Prior to commencing permitted activities, the applicant shall demonstrate that noise generated by project air conditioning, ventilation and odor management equipment complies with applicable County standards for nighttime noise levels at the property lines. This shall be accomplished by:

a. Locating the equipment so that the building shields the noise from the nearest property line;
b. Constructing an acoustical enclosure around the equipment;
c. Any combination of equipment location and shielding that enables the project to meet the standards.

Monitoring: Prior to commencing permitted activities that applicant shall present noise measurements to the Department of Planning and Building taken by a qualified professional at the nearest property lines verifying compliance with all applicable County noise standards. Compliance will be verified by the County Department of Planning and Building.

Water Demand

W-1 **Prior to issuance of building permits**, all applicants for cannabis related activities within the Paso Robles Groundwater Basin ("Basin") shall provide to the Department of Planning and Building for review and approval a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by LUO Sections 22.40.050.D.5., 22.40.060.D.5, 22.94.025.F, and Building Ordinance Section 19.07.042 (4). The Water Conservation Plan shall include the following:

a. The quantification of water demand expressed in total acre-feet per year, consistent with the Water Management Plan required by LUO Sections 22.40.050 C.1 and 22.40.060 C.1.

b. A program for achieving a water demand offset of **4.66** AFY as required by LUO Sections 22.40.050.D.5., 22.40.060.D.5, and 22.94.025.F. and Building Ordinance Section 19.07.042 (4). Such a program may include, but is not limited to, the following:

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

1. Drip irrigation;

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

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

4. 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.]

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

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

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

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

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

Monitoring: Required prior to issuance of building permits or occupancy and throughout the life of the project. Compliance will be verified by the County Department of Planning and Building.

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

Signature of Applicant	Name (Print)	Date
	Nathaniel Hentz-Hoyt	01/17/2020

Eric Hughes

From: Brandi Cummings <bcummings@co.slo.ca.us>
Sent: Friday, July 13, 2018 12:05 PM
To: Rob Mullane; Mindy Fogg
Subject: FW: DRC2018-00102 DRAEGER, NORTH COUNTY E-Referral, MINOR USE PERMIT, PASO ROBLES

Building comments on Draeger.

Brandi Cummings
Environmental Resource Specialist
Planning & Building, County of San Luis Obispo
Tel: (805) 781-1006
Website | Facebook | Twitter | Map

From: Michael Stoker
Sent: Monday, July 09, 2018 11:33 AM
To: Brandi Cummings <bcummings@co.slo.ca.us>
Cc: Don C. Moore <dcmoore@co.slo.ca.us>; Cheryl Journey <cjourney@co.slo.ca.us>
Subject: Re: DRC2018-00102 DRAEGER, NORTH COUNTY E-Referral, MINOR USE PERMIT, PASO ROBLES

Brandi,

Please find buildings recommendations for DRC2018-00102 bellow. Please let me know if you have any questions.

In regards to this preliminary review, a building permit is required. The drawings specify the work to be completed consists of two 1-acre outdoor cultivation sites, construction of four green houses, a 10,000 gallon water tank, and a 200 gallon propane tank. A California State licensed design professional (Architect/Engineer) shall prepare plans in compliance with current codes adopted by the County of San Luis Obispo (Current version of the California Building Standards Codes and Title 19 of the SLO County Codes at time of permit submittal).

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

1. A California licensed Architect or Engineer is required to submit the plans for this project per BPC 5536.1.
2. A pre application meeting will be needed prior to submitting for a building permit to answer any questions and / or discuss code related issues.
3. Separate building permits will be required for the separate structure/building located on the site.
4. Please specify the buildings Occupancy Group and Type of Construction on the cover sheet of the plans to coordinate with the California Building Code.
5. Provide a reference on the cover sheet of the plans to the applicable codes.
6. The greenhouses will need to comply with the requirements of CBC Appendix C.
7. Provide plans which clearly show the structural design to verify compliance with the 2016 California Building Code and referenced standards. The plans and supporting calculations will need to be prepared by a California Licensed Design Professional (Architect or Engineer) justifying the structural design.
8. Provide isometric / single line drawings for the electrical, plumbing, and mechanical elements to verify compliance with the current versions of the California Electrical, Plumbing, and Mechanical Codes.
9. The building(s) will need to be provided with fire sprinklers and an alarm system under a separate permit. At the time of the permit application provide plans and calculations showing the design of the system.
10. If a septic system is going to be installed it will need to comply with Teir 1 of the Onsite Water Treatment System (OWTS)or it will need to be reviewed / permitted by the Regional Water Quality Control Board.

    If there is any processing on the site the following items will be applicable as it would change the buildings “Occupancy Group”:

11. Please specify the buildings Occupancy Group and Type of Construction on the cover sheet of the plans to coordinate with the California Building Code.
12. Provide an allowable area analysis on the plans to verify compliance with CBC Chapter 5, including Table 503 and sections 504, 506, and 508. Also, provide information stating is the building is using the separated, non-separated, or accessory occupancy method or combination of each per CBC Chapter 5.
13. Any fire resistive walls or ceilings due to occupancy separations will need to be detailed on the plans to comply with the requirements of with CBC, including Chapter 5, 6 and 7. The specific details for the wall construction on the plans will need to reference an approved UL listing or gypsum manual listing.
14. Provide an occupant load and exiting analysis on the plans to verify compliance with CBC, including Chapter 10 for the processing containers, security trailer.
15. The accessibility elements throughout will need to be shown, detailed, and / or noted on the plans to verify compliance with CBC Chapter 11B. (i.e. accessible parking, path of travel, restroom design, access to work areas, etc.)
16. Provide a plumbing fixture analysis on the plans to verify the number of fixtures provided is sufficient for the proposed use and complies with CPC Chapter 4 and Table A and Table 422.

thanks

County Of San Luis Obispo
Planning & Building
Michael Stoker, CASp
Building Division Supervisor

(p) 805-781-1543
mstoker@co.slo.ca.us

From: Mail for PL_Referrals Group
Sent: Friday, July 6, 2018 2:59 PM
To: Brandi Cummings
Subject: DRC2018-00102 DRAEGER, NORTH COUNTY E-Referral, MINOR USE PERMIT, PASO ROBLES

County of San Luis Obispo
Department of Planning & Building

DRC2018-00102 DRAEGER, NORTH COUNTY E-Referral, MINOR USE PERMIT, PASO ROBLES
APN: 043-211-037
This application was recently filed with the Planning Department for review and approval. Because the proposal may be of interest or concern to your agency or community group, we are notifying you of the availability of a referral on the project.

DIRECT LINK to DRAEGER Referral Package

Link to webpage for all referral packages on new website (07/26/2017 and later):
http://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Informational/Planning-Referrals.aspx

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

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

****

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

Direct your comments to the project manager(s):
Brandi Cummings (805-781-1006 or bcummings@co.slo.ca.us**)**

Referral Response:

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

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

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

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

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

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

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

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

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

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

Cassidy McSurdy
Administrative Assistant III
County Of San Luis Obispo
Planning & Building
(p) 805-788-2959
cmcsurdy@co.slo.ca.us

Creston Advisory Body Recommendation

Chairperson: Sheila Lyons, 805-239-0917, P.O. Box 174 Creston CA 93432, salyons@airspeedwireless.net

From: **Date: 10/9/18**

CAB Area # - 3
Representative's Name - Tim Long
-

To: **San Luis Obispo Department of Building and Planning**

Planner - Cassidy McSurdy, (805) 788-2959, cmcsurdy@co.slo.ca.us.
County Government Center
San Luis Obispo, CA 93408

Copies to:

Project Specifics:

DRC2018-00102 DRAEGER, NORTH COUNTY E-Referral, MINOR USE PERMIT, PASO ROBLES APN: 043-211-037 . Project is for marijuana growing at the site. Phase 1 would consist of two acres of outdoor cultivation and two greenhouses. Phase 2 would consist of construction an additional two greenhouses (30' x 96'). Applicant expects to use approximately 2 acre feet of water a year. According to the applicant's representative, a request for a variance from the setback requirements has been requested. The Planning Dept. will be addressing the setback and a grading exception.

https://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Informational/Planning-Referrals/Cannabis-Related-Referrals-(Countywide).aspx

Dates: Presented to CAB by Justin Borba, applicant and Kim Lancashire, Public Policy Solutions, on August 15, 2018. CAB heard the project on Aug. 15th but postponed making a decision until Sept. 19th because we wanted to gather more information before making a decision. The applicant and the consultant were informed of the decision to postpone the decision at the August 15th meeting.

Specific Issues:

a. The current 1/4 acre growing operation on the property is being operated under a Cooperative/iCollective registration which will sunset in 2019. Mr. Borba and partners are seeking to increase that to 2 acres - an 8 fold increase - with the concomitant increase in water usage. Several neighbors expressed concerns about possible water problems.

b. This is the first cannabis permit to come up for approval in the CAB area. Questions regarding duration of the permit and the renewal process generated concerns that complaints about the operation might not be considered until the permit was up for renewal (if the permit holder continued to meet the conditions imposed at the time the permit was issued). Although it is allowed, CAB does not think the permit should go with the land. CAB feels that each new land owner should have to reapply for a permit based on their own merits.

Several speakers urged that complaints be addressed immediately. There was also concern about the County's ability to enforce conditions and rules and whether the fees will cover the costs associated with enforcement.

c. Safety concerns were expressed by several members of the community. Increase in traffic and possibility crime related to people attempting to steal mature plants were

cited. The traffic concerns are mitigated by the fact that there will be no sales of product from the site. All the plants will be taken to another facility for processing. The applicant and the Planning Dept. representative spoke about the security measures that must be in place prior to final issuance of the permit.

d. There was a discussion about the need to adhere to the conditions outlined in the cannabis ordinance. While the CAB members supported the idea that the farmer should be able to decide which crops are appropriate to grow on their property, it was felt that the Planning Dept. should require the applicant to adhere to the minor use standards. In this case, the set back requirements in the ordinance cannot be met.

Conclusions:

Motion made that the proposed project does not meet the conditions of the minor use permit and should not be approved. (Kurt/Sheila) Passed 6 to 1. Cab does not recommend granting of this permit.

Final Vote: ___1_ In Favor ____6_ Opposed _____ Abstained

Signatures: (may be more than one area affected)

CAB Area # & Rep. _____ CAB Area 3

CAB Area # & Rep. [As needed]_____

Chairperson, Sheila Lyons _____ Sheila Lyons, chairperson

Erin Kraft

From: Lynda Auchinachie <lauchinachie@co.slo.ca.us>
Sent: Friday, July 20, 2018 3:17 PM
To: Mindy Fogg
Subject: Re: DRC2018-00102 Draeger MUP
Attachments: prime.JPG; prime.2.JPG

I wish I could make the site visit but am unable to. I have a request,please...Ag Element policy AGP18 directs structures to be located on the less productive portion of a site. The proposed greenhouses are located on prime soil. The specifics of this site suggest that they could be relocated off prime soils (e.g. switch spots with the most northern cultivation area or relocate by existing development etc). Would it be possible to explore that option during site visit and/or information hold letter? If it doesn't sound like a possibility to move, then perhaps the applicant could provide written justification why it is not possible.

I've attached two files with the prime soils highlighted in yellow to help identify potential areas.

Also, this property appears to be under Williamson Act but it is in nonrenewal and I think the contract should be expiring 2019.

Let me know if you have questions.

Thanks,
Lynda

From: Mindy Fogg <mfogg@rinconconsultants.com>
Sent: Thursday, July 19, 2018 3:03 PM
To: Lynda Auchinachie
Subject: Re: DRC2018-00102 Draeger MUP

Yes I am. We have a site visit set for next Thursday morning.

Mindy

On Jul 19, 2018, at 3:01 PM, Lynda Auchinachie <lauchinachie@co.slo.ca.us<mailto:lauchinachie@co.slo.ca.us>> wrote:

Hi Mindy,

Are you working on Draeger MUP?

Thanks,

Lynda

Erin Kraft

From: Brandi Cummings <bcummings@co.slo.ca.us>
Sent: Friday, July 13, 2018 11:56 AM
To: Mindy Fogg; Rob Mullane
Subject: FW: AB52, NCTC -- DRC2018-00102 DRAEGER North County Referral

FYI.

Brandi Cummings
Environmental Resource Specialist
Planning & Building, County of San Luis Obispo
Tel: (805) 781-1006
Website | Facebook | Twitter | Map

From: Fred Collins <fcollins@northernchumash.org>
Sent: Wednesday, July 11, 2018 7:44 AM
To: Brandi Cummings <bcummings@co.slo.ca.us>
Subject: RE: AB52, NCTC -- DRC2018-00102 DRAEGER North County Referral

Hello Brandi,

NCTC has no comments on this proposed project, thank you.

Fred Collins
NCTC

From: Mail for PL_Referrals Group [mailto:plreferrals@co.slo.ca.us]
Sent: Friday, July 6, 2018 3:09 PM
To: fcollins_northernchumash.org
Cc: Brandi Cummings
Subject: AB52, NCTC -- DRC2018-00102 DRAEGER North County Referral

County of San Luis Obispo
Department of Planning & Building

DRC2018-00102 DRAEGER, North County Referral, Minor Use Permit, Paso Robles, CA
APN: 043-211-037

DIRECT LINK to DRAEGER Referral Package

PLEASE CONTACT:
Brandi Cummings (805-781-1006 or bcummings@co.slo.ca.us)

The deadline for consultation request is:

August 5, 2018

****

The County of San Luis Obispo is notifying you of the proposed project listed above. The project application was recently filed with the Planning Department for review and approval. State law under Assembly Bill 52 (Public Resources Code Section 21080.3.1) allows California Native American tribes 30 days to request consultation regarding possible significant effects that implementation of the proposed project may have on tribal cultural resources. The attached letter is your official notification and provides target timelines for the AB 52 Consultation Process.

If you have questions about this project or wish to request consultation, please contact the project manager(s) listed above and provide a designated lead contact person for this consultation

COUNTY OF SAN LUIS OBISPO
Department of Public Works
Colt Esenwein , P.E., *Director*

REFERRAL

Date: July 11, 2018

To: Brandi Cummings, Project Planner

From: Glenn Marshall, Development Services

Subject: Public Works Revised Comments on DRC2018-00102 Draeger MUP, Rocky Canyon Rd., Creston, APN 043-211-037

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

PUBLIC WORKS REQUESTS THAT AN INFORMATION HOLD BE PLACED ON THIS PROJECT UNTIL THE APPLICANT PROVIDES THE FOLLOWING DOCUMENTS FOR PUBLIC WORKS REVIEW AND COMMENT:

1. Provide evidence the applicant has coordinated with Caltrans to provide, if required, a Traffic Engineers Report addressing, at a minimum:
   a. Project trip generation rate and roadway distribution percentages. If possible reference similar projects to substantiate results.
   b. Provide evidence of coordination with Caltrans to evaluate project traffic impacts along State Route 229 corridor and provide recommend mitigations, if applicable.
2. Additional traffic analysis may be required based on the information provided by your traffic engineer

Public Works Comments:

A. Applying Santa Barbara County trip rates the project is expected to generate 23 ADT with 2 PHT based on the following:
   - 2.0-ac outdoor cultivation (4 trips)
   - 12,000-sf greenhouse cultivation (19 trips)
   - 0-sf manufacturing (0 trips)
   - 0-sf distribution (0 trips)

   Project impacts to County maintained roads are considered negligible.

B. The project site is located on SR 58, a Caltrans maintained roadway. The applicant must satisfy Caltrans concerns, if any, regarding impacts to their facilities.

C. The proposed project is within a drainage review area. Drainage plan may be required and will be reviewed at the time of Building Permit submittal by Public Works. The applicant should review Chapter 22.52.110 or 23.05.040 of the Land Use Ordinance prior to future submittal of development permits.

D. The proposed project is located within the 100-year flood zone. The project engineer should be prepared to determine the 100-year base flood elevation and comply with County requirements for flood hazard.

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

E. This project appears to not meet the applicability criteria for Stormwater Management (it is located outside a Stormwater Management Area).

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

Recommended Project Conditions of Approval:

Access

1. **On-going condition of approval (valid for the life of the project)**, to minimize project related traffic impacts in accordance with the project description, the project permit is restricted as follows:
   a. 2-acre maximum outdoor cultivation.
   b. 12,000-square foot maximum indoor (greenhouse) cultivation
   c. Operational hours between 6:00 a.m. to 3:30 p.m., Monday thru Sunday
   d. No other onsite uses permitted including, but not limited to: manufacturing, distribution, retail, tours, events, etc.
2. **At the time of application for construction permits,** the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.
3. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; landscaping; agricultural operations; etc. without a valid Encroachment Permit issued by the Department of Public Works.

Drainage

4. **At the time of application for construction permits,** the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) or 23.05.040 (Drainage) of the Land Use Ordinance.
5. **At the time of application for construction permits,** the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.
6. **At the time of application for construction permits**, the applicant shall show the 100-year flood hazard boundary on the project plans.
7. **At the time of application for construction permits**, the applicant shall submit evidence to the Department of Public Works that all new structures comply with County flood hazard construction standards, Section 22.14.060.

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