

**Summary of Water Consumption for GREENHOUSE Cannabis Cultivation @  
EMILIO CORTEZ CUP  
375 MELSCHAU RD., NIPOMO  
Permit No DRC2019-00058  
Exceptions to Applicants Environmental Submittals Water Management  
Water Demand Analysis and Summary**

Sirs:

Based on the applicants **STATED DEMAND TOTAL OF 2.95 acre-feet/year** (see attachment pg 86) of water use, 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 25,515 sq-ft (greenhouse canopy totals):

25,515 sq-ft (Total Area) ÷ 16 sq-ft (per plant area) = 1,594 plants

1,594 (plants) x 2 gal/day water = 3,188 gal/day water

3,188 (gal/day) ÷ 325,851 (gal) = 0.0097 acre-feet/day

**ACTUAL GREENHOUSE DEMAND: 0.0097 X 365 days = 3.54 acre-feet/year**

This project represents a potential 18% 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*



# Negative Declaration & Notice Of Determination

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

**ENVIRONMENTAL DETERMINATION NO.** ED19-239

**DATE:** October 15, 2020

**PROJECT/ENTITLEMENT:** Cortez Conditional Use Permit (DRC2019-0058)

**APPLICANT NAME:** Emilio Cortez

**Email:** jessica@kirk-consulting.net

**ADDRESS:** 375 Mehlschau Road, Nipomo, CA 93444

**CONTACT PERSON:** Jessica Miller, Kirk Consulting

**Telephone:** 805-461-5765

**PROPOSED USES/INTENT:** Hearing to consider a request by **Emilo Cortez** for a Conditional Use Permit (DRC2019-00058) to establish 27,216 square feet (sf) of indoor cannabis cultivation area (20,412 sf canopy); 6,552 sf of ancillary indoor nursery (5,103 sf canopy); 2,612 sf of indoor cannabis manufacturing and ancillary processing; ancillary transport; and other related site improvements (e.g., composting area, trash / recycling area, water tanks, parking, portable restrooms, storage shed, indoor office / restroom building; etc.). A parking modification is requested to allow 13 parking spaces versus 71. A modification of the fencing standards is requested to allow security fencing within the side yard setback and no security fencing around the cannabis manufacturing / ancillary processing building. The project will result in approximately 1,288 cubic yards (cy) of cut and 956 cy of fill and total site disturbance of approximately 2.04 acres on a 22.32 acre parcel located at 375 Mehlschau Road, about 1 mile northeast of the community of Nipomo. The project is within the Agriculture land use category and within the South County Inland Sub-area of the South County Planning Area. Project components are described below and summarized in Table 1.

**LOCATION:** 375 Mehlschau Road, Nipomo, CA 93444

**LEAD AGENCY:** County of San Luis Obispo

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

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

**OTHER POTENTIAL PERMITTING AGENCIES:** CA Department Fish & Wildlife, CA. Department of Food and AG, and Regional Water Quality Control Board

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

**COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT ..... 4:30 p.m. (2 wks from above DATE)**

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

## Notice of Determination

**State Clearinghouse No.** \_\_\_\_\_

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

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

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

Eric Hughes (ehughes@co.slo.ca.us)

County of San Luis Obispo

**Signature**

**Project Manager Name**

**Date**

**Public Agency**



COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING & BUILDING  
Initial Study – Environmental Checklist

PLN-2039  
04/2019

**Project Title & No. Cortez Conditional Use Permit ED19-239 (DRC2019-00058)**

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

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

**DETERMINATION: (To be completed by the Lead Agency)**

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

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

David Moran

Prepared by (Print)

Signature

10/14/2020

Date

Steve McMasters

Reviewed by (Print)

Signature

Steve McMasters,  
Principal Environmental  
Specialist

10/15/2020

Date

## Initial Study – Environmental Checklist

### Project Environmental Analysis

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

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

### A. Project

**DESCRIPTION:** Hearing to consider a request by **Emilo Cortez** for a Conditional Use Permit (DRC2019-00058) to establish 27,216 square feet (sf) of indoor cannabis cultivation area (20,412 sf canopy); 6,552 sf of ancillary indoor nursery (5,103 sf canopy); 2,612 sf of indoor cannabis manufacturing and ancillary processing; ancillary transport; and other related site improvements (e.g., composting area, trash / recycling area, water tanks, parking, portable restrooms, storage shed, indoor office / restroom building; etc.). A parking modification is requested to allow 13 parking spaces versus 71. A modification of the fencing standards is requested to allow security fencing within the side yard setback and no security fencing around the cannabis manufacturing / ancillary processing building. The project will result in approximately 1,288 cubic yards (cy) of cut and 956 cy of fill and total site disturbance of approximately 2.04 acres on a 22.32 acre parcel located at 375 Mehlschau Road, about 1 mile northeast of the community of Nipomo. The project is within the Agriculture land use category and within the South County Inland Sub-area of the South County Planning Area. Project components are described below and summarized in Table 1.

#### *Indoor Cultivation (Mixed-Light) and Ancillary Nursery*

A total of 8 greenhouses will be constructed for a total of 27,216 square feet gross of indoor cannabis cultivation area and 20,412 square feet of cannabis canopy. Two additional greenhouses, with a gross area of 6,552 square feet and a cannabis canopy of 5,103 square feet, would be constructed for indoor, ancillary nursery use directly west of the proposed indoor cannabis cultivation. Within proposed greenhouses the cannabis plants will be placed in small pots located on raised benches. The greenhouses will all be equipped with an odor control system. Black out curtains will also be installed within the greenhouses to prevent interior light from being visible outside during nighttime operations. The indoor cultivation will yield six harvests per year, or a harvest every two months.

#### *Ancillary Processing, Manufacturing, and Ancillary Transport*

The project use an existing 2,612 square foot ag-exempt structure (PMT2003-03091) for processing and manufacturing of cannabis products grown onsite. The building includes an area for the storage of raw, processed, and manufactured cannabis storage. The building will be modified/remodeled to meet building code requirements for the proposed use and will be equipped with an odor control system. The

## Initial Study – Environmental Checklist

manufacturing process will employ a carbon dioxide (CO<sub>2</sub>) extraction system in which pressurized CO<sub>2</sub> is used to extract waxes, cannabinoids, and terpenes from cannabis plants. Following processing and/or manufacturing, the product will be placed in totes, sold, and transported offsite by a buyer or a certified employee (ancillary transport).

**Table 1 – Cortez CUP Project Summary**

Proposed Cannabis Activity / Related Improvements	Project Components		Total Area		
			Canopy (SF)	Total SF Gross	Acres
Indoor Cultivation	New Greenhouses 7 @ 3,528 SF each = 18,522		20,412	27,216	0.62
	New Greenhouse (1 @ 2,520 SF)				
Indoor Ancillary Nursery	New Greenhouse (1 @ 3,024 SF)		5,103	6,552	0.15
	New Greenhouse (1 @ 3,528 SF)				
Ancillary Processing & Manufacturing	Within existing metal building <sup>1</sup>	Processing <sup>2</sup> (1,630 SF)	N/A	2,612	0.06
		Manufacturing (772 SF)			
		Cannabis Storage <sup>3</sup> (210 SF)			
Ancillary Transport <sup>4</sup>	Allows for the transport of cannabis grown onsite to testing facilities and to other licensees consistent with State law.		N/A	N/A	N/A
Office & Restrooms	Within existing modular building <sup>1</sup>		N/A	383	0.01
Interior Access Improvements / Vegetation Clearance	New interior access improvements including Cal Fire Turnaround (10,320 SF)		N/A	20,320	0.47
	New 10 foot vegetation clearance on both sides of interior access to manage fuel load (10,000 SF)		N/A		
Parking	12 new dirt spaces (8' x 16' each = 1,536 SF)		N/A	1,680	0.04
	New ADA Paved Space (8' x 18' = 144 SF)				
Water Storage Tanks	3 new 5,000 gallon tanks (3 @ 50 SF each = 150 SF)		N/A	250	0.01
	1 new fire water storage tank (10,000 gallons @ 100 SF each)				
Storage <i>(Fertilizers, Pesticides, &amp; Wastewater)</i>	1 new metal shed for pesticides/fertilizers (200 SF)		N/A	357	0.01
	1 existing reclamation water tank for wastewater (10,000 gallons @ 157 SF)				
Other Related Site Improvements	New Composting Area (750 SF)		N/A	29,694	0.68
	New Trash/Recycling Area (48 SF)				
	Existing septic system / leach field <sup>1</sup> (3,600 SF)				
	2 new portable restrooms (2 @ 25 SF each = 50 SF)				
	New PG&E service extension from existing service to new electrical box (3' x 2' x 420' = 2,520 SF)				
	Solar array on roof of processing building / energy storage within 0 SF <sup>4</sup>				
	Miscellaneous alterations (construction staging areas, irrigation lines, water lines, etc.) (22,726 SF)				
Total Area of Disturbance				89,064	2.04

## Initial Study – Environmental Checklist

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**Notes:** <sup>1</sup> Building / structure will be required to meet current building code regulations for the proposed use.

<sup>2</sup> Cannabis ordinance defines processing as: drying curing, trimming, rolling, storing, packaging, and labeling of nonmanufactured cannabis products.

<sup>3</sup> Raw, processed, and manufactured cannabis will be stored in this area.

<sup>4</sup> This component is within an area defined elsewhere in this table.

### *Other Related Site Improvements*

#### *Other Cannabis Related Improvements*

As noted in Table 1, cannabis operations will include the following additional improvements:

- The remodel of an existing modular building (383 sf) for an office and restroom;
- Two new portable restrooms;
- Trenching to extend PG&E service and to install irrigation and water lines;
- A new metal shed (357 sf) for storage of fertilizers and pesticides;
- Use of an existing 10,000 gallon water tank for wastewater;
- Water storage tanks,
- Composting and trash/recycling area; and
- 1,288 cubic yards of cut and 956 cubic yards of fill to for access and site improvements.

#### *Access*

The proposed cannabis activities would be accessed from Mehlschau Road by way of two gated entrances. For CalFire access, a turnaround, with a base surface, is proposed south of the proposed greenhouses. Adjacent to the project's interior access and proposed greenhouses, vegetation would be cleared within a 10-foot wide buffer zone to provide a fire/fuel break on site. No additional interior access improvements are proposed.

#### *Operations*

The project will employ 6-8 full time employees and no seasonal employees during the harvest. Hours of operation are proposed from 6am-2:30pm six days per week. The project proposes a total of 13 parking spaces (i.e., 12 dirt parking spaces and one paved American Disability Act (ADA) compliant space).

#### *Security*

A detailed Security Plan has been provided as part of the application materials that includes security cameras with night vision/infrared technology, new 6 foot tall chain link fencing with privacy slats located around the perimeter of the greenhouses, and secure entry / access gates at two locations. Security cameras will be placed around the perimeter of the property and fenced cultivation / nursery area, adjacent to the processing building, and at the site's Mehlschau entrance. The entrance to the property has a secure electronic access gate, with a keypad entry. A Knox box will be added for Sheriff and Cal Fire access. The site will operate in full compliance with State Licensing requirements for track and trace which will further ensure adherence to security protocols.

#### *Screening and Fencing*

Existing fencing includes 6 foot tall steel pipe fencing along the site's Mehlschau Road frontage and 6 foot tall,



## Initial Study – Environmental Checklist

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six-strand barbed wire fencing along the east and west property lines. Existing fencing would remain and new security fencing (6 foot tall chain link fencing with privacy slats) is proposed around the cannabis cultivation and nursery greenhouses.

### *Odor Management*

Indoor cultivation and ancillary nursery greenhouses would be fully enclosed. There are two greenhouse design options for odor management. Option one has a closed loop system with carbon scrubbers that keep air and odors contained within the building. Option two has vents that include a more intensive odor management system (Element Air), designed to react with cannabis and eliminate offsite odor. Both systems will include the placement of downcast fans at each greenhouse entrance/exit to keep odors inside. The processing/manufacturing building will include a carbon scrubber system as well as a closed loop system. Details for the odor management systems are incorporated by reference and available for review at the Department of Planning and Building 976 Osos Street, Suite 200, San Luis Obispo.

### *Grading*

The proposed structures will be placed on a relatively flat portion of the project site to reduce grading. Overall, the proposed structures and road grading would result in approximately 1,288 cubic yards (cy) of cut and 956 cy of fill for a total site disturbance of 89,064 SF.

### *Waste Management*

Wastewater runoff from the greenhouses will be conveyed to a 10,000 square feet container and used to water other plants onsite. All wastewater will be recycled and used to irrigate plants. All green waste consisting of dead and/or stripped of flower plants and soil are composted onsite within a defined soil compost area. Any non-compostable waste produced onsite will be placed in the trash bins located next to the existing manufacturing building onsite, which is regularly serviced by South County Sanitation. Portable restrooms will be provided for staff located next to the greenhouses along the access road for ease of servicing. Additional restrooms (ADA compliant) will be added to the manufacturing building (hooked up to existing septic system).

### *Hazardous Materials Storage and Hazard Response Plan*

Pesticide and fertilizer usage will be conducted in accordance with the Department of Agriculture standards. Pesticides and fertilizers will be stored in a new 200 square feet metal shed to be placed inside the fenced area next to the proposed greenhouses.

The following products will be used for soil and pest control: 0-0-50 sulfate of potash, 1-0-1 Cal-mag, 14-0-0 growers secret nitrogen, algamin, blood meal, bloom-bat guano, calcium mainstay, dipel, forge, gnatrol WDG, Grandevo, H2H 3-2-1 Grow, humega humic acid, liquid potassium, metalosate multimineral, mycotrol, mykos, natures nectar 0-0-5 potassium, natures nectar 0-4-0 phosphorus, Nu-film P, Omni, Silwet, SS SCI suncor soil, trilogy, and worm castings. See attached Chemical List Binder for corresponding material safety data sheets (25 total). Totals will only be what is necessary for the upcoming grow cycles, stored on shelves within secondary containment. All staff will be properly trained on the handling practices of chemicals used for the cultivation and what to do in the event of unintended exposure.

### *Water Management Plan*

## Initial Study – Environmental Checklist

The project site served by one existing groundwater well that has historically served the property for agricultural activities. Three 5,000-gallon water tanks will serve the indoor cultivation and one 10,000-gallon water tank will be used for fire suppression. Total water demand is estimated to be 2.95 Acre-Feet per Year.

**Baseline Conditions.** Existing structures include a commercial 2,000 gallon above ground diesel fuel tank (PMT2011-00082); two single family dwellings (2,610 and 2,790 square feet respectively); a 2,612 square foot metal ag accessory building; a 383 square foot modular office building; a mobile home to be removed, and a storage shed. All unpermitted structures will be permitted, brought up to code, or removed. The applicant lives onsite in one of the two residences. The interior access road is 20 feet wide and contains an all-weather surface, providing access to the site's residences and existing accessory structures. The project site has pipe fencing along the Mehlschau Road frontage and six-strand barbed wire fencing along the east, west and north property lines (Figures 4 & 5). Both fences are 6 feet tall.

One existing well serves the residential and agricultural operations. A pump test completed in 2016 determined a measured flow rate of 15 gallons per minute. The existing residences are served by a septic leach field.

### Ordinance Modifications

**Parking.** The project includes a request for a modification from the parking standards set forth in LUO Section 22.18.050. The type of use that is most similar to the proposed indoor cannabis cultivation and ancillary nursery is "*Nursery Specialties*" with a parking requirement of one parking space per 500 sf of floor area. Cannabis processing (drying) is assumed to generate a parking demand comparable to "*Ag Processing*" which requires one parking space per 1,000 square feet of use area. Cannabis manufacturing is most closely related to "*Manufacturing and Processing*" with a parking requirement of 1 parking space per 500 square feet of active use area. By applying these standards, the project requires a total of 71 parking spaces as summarized in Table 2. The applicant is proposing a total of 12 parking spaces plus one ADA accessible space.

**Table 2 -- Required Parking by Use**

Use	Parking Standard (required parking space/square feet of area)	Floor Area Square Feet	Required Number of Spaces
Indoor Cultivation	1:500	27,216	54
Indoor Nursery		6,552	13
Processing	1:1,000	1,630	2
Manufacturing	1:500	772	2
<b>Total:</b>		<b>36,170</b>	<b>71</b>

**Fencing.** LUO Section 22.40.050 D. 6. requires all cannabis cultivation activities to be fully enclosed within a secure fence of at least 6 feet in height that prevents easy access (indoor and/or outdoor). The intent of the fencing requirement is to provide security and to help ensure compatibility with neighboring properties by screening the proposed cannabis activities from view. Fencing must be constructed of solid, durable materials and must be located outside of setback areas. These fencing requirements may be waived or modified provided the review authority finds that specifically identified characteristics of the site or site vicinity would make the required fencing or screening unnecessary or ineffective and, if applicable, would enhance neighborhood compatibility and minimize impacts to viewsheds. In addition, where proposed structures are



## Initial Study – Environmental Checklist

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designed to provide the functional equivalent of fencing for security and opacity for screening, fencing around indoor cultivation structures may be waived or modified.

Existing fencing includes 6 foot tall pipe fencing along the street frontage and 6 foot tall, six-strand barbed wire fencing along/near the east, west and north property lines. The applicant is proposing 6 foot tall chain link security fencing with privacy slats around the cultivation and nursery greenhouses. No security fence is proposed around the processing/manufacturing building (see Figures 4 & 5). The applicant is requesting a modification from the fencing standards described above to allow (a) security fencing within the project's side setback, and (b) no security fencing around the processing/manufacturing building. The Sheriff's Department reviews the security plans for cannabis projects and will determine whether the proposed fencing is adequate.

## Initial Study – Environmental Checklist

Figure 1: Project Location

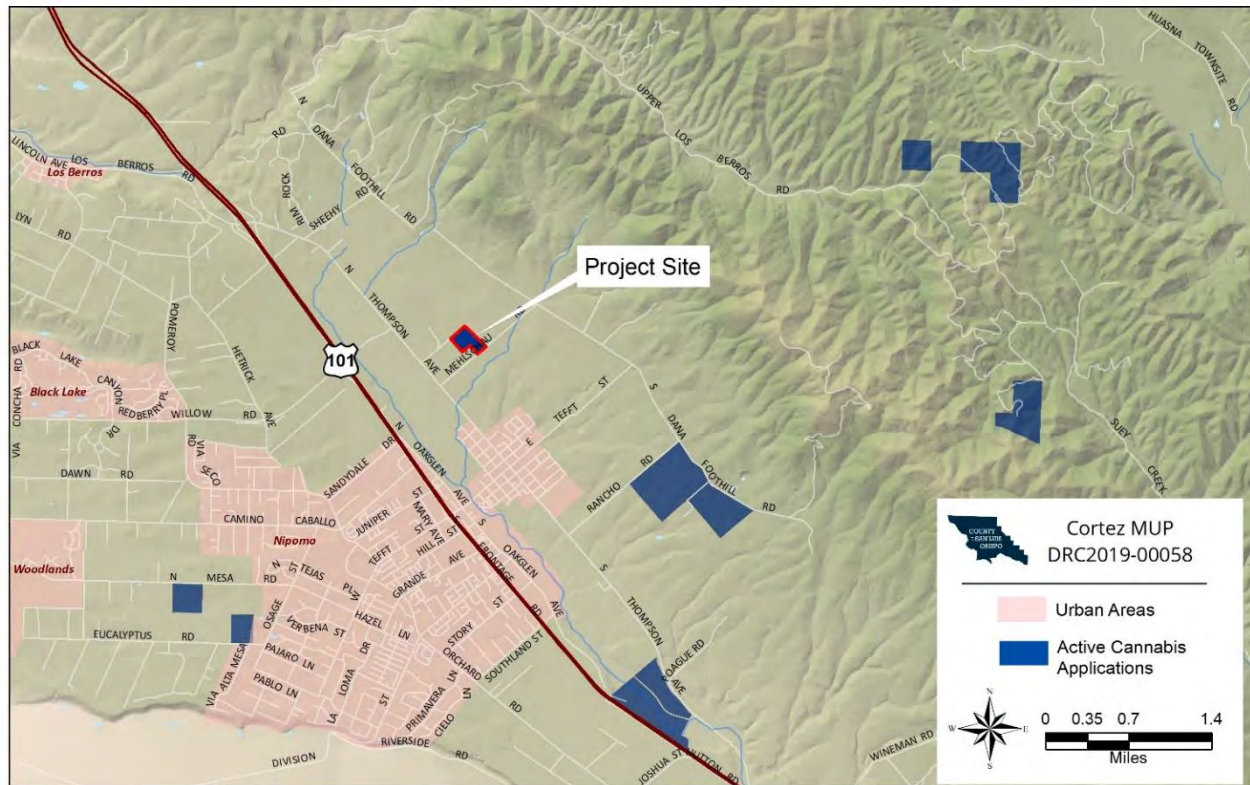


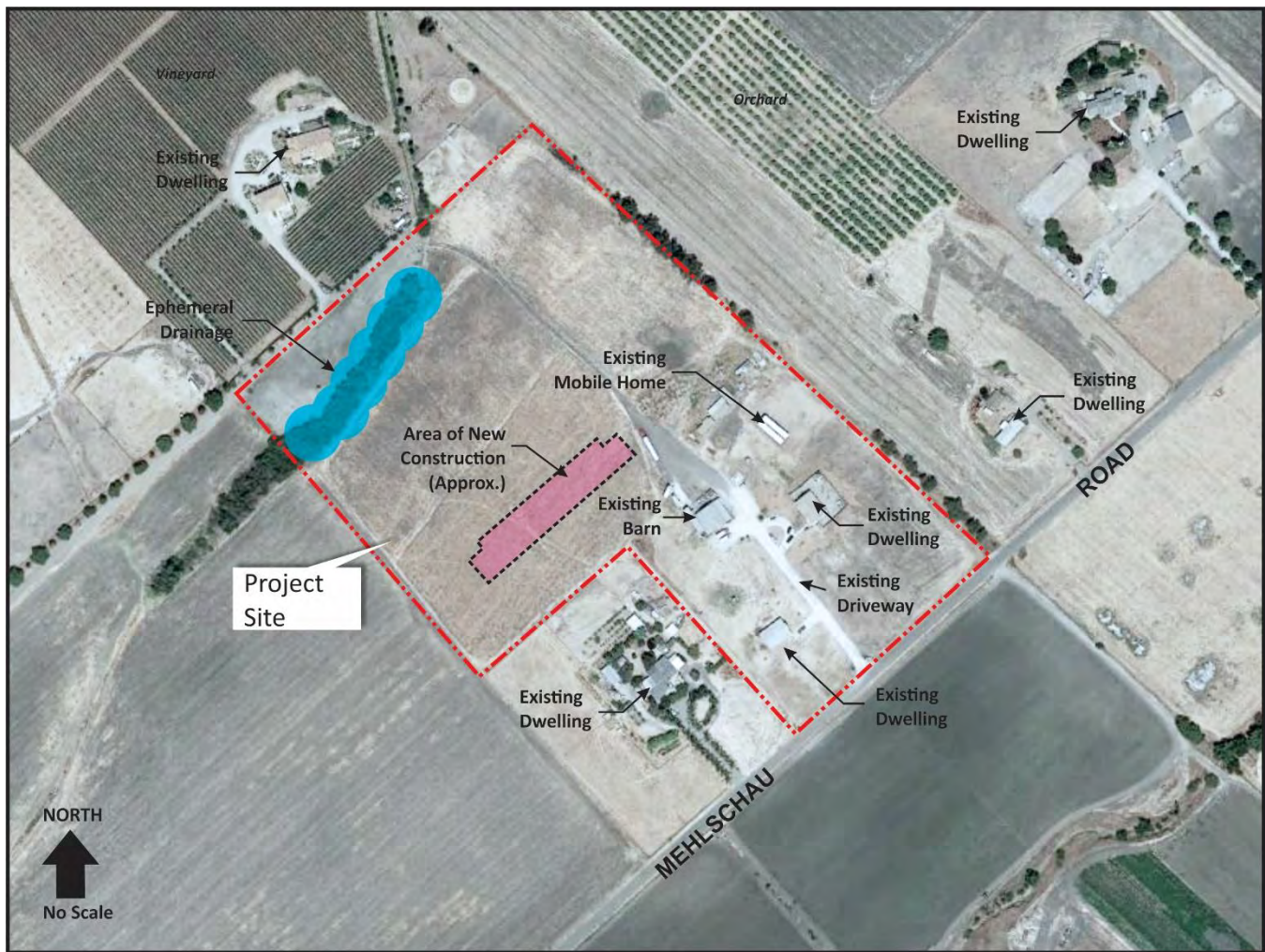
Figure 2: Project Vicinity





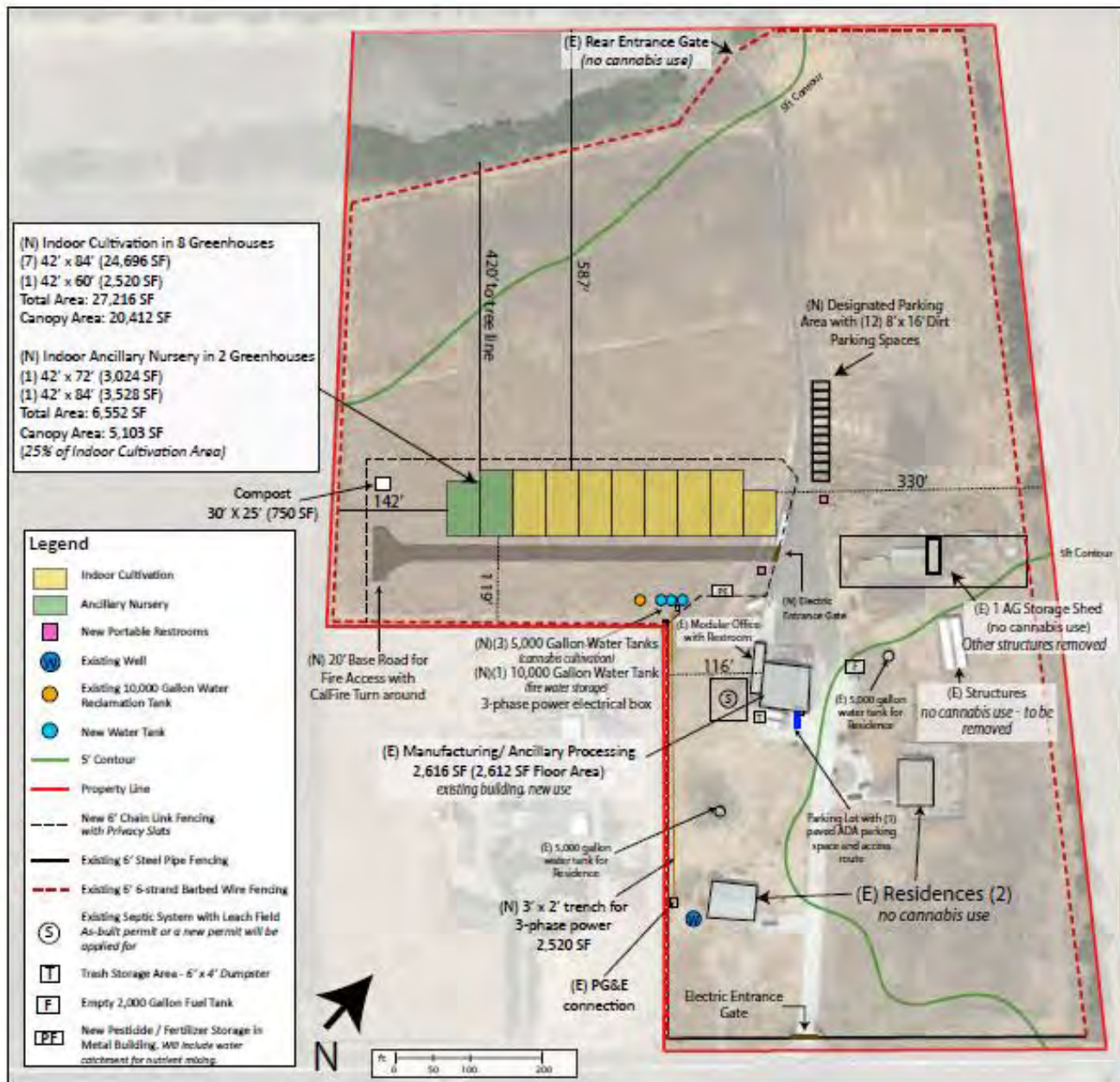
## Initial Study – Environmental Checklist

Figure 3 – Existing Conditions



## Initial Study – Environmental Checklist

Figure 4 – Site Plan



Site: 22.32 Acres

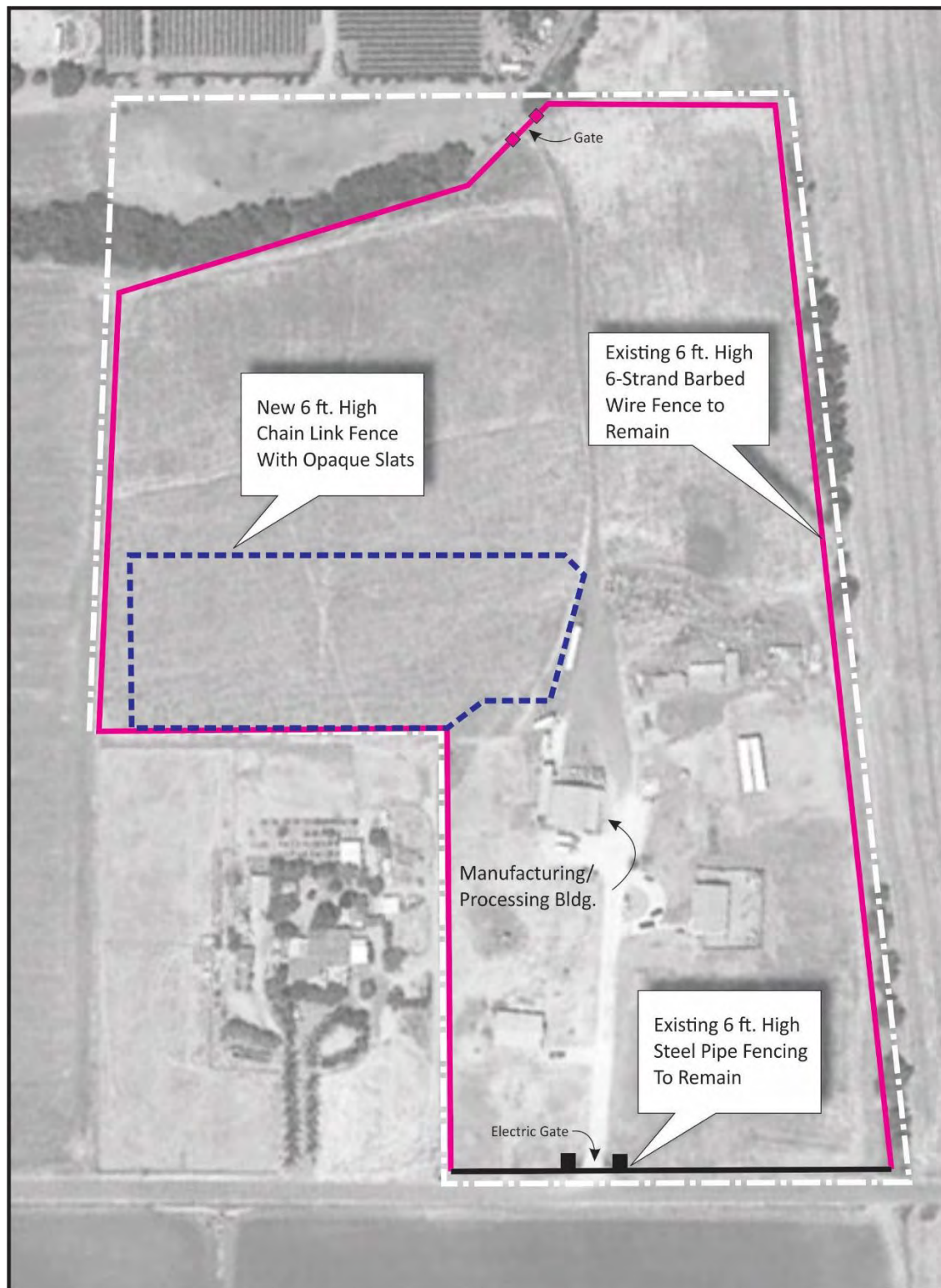


\* Site is located over 1000 feet from any sensitive use, as defined by 22.40.050D.1, and 22.40.060D.1, Location



## Initial Study – Environmental Checklist

Figure 5 – Proposed Fencing

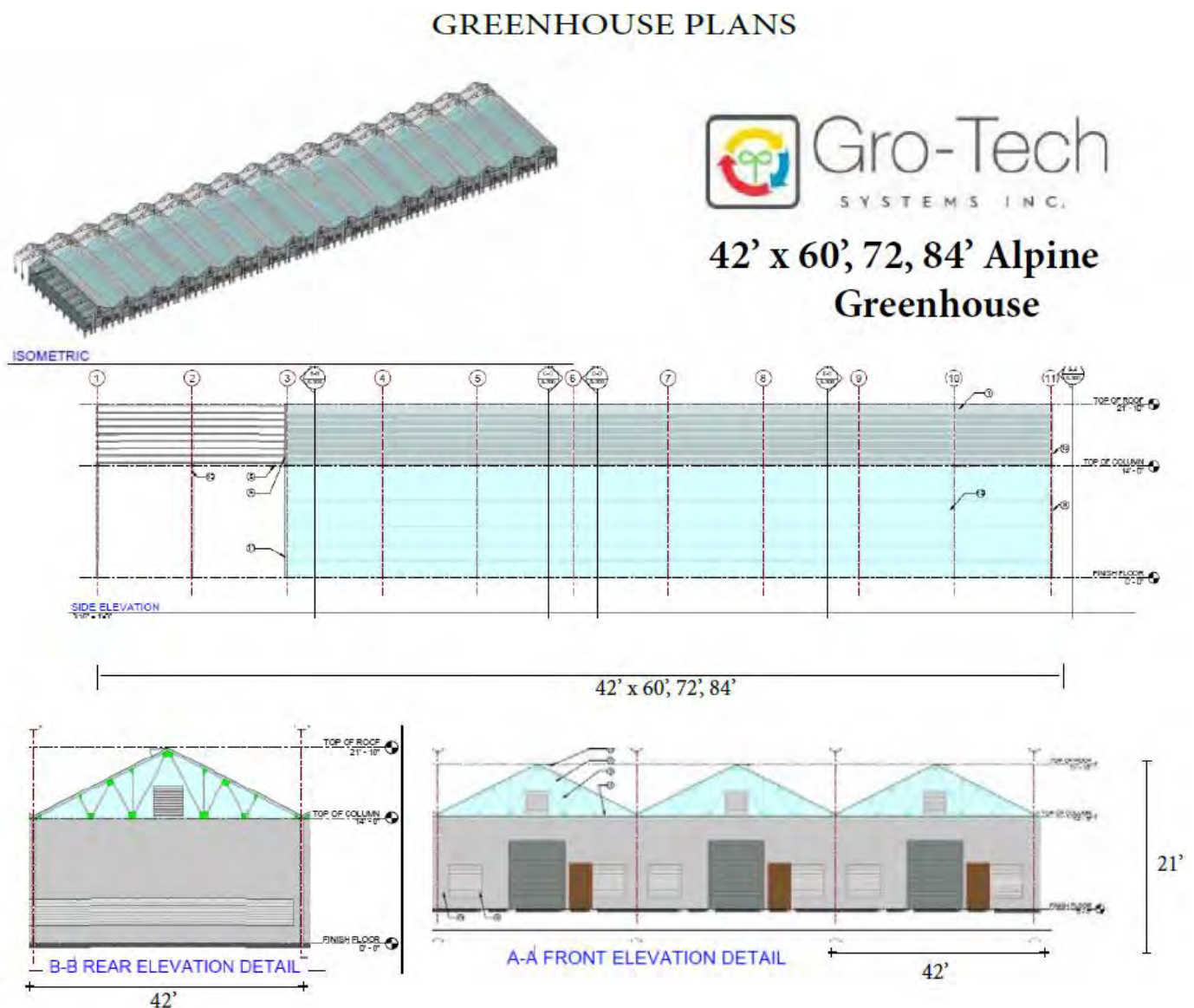






## Initial Study – Environmental Checklist

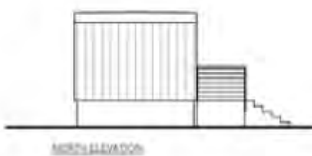
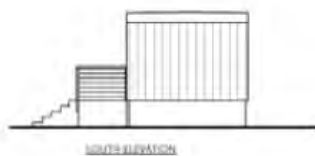
Figure 7 – Greenhouse Building Elevations



## Initial Study – Environmental Checklist

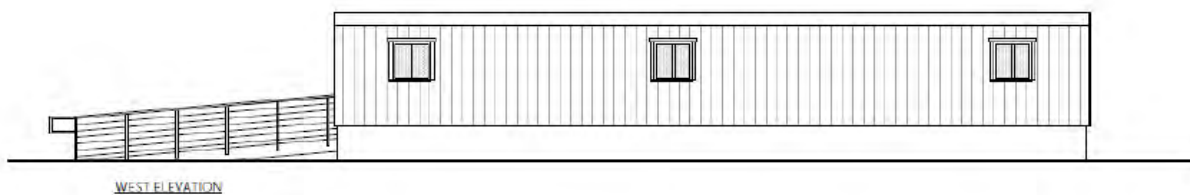
Figure 8 – Existing Modular Building Elevations

### OFFICE MODULAR ELEVATIONS



Building Height: 13.5 feet

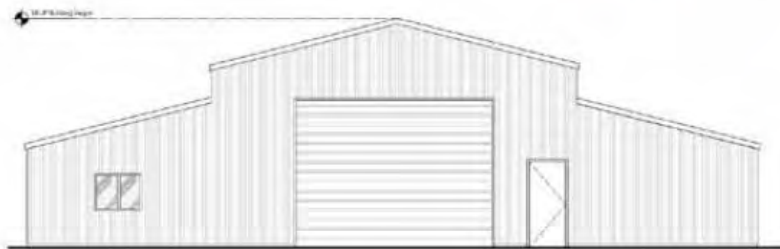
Materials: Wood siding, accent color on trim



## Initial Study – Environmental Checklist

Figure 9 – Existing Agricultural Building To Be Used for Manufacturing and Processing

### MANUFACTURING & ANCILLARY PROCESSING BUILDING ELEVATIONS



SOUTH ELEVATION



NORTH ELEVATION



EAST AND WEST ELEVATIONS



Tan metal siding, metal roof,  
accent color on trim.



metal siding, metal roof, accent color on trim

## Initial Study – Environmental Checklist

**ASSESSOR PARCEL NUMBER(S):** 090-051-058

**Latitude:** 35° 3' 30.562" N      **Longitude:** 120° 28'38.269" W      **SUPERVISORIAL DISTRICT #** 4

### B. Existing Setting

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

**Land Use Category:** Agriculture

**Combining Designation:** Renewable Energy

**Parcel Size:** 22.32 acres

**Topography:** Nearly level to gently rolling

**Vegetation:** Grasses Ornamental landscaping Agriculture

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

**Surrounding Land Use Categories and Uses:**

**North:** Agriculture; agricultural uses      **East:** Agriculture; agricultural uses

**South:** Agriculture; agricultural uses      **West:** Agriculture; agricultural uses

### C. Environmental Analysis

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

### Other Approvals That May Be Required to Implement the Project

Permit Type/Action	Agency
Cannabis cultivation license	California Department of Food and Agriculture (CDFA), CalCannabis Cultivation Licensing Division
Cannabis manufacturing license	California Department of Public Health (CDPH), Manufactured Cannabis Safety Branch
Lake and Streambed Alteration (LSA) Agreement or written verification that one is not needed	California Department of Fish and Wildlife (CDFW), Cannabis Program
Small Irrigation Use Registration and coverage under the Cannabis Cultivation General Order	California State Water Resources Control Board (SWRCB)

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

## Initial Study – Environmental Checklist

### I. AESTHETICS

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

#### Setting

The project site is located northeast of the community of Nipomo where the floor of the Nipomo Valley transitions to the foothills of the Temetatte Ridge. The primary land use in the area is agriculture on parcels ranging in size from 34 acres to over 600 acres. Topography of the project site is relatively flat and slopes gently to the north toward an ephemeral drainage that crosses the project site from east to west and supports moderately dense riparian vegetation. The project site has been intensively cultivated and contains no other significant trees, rock outcroppings or other physical features. The proposed cannabis activities will be contained within new greenhouses constructed on a relatively level portion of the project site north of an existing neighboring off-site residence. The combining patterns of gently rolling topography and agriculture against the backdrop of the Temetatte Ridge create a landscape with a moderate degree of visual interest and memorability.

The project is located on Mehlschau Road, a local road serving large agricultural parcels between North Thompson Avenue and North Dana Foothill Road. The County does not take traffic counts on Mehlschau Road; however, because of the small number of parcels served, and the agricultural nature of existing development, traffic volumes on Mehlschau Road are low. Traffic counts taken on South Dana Foothill Road in 2014 showed an afternoon peak hour volume of 12 vehicles. Mehlschau Road is not an Officially Designated Scenic Highway but is listed as a "Suggested Scenic Corridor" on Table VR-2 of the Conservation and Open Space Element.

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Highway 101, located about one mile to the west, is listed as a Suggested Scenic Corridor. Development along these roadways is not subject to the County's Scenic Protection Standards.

As discussed in the project description, the baseline visual components include two existing residences, an existing 2,683 sq.ft. agriculture accessory structure, a modular building and water tank. The residences are single story and set back at least 150 feet from Mehischau Road. The existing agricultural accessory building is a two-story metal structure with a double-pitched roof typical of the vernacular repeated throughout the county (Figure 9). The building and residences are visible from the adjoining roadway.

There is very little artificial light pollution in the area.

The Conservation and Open Space Element (COSE) of the County of San Luis Obispo General Plan identifies several goals for visual resources in rural parts of the county, listed below:

**Goal VR 1:** The natural and agricultural landscape will continue to be the dominant view in rural parts of the county.

**Goal VR 2:** The natural and historic character and identity of rural areas will be preserved.

**Goal VR 3:** The visual identities of communities will be preserved by maintaining rural separation between them.

**Goal VR 7:** Views of the night sky and its constellation of stars will be maintained.

Some of the strategies identified to accomplish the goals listed above include encouraging project designs that emphasize native vegetation and conforming grading to existing natural forms, as well as ensuring that new development follows the Countywide Design Guidelines to protect rural visual and historical character.

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

**Objective RU-5:** Fences and screening should reflect an area's rural quality.

**Objective RU-7:** Landscaping should be consistent with the type of plants naturally occurring in the County and should limit the need for irrigation.

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

On January 16, 2019, the Office of Administrative Law (OAL) approved the California Department of Food and Agriculture's (CDFA's) cannabis cultivation regulations and the regulations went into effect immediately. These regulations have been set forth in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations and include general environmental protection measures for cannabis cultivation projects, including standards related to aesthetic resources. Section 8304 (c) states, "all outdoor lighting used for security purposes shall be shielded and downward facing." Section 8304 (g) states, "mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare."

The only Officially Designated State Scenic Highway in San Luis Obispo County is Highway 1.

### *Discussion*

The project will involve total site disturbance of about 2.0 acres and will include the construction of 10 new greenhouses that will be attached along the side walls of the buildings; the total floor area of 33,760 sq.ft.



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Other site development will include construction of an all-weather access drive and two new 5,000-gallon water tanks.

The new greenhouse buildings will be placed on concrete slabs and will be of modular, steel-frame construction with aluminum walls. Building elevations provided with the application (Figure 7) show the greenhouse buildings will be composed of individual bays with a pitched roof over each bay; the new buildings will be 21 feet tall at the peak of the roof. The existing ag-accessory structure, proposed for processing and manufacturing, is 18 feet 8 inches tall at the peak with an earth-tone metal exterior (Figure 9). A 6 foot high chain link security fence with privacy slats, will be installed around the greenhouses.

*Will the project:*

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

For the purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. The project site is located in a semi-rural area accessed by two driveways off of Mehlschau Road, which would serve as the primary public vantage for viewing the project site.

While the project vicinity has moderate scenic value and an appealing rural and agricultural character, it is not considered a scenic vista as it does not offer expansive views of a highly valued landscape and is not officially or unofficially designated as a scenic vista. Therefore, the project would not result in a substantial adverse effect on a scenic vista, and no impacts would occur.

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

The project site is not located along, nor visible from, a designated state scenic highway or eligible state scenic highway (Caltrans 2019). Therefore, the project would not result in substantial damage to scenic resources within a state scenic highway, and no impacts would occur.

(c) *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from a 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?*

In assessing project impacts to visual resources, the following factors were considered:

- *The potential for, and frequency of, viewing by the general public.*

The aesthetic effects of a project are more likely to be significant if they are highly visible to large numbers of the public over an extended period of time. Changes to views that are seen by a limited number of people, or for only limited duration, may be found to be less than significant.

As discussed in the setting, the roadways serving the project site carry very low traffic volumes. Traffic speeds in the vicinity of the project site vary but are generally 30 - 40 miles per hour which means that travelers on Mehlschau Road would pass by the project site in a few seconds. Motorists travelling east or west on Mehlschau Road will have relatively unobstructed views of the project site and the location of the proposed greenhouse buildings (Figures 10 and 11). Thus, although components of the project will be readily visible from public vantage points, the potential and frequency for the public to view the site is low because of the speed of passing traffic and the very low traffic volumes.

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The project site is also visible from surrounding properties, including the residence on the adjoining parcel to the west. However, all cannabis cultivation, manufacturing and processing activities will take place inside fully enclosed buildings. In addition, the greenhouse buildings will be enclosed within a 6 foot high fence with opaque slats.

- *The integrity and uniqueness of the existing scenic resource.*

The magnitude of change necessary to create a significant impact to visual resources is greater in a disturbed or non-unique environment than in a pristine or rare environment.

**Figure 10 – View of the Project Site Looking East on Mehlschau Road**



**Figure 11 -- View of the Project Site Looking West from Mehlschau Road**



The project site is located about two miles east of the Nipomo urban reserve in an area where the visual character is dominated by intensive agricultural operations with irrigated row crops and orchards. As discussed in the setting, the project site is developed with two residences and agricultural accessory buildings which are typical of agricultural operations in the Nipomo Valley. Thus, the visual qualities of the project site are not unique within the eastern Nipomo Valley area. The scale and character of the proposed new construction of 10 new greenhouses with a total floor area of 33,768 square feet will not significantly detract from the integrity or uniqueness of the larger landscape.

- *The magnitude of the change.*

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A project that is small in size, or will result in minimal physical changes to the environment, is less likely to cause a significant impact to scenic qualities. Aesthetic changes associated with an individual project may appear significant, but in the context of the entire region may be relatively minor. Changes to visual character of the landscape where the change is minor may be found to be less than significant.

As discussed above, the project site is developed with two residences and ag accessory buildings. The proposed 33,768 square feet of greenhouses will be located in a relatively level area just north and west of the existing agricultural accessory structure. The individual greenhouses will be 21 feet tall, 42 feet wide and will vary in length from 60 ft. to 84 feet; the buildings will be constructed with the long axis oriented north-south.

Large metal greenhouses are fairly common in the Nipomo Valley, but are relatively rare on the east side of Highway 101 in the vicinity of the project site. However, the magnitude of change is considered less than significant within the context of the larger visual landscape because:

- Although the buildings will be briefly visible from Mehlschau Road, they will be partially screened from view by the existing residences, ag accessory building and the residence on the adjacent property to the west;
- The buildings will be divided into adjoining bays with a pitched roof over each; the repeating roof line will help reduce the apparent mass of the structure when viewed from the road.
- The new buildings will be located in proximity to existing structures on the project site, leaving the remaining areas of the site available for cultivation. Accordingly, the proposed greenhouses will largely complement the setting consistent with the visual character of the surrounding agricultural lands.

The project also includes security fencing that will surround the greenhouses and will consist of a new 6 foot high chain link fence with opaque privacy slats. The proposed chain link fencing surrounding the greenhouses will be located about 140 feet north of the Mehlschau Road right-of-way and will be partially screened by existing development on the project site and adjoining property to the west. Accordingly, the magnitude of this change is considered small within the context of the visual setting.

The preceding discussion suggests that the proposed cannabis greenhouses and fencing will have a *less than significant impact* on scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway, and will not substantially degrade the existing visual character or quality of public views of the site and its surroundings.

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

The applicant is proposing security cameras with infrared night vision technology. No outdoor lights are proposed. Should outdoor lighting be required for security purposes, County standards would require all outdoor lighting fixtures to be hooded and downward facing. Due to the remote nature of the project and relative distance to the nearest urbanized area, the project is located in an area with minimal existing levels of light pollution (Darksitefinder.com 2019).

The project includes mixed-light indoor cannabis and nursery cultivation within proposed greenhouses, which may include cultivation techniques such as light deprivation and artificial light simulation. During this process, grow lights may be used in the evenings and nighttime to simulate artificial daylight. The

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proposed greenhouses would be constructed with materials with relatively high translucency to allow sunlight to be absorbed by the plants inside and will be equipped with black-out curtains to be deployed at night to prevent light from escaping. Without appropriate light shielding and prevention, nighttime lighting within the greenhouse structures, along with security lighting that may be required on the project site, would have the potential to affect nighttime views in the area. Mitigation measure AES-1 would require that each greenhouse be equipped with a light blackout system that will be deployed to cover the greenhouse ceiling at night and clarifies that the system is to be engaged when the grow lights are on. In addition, all exterior lighting will be required to be shielded and confined to the project site.

Therefore, upon implementation of AES-1, potential impacts associated with the creation of a new source of substantial light would be less than significant with mitigation.

### Conclusion

The proposed cannabis cultivation facilities are not expected to result in significant adverse impacts to aesthetic resources because:

- Although components of the proposed cannabis activities will be visible from public vantage points, the number of potential viewers will be very low due to the small number of vehicles using Mehlschau Road.
- The greenhouse buildings will be partially screened from view from Mehlschau Road by existing structures.
- The greenhouse buildings will be divided into adjoining bays with a pitched roof over each; the repeating roof line will help reduce the apparent mass of the structure when viewed from the south.
- The greenhouse buildings will be located in proximity to existing structures on the project site, leaving the remaining areas of the site available for cultivation. Accordingly, the proposed new buildings and other development associated with cannabis activities will largely complement the setting consistent with the visual character of the surrounding agricultural lands.
- The project will not require extensive grading or significant cut and fill on steep slopes.
- The General Plan does not designate any scenic resources in this area.
- Cannabis activities will occur within buildings that will prevent cannabis plants from being readily visible from offsite as required by LUO Section 22.40.050 D.6.
- Mitigation is recommended to ensure that the design of lighting fixtures that prevents light from shining off-site. 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.

### 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;



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- 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
<p><i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</i></p>				
(a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Setting

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

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

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

Based on the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (NRCS 2019) and the Soil Survey of San Luis Obispo County, California – Coastal Area (USDA 1983), soil type(s) and characteristics on project site include the following:

*Cropley clay, 2 to 9 percent slopes* - This component is on alluvial fans on alluvial plains, terraces on alluvial plains. The parent material consists of alluvium derived from calcareous shale. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. Nonirrigated land capability classification is 3e. Irrigated land capability classification is 2e. This soil does not meet hydric criteria.

*Diablo clay, 5 to 9 percent slopes* -- This component is on hillslopes on hills. The parent material consists of residuum weathered from calcareous shale. Depth to a root restrictive layer, bedrock, paralithic, is 40



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to 59 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is very low. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is very high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Nonirrigated land capability classification is 4e. Irrigated land capability classification is 4e. This soil does not meet hydric criteria.

**Table 3 -- Soils And Important Farmland Classifications of the Project Site**

Soil Name	Total Acres	FMMP Classification	COSE Classification
Cropley clay, 2 to 9 percent slopes	8.0	Other Land	Prime Farmland
Diablo clay, 5 to 9 percent slopes	14.3	Farmland Local Importance	Prime Farmland
<b>Total:</b>	<b>22.3</b>		

Source: Farmland Mapping and Monitoring Program 2016, San Luis Obispo County Conservation and Open Space Element, Table SL-2

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

According to California Public Resources Code (PRC) Section 12220(g), forest land is defined as land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. Timberland is defined as land, other than land owned by the federal government and land designated by the State Board of Forestry and Fire Protection as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. There are no stands of oak woodland on the project site.

**Figure 12 –Important Farmland Classifications of the Project Site**



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### Discussion

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

The project will involve total site disturbance of about 2.04 acres and will include the construction of 10 new greenhouses with a total floor area of 33,768 square feet, and the placement of three 5,000 gallons water storage tanks. Proposed greenhouses would be constructed on a slab foundation; cannabis plants will be placed in small pots located on raised benches within the greenhouse structures. The areas of disturbance are located in the northwestern portion of the site, as well as along the access drive that extends from Mehlschau Road into the interior of the site.

Table 4 provides a summary of the areas of disturbance by soil type and farmland classification.

As shown in Table 4, the project will result in the conversion of 0.82 acres of *Farmland of Local Importance* to non-agricultural uses (greenhouse buildings, roadway, parking area and water storage tanks).

**Table 4 -- Project Impacts to Important Farmland**

Soil Name	Acres Converted to A Non-Agricultural Use	FMMP Classification	COES Classification
Cropley clay, 2 to 9 percent slopes	0.00 acres	Other Land	Prime Farmland
Diablo clay, 5 to 9 percent slopes	0.82 acres	Farmland of Local Importance	Prime Farmland
<b>Total:</b>	<b>0.82 acres</b>	--	--

Source: Conservation and Open Space Element, Table SL-2

In order to be shown on FMMP's maps as Prime Farmland or Farmland of Statewide Importance, land must have been used for irrigated agricultural production at some time during the four years prior to FMMP designation, and the soil must meet the physical and chemical criteria for Prime Farmland or Farmland of Statewide Importance as determined by the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS).

Table 5 provides a summary of the changes in the acreage of important farmland in San Luis Obispo County from 2006 to 2016 (the most recent year for which data are available) as determined by the California Department of Conservation, Farmland Mapping and Monitoring Program. As shown in Table 5, over the ten-year period between 2006 and 2016 the County experienced a net increase in

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the acreage of important farmland of about 126,781 acres, including a net increase of 1,466 acres of prime farmland.

**Table 5 – Acreage of Important Farmland in San Luis Obispo County, 2006 – 2016**

Land Use Category	2006	2008	2010	2012	2014	2016	Net Change
Prime Farmland	39,722	41,569	41,319	40,860	40,990	41,188	+1,466
Farmland of Statewide Importance	19,721	21,109	21,132	20,884	21,908	22,697	+2,976
Unique Farmland	36,411	38,777	39,950	39,979	43,225	45,175	+8,764
Farmland of Local Importance	174,552	309,081	307,325	304,401	289,309	288,127	+113,575
<b>IMPORTANT FARMLAND SUBTOTAL</b>	<b>270,406</b>	<b>410,536</b>	<b>409,726</b>	<b>406,124</b>	<b>395,432</b>	<b>397,187</b>	<b>+126,781</b>
Grazing Land	742,004	1,183,042	1,181,015	1,183,035	1,189,777	1,189,168	+447,164
<b>AGRICULTURAL LAND TOTAL</b>	<b>1,012,410</b>	<b>1,593,578</b>	<b>1,590,741</b>	<b>1,589,159</b>	<b>1,585,209</b>	<b>1,586,355</b>	<b>+573,945</b>

Source: California Department of Conservation, Farmland Mapping and Monitoring Program

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

- As shown in Table 5., the total acreage of important farmland impacted by the project (about 0.82 acres) is less than 0.0002 percent of the Farmland of Local Importance in the county and about 0.0003 percent of the Prime Farmland.
- Crop production 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.*

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

Discussion: The greenhouses will be placed on Farmland of Local Importance. However, they will be located where they will not adversely impact ongoing agricultural operations on the remaining areas of the site. In the event cannabis activities are removed, the greenhouses could be repurposed to support agricultural activities on the subject property or surrounding properties.

*AGP14: Agricultural Preserve Program.*

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

Discussion: The project site is not subject to an active LCA contract.

*AGP18: Location of Improvements.*

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

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Discussion: Cannabis cultivation is not considered agricultural crop production. However, the proposed greenhouses will be located in an area where they would not restrict ongoing agricultural operations on the remainder of the site.

*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 two miles outside the urban reserve and urban fringe of the community of Nipomo.

- 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?*

Cannabis activities are a conditionally allowable use within the Agriculture land use category. Therefore, the project will not conflict with existing zoning for agricultural use.

The project site is not subject to a Williamson Act contract.

Lastly, agricultural activities on the remainder of the project site would be unaffected by the proposed cannabis activities. Therefore, the project would not result in a conflict with existing zoning for agricultural use or a Williamson Act contract and *no impacts would occur*.

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

The project site does not include land use designations or zoning for forest land or timberland; no impacts would occur.



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

The project site does not contain oak trees or other stands of trees that meet the definition of forest lands; no tree removal would be required. Therefore *no impacts would occur*.

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

The project site is generally surrounded by active agricultural operations including row crops, dry farming, and grazing. Surrounding agricultural uses would be temporarily affected by noise and dust generated during the construction phase of the project. These impacts would be temporary in nature and would not result in the direct impairment or conversion of agricultural land to other uses.

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

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

Based on the preceding discussion, the project as conditioned would not involve other changes in the environment that would result in conversion of Farmland to non-agricultural use or forest land to non-forest use; therefore, *potential impacts would be less than significant*.

### Conclusion

No significant impacts to agricultural resources would occur.

### Mitigation

No mitigation measures are required.

### Sources

See Exhibit A.

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### III. AIR QUALITY

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

#### Setting

##### *San Luis Obispo County Clean Air Plan*

The San Luis Obispo County Air Pollution Control District (SLOAPCD) San Luis Obispo County 2001 Clean Air Plan (CAP) is a comprehensive planning document intended to evaluate long-term air pollutant emissions and cumulative effects and provide guidance to the SLOAPCD and other local agencies on how to attain and maintain the state standards for ozone and particulate matter 10 micrometers or less in diameter (PM<sub>10</sub>). The CAP presents a detailed description of the sources and pollutants that impact the jurisdiction's attainment of state standards, future air quality impacts to be expected under current growth trends, and an appropriate control strategy for reducing ozone precursor emissions, thereby improving air quality. In order to be considered consistent with the San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP. The CAP may be reviewed in its entirety by following this link: <https://www.slocleanair.org/rules-regulations/clean-air-plan.php>. The County is currently designated as non-attainment for ozone and PM<sub>10</sub> under state ambient air quality standards. Construction and operation of the project would result in emissions of ozone precursors including reactive organic gasses (ROG) and nitrous oxides (NO<sub>x</sub>) as well as fugitive dust emissions (PM<sub>10</sub>).

##### *SLOAPCD Criteria Pollutant Thresholds*

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



## Initial Study – Environmental Checklist

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project impacts. According to the Handbook, a project with grading in excess of 4.0 acres and moving 1,200 cubic yards of earth per day can exceed the construction threshold for respirable particulate matter (PM<sub>10</sub>).

Use of heavy equipment and earth-moving operations during project construction can generate fugitive dust and engine combustion emissions that may have substantial temporary impacts on local air quality and climate change. Combustion emissions, such as nitrogen oxides (NO<sub>x</sub>), reactive organic gases (ROG), greenhouse gases (GHG), and diesel particulate matter (DPM), are most significant when using large, diesel-fueled scrapers, loaders, bulldozers, haul trucks, compressors, generators, and other heavy equipment. The SLOAPCD has established thresholds of significance for each of these contaminants.

Operational impacts are focused primarily on the indirect emissions (i.e., motor vehicles) associated with residential, commercial, and industrial development. Certain types of projects can also include components that generate direct emissions, such as power plants, gasoline stations, dry cleaners, and refineries (referred to as stationary source emissions). 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<sub>10</sub>). 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<sub>10</sub> threshold.

The prevailing winds in the project vicinity are from the north and west (onshore) during the daylight hours and are slightly offshore at night. The nearest offsite residences are upwind to the west and southwest.

### *Sensitive Receptors*

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants, such as the elderly, children, people with asthma or other respiratory illnesses, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. Some land uses are considered more sensitive to changes in air quality than others, due to the population that occupies the uses and the activities involved. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residences. The nearest sensitive receptor to the site is a single-family residence located approximately 200 feet south of the proposed greenhouses.

### *Naturally Occurring Asbestos*

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

### *Developmental Burning*

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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.

**Thresholds of Significance for Construction Activities.** The APCD's CEQA Handbook establishes thresholds of significance for construction activities (Table 6). 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<sub>10</sub>). In addition, a project with the potential to generate 137 lbs per day of ozone precursors (ROG + NOx) or diesel particulates in excess of 7 lbs per day can result in a significant impact.

**Table 6 – Thresholds of Significance for Construction**

Pollutant	Threshold1		
	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 (PM <sub>10</sub> ), Dust <sub>2</sub>		2.5 tons	
Greenhouse Gases (CO <sub>2</sub> , CH <sub>4</sub> , N <sub>2</sub> O, HFC, CFC, F <sub>6</sub> S)	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 CARB Carl Moyer Guidelines.
2. Any project with a grading area greater than 4.0 acres of worked area can exceed the 2.5 ton PM<sub>10</sub> 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<sub>10</sub>). 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<sub>10</sub> threshold.

The prevailing winds in the project vicinity are from the north and west (onshore) during the daylight hours and are slightly offshore at night. The nearest offsite residences are upwind to the west.

## Initial Study – Environmental Checklist

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### Discussion

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

In order to be considered consistent with the 2001 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 8 full-time regular employees and no seasonal employees. The project would likely draw from the local labor pool and would not require a significant number of employees and therefore would not significantly affect the local area's jobs/housing balance.

Adopted transportation control measures include, but are not limited to, a voluntary commute options program, local and regional transit system improvements, bikeway enhancements, and telecommuting programs. The voluntary commute options program targets employers in the county with more than 20 full time employees; because the project would employ up to a maximum of 8 employees, this program would generally not be applicable to the project. The project would not conflict with regional plans for transit system or bikeway improvements. Project employees would generally be performing manual tasks such as planting, harvesting, and monitoring the irrigation equipment; therefore, the project would not be a feasible candidate for participation in a telecommuting program.

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

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

The County is currently designated as non-attainment for ozone and PM<sub>10</sub> under state ambient air quality standards. Construction and operation of the project would result in emissions of ozone precursors including reactive organic gasses (ROG) and nitrous oxides (NO<sub>x</sub>) as well as fugitive dust emissions (PM<sub>10</sub>).

The project was referred to the San Luis Obispo County Air Pollution Control District (APCD) for review and comment. The recommendations contained in their letter of November 25, 2019 are incorporated into this analysis and recommended mitigation measures.

Construction Related Emissions. Based on the project description, the project will be moving more than 1,200 cubic yards/day of material but will result in an area of disturbance of less than four acres. This will result in the creation of construction dust, as well as short-term construction vehicle emissions. Based on the SLOAPCD's CEQA Air Quality Handbook (2012) and Clarification Memorandum (2017), construction related emissions would exceed APCD thresholds.

Operation-Related Emissions. According to the trip generation analysis prepared by the Department of Public Works, the project is expected to generate up to 20 average daily motor vehicle trips. As discussed above, a project that generates less than 99 average daily motor vehicle trips will likely

## Initial Study – Environmental Checklist

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generate emissions that fall below the threshold of significance for ozone precursors and greenhouse gas emissions.

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 provided from Melschau Road which is a paved, county maintained roadway. Therefore, the provision of LUO 22.40.050.D.4 do not apply.

Potential project impacts associated with a cumulatively considerable net increase in criteria air pollutants for which the region is currently non-attainment would be *less than significant with mitigation*.

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

Sensitive receptors are people or other organisms that may have a significantly increased sensitivity to exposure to air pollution by virtue of their age and health (e.g. schools, day care centers, hospitals, nursing homes), regulatory status (e.g. federal or state listing as a sensitive or endangered species), or proximity to the source. The nearest offsite residence is about 200 feet to the south of the proposed greenhouses. Residences may be occupied by sensitive receptors who could be exposed to diesel particulates and fugitive dust from construction activities.

The project would result in temporary increases in air pollutant emissions, including emissions of fugitive dust (PM<sub>10</sub>) and diesel-exhaust particulate matter (DPM) during project construction. These pollutants are known to be hazardous to health, particularly when exposed to a sensitive receptor; therefore, due to the proximity of sensitive receptors near the new facility, this impact is considered potentially significant. As discussed above, the project would require ground disturbance within 200 feet of a sensitive receptor and standard diesel fuel idling and dust control mitigation has been identified to reduce fugitive DPM and PM<sub>10</sub> emissions during construction activities. Implementation of mitigation measures AQ-1, AQ-2 and AQ-3 would effectively reduce the concentrations of pollutant emissions in proximity to sensitive receptors; therefore, potential impacts would be *less than significant with mitigation*.

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

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 does not lie in the area where a geologic study for the presence of NOA is required.

The project includes indoor cannabis cultivation as well as ancillary nursery, processing, and manufacturing of cannabis grown on-site. These activities can produce potentially objectionable odors during the flowering, harvest, drying, and processing phases and these odors could disperse

## Initial Study – Environmental Checklist

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through the air and be sensed by surrounding receptors. Accordingly, Section 22.40.050 of the LUO requires 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, is unknown. However, a study published in the Journal of American Medicine in 1986 (Am J Med. 1986 Jan;80(1):18-22) concluded that odors are an important cause of the worsening of certain respiratory illnesses such as asthma. A person’s expectations regarding the harmful effects of an odor may affect airway physiology in asthma sufferers (Journal of Psychosomatic Research Volume 77, Issue 4, October 2014, Pages 302-308). As discussed above, odors are not considered an air pollutant under federal or state laws air quality laws.

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 project will be conditioned to operate in a manner that ensures odors associated with cannabis activities are contained on the project site.
- The project will be required 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.
- As required by LUO Section 22.40.050 D. 8., all structures for indoor cannabis cultivation, including indoor nursery, are required to be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite. Accordingly, the facility will employ air scrubbing technology on the greenhouses and processing/manufacturing building. Carbon scrubbers, for example, have been demonstrated to be an effective odor abatement method for indoor cannabis facilities (County of Santa Barbara 2017) and work by pulling odors from the air into an exhaust system and absorbing any odors that pass through via activated/deactivated carbon (granular, pelletized, or powdered).

Construction could generate odors from heavy diesel machinery, equipment, and/or materials. The generation of odors during the construction period would be temporary, would be consistent with odors commonly associated with construction, and would dissipate within a short distance from the active work area. The project has been located and designed to prevent any long-term operational nuisance odor emissions from affecting surrounding properties. Therefore, potential impacts associated with other emissions, such as odors, would be *less than significant*.



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### Conclusion

The project would be consistent with the SLOAPCD's Clean Air Plan and thresholds for construction and operational emissions. However, the project could potentially expose sensitive receptors to substantial pollutant concentrations and would require mitigation to reduce DPM and PM<sub>10</sub> emissions during construction activities. The project has been located, designed, and will be conditioned to prevent any long-term operational nuisance odor emissions from affecting surrounding properties. Therefore, potential impacts to air quality would be *less than significant with mitigation*.

### Mitigation

**AQ-1 Construction Equipment Emissions Controls.** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

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

**AQ-2 Idling Restrictions Near Sensitive Receptors for Both On and off-Road Equipment.** During all site disturbance and construction activities of all project phases:

- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- Use of alternative fueled equipment is recommended whenever possible; and,
- Signs that specify the no idling requirements must be posted and enforced at the construction site.

## Initial Study – Environmental Checklist

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- AQ-3 Fugitive Dust Construction Control Measures.** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:
- Reduce the amount of the disturbed area where possible;
  - Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;
  - All dirt stock-pile areas shall be sprayed daily as needed;
  - All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
  - All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
  - 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.

### *Sources*

See Exhibit A.

## Initial Study – Environmental Checklist

### IV. BIOLOGICAL RESOURCES

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

## Initial Study – Environmental Checklist

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### Setting

The following discussion of biological resources and potential project impacts was derived from a Biological Resources Assessment (BRA) (dated 12/20/19) and an Assessment of Two Sensitive Bumble Bee Species report (dated 10/13/20) prepared for the project site by Althouse and Meade, Inc.

The project site is an agriculturally zoned parcel located in the unincorporated community of Nipomo, approximately 7.5 miles north of the City of Santa Maria and 7.2 miles southeast of the City of Arroyo Grande, in southern San Luis Obispo County. The Property is 22.32 acres in size, approximately half of which is comprised of fallow cropland dominated by wild mustard (*Sinapis arvensis*). Structures on the Property include two single-family residences, an office trailer, a barn, a small storage shed, and other ancillary facilities related to previous farming activities. An ephemeral drainage with associated willow riparian habitat is located at the northwestern corner of the Property. The drainage was dry with no evidence of ponding or pooling at the time of the survey. Scattered trash and debris were observed in the drainage. A windrow of eucalyptus trees borders the Property to the northeast. Ornamental trees such as olive and cypress border the southeast end and the driveway.

### Methodology

The Property was surveyed for biological resources on February 27, 2018 by Althouse and Meade, Inc. Senior Biologist Lisa Gadsby. Biological surveys were conducted on foot in order to compile species lists, to search for special status plants and animals, to map habitats, and to photograph the Study Area. The general vegetation survey method included meandering transects with an emphasis on identifying each plant species observed. Transects were also utilized to describe general conditions and dominant species, to compile species lists, and to evaluate potential habitat for special status species. The entire 22.32-acre Property was surveyed. Identification of botanical resources included field observations and laboratory analysis of collected material. Botanical nomenclature used in this document follows the Jepson Manual, Second Edition (Baldwin et al. 2012).

Wildlife documentation included observations of animal presence and wildlife sign. Observations of wildlife were recorded during the field survey in all areas of the Property (Table 2; Attachment F of the BRA). Birds were identified by sight or by vocalizations.

The California Natural Diversity Database (CNDDB; February 2019 data) and the California Native Plant Society (CNPS) On-line Inventory of Rare and Endangered Plants of California were reviewed for the nine USGS 7.5-minute quadrangles surrounding the site, including: Arroyo Grande NE, Tar Spring Ridge, Caldwell Mesa, Oceano, Nipomo, Huasna Peak, Guadalupe, Santa Maria, and Twitchell Dam..

### Habitats of the Project Site

Overall, the survey area exhibited little variation in habitat types. In total, two soil units and three natural vegetation communities were documented within the survey area. The majority of the survey area consists of anthropogenic/disturbed areas immediately abutting natural vegetation communities. Anthropogenic/disturbed land cover types and natural vegetation communities observed on site provide suitable to marginally suitable habitat for a variety of common and special-status plant and wildlife species.

### Hydrologic Features

An ephemeral drainage with associated willow riparian habitat is located at the western corner of the Property. The drainage was dry with no evidence of ponding or pooling at the time of the survey. Scattered trash and debris were observed in the drainage.

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The California Department of Fish and Wildlife (CDFW) regulates activities that divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake. CDFW has initiated a Cannabis cultivation permitting program that requires all applicants obtaining an Annual License from the California Department of Food and Agriculture to have a Lake and Streambed Alteration Agreement or written verification that one is not needed. If all Project components are set outside the area subject to the CDFG Code Section 1600, a Self-Certification can be submitted online.



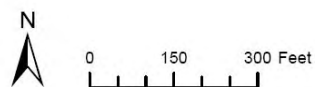
## Initial Study – Environmental Checklist

Figure 13 -- Habitats of the Project Site



## Legend

<span style="border: 2px solid red; display: inline-block; width: 20px; height: 10px;"></span> Study Area	<span style="background-color: #d3d3d3; border: 1px solid black; display: inline-block; width: 20px; height: 10px;"></span> Access Road (12424 SF)
<span style="border: 1px solid black; display: inline-block; width: 20px; height: 10px;"></span> Existing Structures	<span style="background-color: #ff00ff; border: 1px solid black; display: inline-block; width: 20px; height: 10px;"></span> Compost (320 SF)
<span style="border: 1px dashed black; display: inline-block; width: 20px; height: 10px;"></span> Impacts	<span style="background-color: #90ee90; border: 1px solid black; display: inline-block; width: 20px; height: 10px;"></span> Greenhouse (33768 SF)
<b>Habitat Type</b>	<span style="background-color: #ff6347; border: 1px solid black; display: inline-block; width: 20px; height: 10px;"></span> Parking Spot (1536 SF)
<span style="background-color: #cccccc; border: 1px solid black; display: inline-block; width: 20px; height: 10px;"></span> Developed (1.6 acres)	<span style="background-color: #ffa500; border: 1px solid black; display: inline-block; width: 20px; height: 10px;"></span> Portable Restroom (200 SF)
<span style="background-color: #f5deb3; border: 1px solid black; display: inline-block; width: 20px; height: 10px;"></span> Disturbed (5.3 acres)	<span style="border-bottom: 2px solid green; display: inline-block; width: 20px;"></span> Proposed Trench (2520 SF)
<span style="background-color: #ffcc99; border: 1px solid black; display: inline-block; width: 20px; height: 10px;"></span> Fallow Fields (12.0 acres)	<span style="border-bottom: 2px dashed black; display: inline-block; width: 20px;"></span> Proposed Chain Link Fence (1098 LF)
<span style="background-color: #c8e6c9; border: 1px solid black; display: inline-block; width: 20px; height: 10px;"></span> Lawn Ornamental (2.5 acres)	<span style="border-bottom: 2px solid black; display: inline-block; width: 20px;"></span> Existing Deer Fence (2496 LF)
<span style="background-color: #add8e6; border: 1px solid black; display: inline-block; width: 20px; height: 10px;"></span> Riparian (0.8 acres)	<span style="border-bottom: 2px solid blue; display: inline-block; width: 20px;"></span> Ephemeral Stream
<b>Proposed Developments</b>	<span style="color: blue;">●</span> Proposed Water Tank
<span style="background-color: #0000ff; border: 1px solid black; display: inline-block; width: 20px; height: 10px;"></span> ADA Parking Spot (208 SF)	



375 Mehlschau Road  
Map Center: 120.48268°W 35.05826°N  
Nipomo, San Luis Obispo County

Biological Survey Date: 02/27/2019



Map Updated:  
December 20, 2019 10:44 AM by SAF

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The State Water Board has also initiated a Cannabis Cultivation Program to establish principles and guidelines (requirements) for cannabis cultivation activities to protect water quality and instream flows. To implement the program, the Cannabis Cultivation General Order was adopted and provides for a permitting pathway for cultivators. The General Order provides criteria to evaluate the threat to water quality based on site conditions and waterway classification.

### Plant Species

The site survey revealed 17 species of trees, forbs and grasses occupying the project site a summarized in Table 7.

**Table 7 -- Plant Species Observed on the Project Site**

Scientific Name	Special Status	Origin	Common Name
<b>Trees - 4 Species</b>			
<i>Cupressus</i> sp.	None	Ornamental	Cypress
<i>Eucalyptus globulus</i>	None	Introduced	Blue-gum
<i>Olea europaea</i>	None	Ornamental	Olive
<i>Salix lasiolepis</i>	None	Native	Arroyo willow
<b>Forbs - 11 Species</b>			
<i>Asclepias</i> sp.	None	Native	Milkweed
<i>Brassica</i> sp.	None	Introduced	Mustard
<i>Foeniculum vulgare</i>	None	Introduced	Fennel
<i>Helminthotheca echinoides</i>	None	Introduced	Bristly ox-tongue
<i>Juncus</i> sp.	None	Native	Rush
<i>Lamium amplexicaule</i>	None	Introduced	Henbit
<i>Malva</i> sp.	None	Introduced	None
<i>Rumex crispus</i>	None	Introduced	Curly dock
<i>Sinapis arvensis</i>	None	Introduced	Wild mustard
<i>Sonchus</i> sp.	None	Introduced	Sow thistle
<i>Vicia villosa</i>	None	Introduced	Winter vetch
<b>Grasses - 2 Species</b>			
<i>Bromus diandrus</i>	None	Introduced	Ripgut brome
<i>Hordeum murinum</i>	None	Introduced	Foxtail barley

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### Wildlife

The site survey revealed 10 animal species present on the project site as summarized in Table 8.

**Table 8 -- Wildlife Species Observed On the Project Site**

Common Name	Scientific Name	Special Status	Habitat Type
<b>Birds – 9 Species</b>			
Cooper's Hawk	<i>Accipiter cooperii</i>	WL (nesting)	Oak, riparian woodland
Red-winged Blackbird	<i>Agelaius phoeniceus</i>	None	Marshes, fields
House Finch	<i>Haemorhous mexicanus</i>	None	Urban, grassland, chaparral, oak savannah
Ruby-crowned Kinglet	<i>Regulus calendula</i>	None	Oak, riparian woodlands
Black Phoebe	<i>Sayornis nigricans</i>	None	Near water in natural and urban settings
Say's Phoebe	<i>Sayornis saya</i>	None	Open country, grassland
Eurasian Collared Dove	<i>Streptopelia decaocto</i>	None	Urban
European Starling	<i>Sturnus vulgaris</i>	None	Agricultural, livestock areas, urban
White-crowned Sparrow	<i>Zonotrichia leucophrys</i>	None	Oak, riparian woodlands
<b>Mammals – 1 Species</b>			
Pocket Gopher	<i>Thomomys</i> sp.	None	Variety of habitats

### Special-Status Species

For the purpose of this analysis, special status species are those plants and animals listed, proposed for listing, or candidates for listing as threatened or endangered by the USFWS under the federal Endangered Species Act (ESA); those listed or proposed for listing as rare, threatened, or endangered by the CDFW under the California Endangered Species Act (CESA); animals designated as "Species of Special Concern," "Fully Protected," or "Watch List" by the CDFW; and plants occurring on California Rare Plant Ranks (CRPR) 1,2,3 and 4 developed by the CDFW working in concert with the CNPS. The specific code definitions are as follows:

- IA = Plants presumed extinct in California;
- IB.1 = Rare or endangered in California and elsewhere; seriously endangered in California (over 80% of occurrences threatened/high degree and immediacy of threat);
- IB.2 = Rare or endangered in California and elsewhere; fairly endangered in California (20-80% occurrences threatened);
- IB.3 = Rare or endangered in California and elsewhere, not very endangered in California «20% of occurrences threatened or no current threats known);
- 2 = Rare, threatened or endangered in California, but more common elsewhere;
- 3 = Plants needing more information (most are species that are taxonomically unresolved; some species on this list meet the definitions of rarity under CNPS and CESA);

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- 4.2 = Plants of limited distribution (watch list), fairly endangered in California (20-80% occurrences threatened); and
- 4.3= Plants of limited distribution (watch list), not very endangered in California.

### Listed Plant Species

A review of the CNDDDB revealed a total of 14 listed plant species within a 5 mile radius of the project site (Table 9).

**Table 9 -- Listed Plant Species Within a Five Mile Radius**

Common Name	Genus and Species	Status	Habitat	Potential to Occur on the Project Site
Black-flowered figwort	<i>Scrophularia atrata</i>	1B.2	Chaparral, coastal dunes, coastal scrub, riparian scrub, and closed-cone coniferous forest.	Not observed, no suitable habitat.
Blochman's leafy daisy	<i>Erigeron blochmaniae</i>	1B.2	Coastal dunes and coastal scrub.	Not observed, no suitable habitat.
Crisp monardella	<i>Monardella undulata</i> ssp. <i>crispa</i>	1B.2	Coastal dunes and coastal scrub.	Not observed, no suitable habitat in area of disturbance.
Dune larkspur	<i>Delphinium parryi</i> ssp. <i>blochmaniae</i>	1B.2	Maritime chaparral and coastal dunes	Not observed, no suitable habitat.
Hoover's bent grass	<i>Agrostis hooveri</i>	1B.2	Closed-cone coniferous forest, chaparral, cismontane woodland, valley and foothill grassland	Low/not observed. Lack of suitable habitat in area of disturbance.
Kellogg's horkelia	<i>Horkelia cuneata</i> var. <i>sericea</i>	1B.1	Sandy or gravelly, openings, closed-cone coniferous forest, chaparral (maritime), coastal dunes, coastal scrub	Low/not observed. Lack of suitable habitat in area of disturbance.
Marsh sandwort	<i>Arenaria paludicola</i>	1B.1	Marshes and swamps (freshwater or brackish)	Not observed, no suitable habitat.
Pismo clarkia	<i>Clarkia speciosa</i> ssp. <i>immaculata</i>	1B.1	Chaparral (margins, openings), cismontane woodland, valley and foothill grassland	Low/not observed. Lack of suitable habitat in area of disturbance.
San Luis Obispo monardella	<i>Monardella sinuata</i> ssp. <i>nigrescens</i>	1B.2	Chaparral, coastal dunes, coastal scrub, lower montane coniferous forest, ponderosa pine sandhills	Low/not observed. Lack of suitable habitat in area of disturbance.
San Luis Obispo owl's clover	<i>Castilleja densiflora</i> var. <i>obispoensis</i>	1B.2	Meadows and seeps, valley and foothill grassland	Low/not observed. Lack of suitable habitat in area of disturbance.
Sand mesa manzanita	<i>Arctostaphylos rudis</i>	1B.2	Sandy, chaparral (maritime), coastal scrub	Not observed. Lack of suitable habitat in area of disturbance.
Santa Margarita manzanita	<i>Arctostaphylos pilosula</i>	1B.2	Sometimes sandstone, broadleafed upland forest, closed-cone coniferous forest, chaparral, cismontane woodland	Low/not observed. Lack of suitable habitat in area of disturbance.
Slender bush-mallow	<i>Malacothamnus gracilis</i>	1B.1	Usually rocky, chaparral	Low/not observed. Lack of suitable habitat in area of disturbance.
Southern curly-leaved monardella	<i>Monardella sinuata</i> ssp. <i>gerryi</i>	1B.1	Sandy openings, coastal scrub	Not observed. Lack of suitable habitat in area of disturbance.



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### Animal Species

A search of the CNDDB revealed a total of 8 listed animal species within a five mile radius of the project site (Table 10). One listed bird species, not identified by the CNDDB, was observed on the project site.

**Table 10 -- Listed Animal Species Within a Five Mile or More Radius**

Common Name	Genus and Species	Status	Habitat	Potential to Occur on the Project Site
California red-legged frog	<i>Rana draytonii</i>	Federal threatened, California Species of Special Concern	Deep, still or slow-moving sources of water in lowlands and foothills with shrubby, riparian, or vegetative shorelines for cover (CDFW 2014, CNDDB 2017, Jennings and Hayes 1994).	Not observed. No evidence of any deep pools or ponds that would provide suitable aquatic habitat for CRLF. Project site is not within a potential migration path to/from known breeding locations and the area of disturbance is at least 450 feet upslope and across a frequently tilled agricultural field. Therefore CRLF are not expected to traverse the site during breeding migrations.
Coast horned lizard	<i>Phrynosoma blainvillii</i>	California Species of Special Concern	Occurs in valley-foothill hardwood, conifer and riparian habitats, as well as in pine-cypress, juniper and annual grassland habitats in the south and central Coast Range,	Not observed. Lack of suitable habitat on the project site.
Monarch butterfly	<i>Danaus plexippus</i>	State Special Animal (Overwintering); Federal Candidate Species	habitat requirements for overwintering sites, including dappled sunlight, high humidity, fresh water, and an absence of freezing temperature or high winds (Sakai and Calvert, 1991). Overwintering sites are typically located within 1.5 miles of the Pacific Ocean, in areas with moderate temperatures. In central and southern California, they typically aggregate on Monterey pine ( <i>Pinus radiata</i> ) and blue gum trees (Xerces Society, 2017).	Not observed. Lack of suitable habitat on the project site.
Crotch Bumblebee	<i>Bombus crotchii</i>	Candidate for State listing	Crotch bumble bee (CBB) is known from California and western Nevada and inhabits open grassland and scrub habitats. In general, bumble bees forage from a diversity of plants, although individual species can vary greatly in their plant preferences, largely due to differences in tongue length (Hatfield et al. 2015). Crotch bumble bees are classified as a short-tongued species, whose food plants include <i>Asclepias</i> , <i>Chaenactis</i> , <i>Lupinus</i> , <i>Medicago</i> , <i>Phacelia</i> , and <i>Salvia</i> (Williams et al. 2014). The species is primarily active in the spring and summer. Nesting occurs underground, often in abandoned rodent burrows.	Not likely to be present. Lack of suitable habitat on the project site.
Western bumblebee	<i>Bombus occidentalis occidentalis</i>	Candidate for listing	Western bumble bee (WBB) is known from the Western United States. Within California, the species range extends from the Oregon border south, through central	Not likely to be present. Lack of suitable habitat on the project site.

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			California along the Coast and Sierra Nevada mountain ranges. The species occurs in meadows and grasslands and has been documented to nest in underground cavities, such as old animal burrows, as well as in logs and railroad ties (Hobbs 1968; Thorp et al. 1983; Macfarlane et al. 1994). Little is known about the ecology of queen bee overwintering sites. Western bumble bee is a short-tongued species whose food plants include <i>Melilotus</i> , <i>Cirsium</i> , <i>Trifolium</i> , <i>Centaurea</i> , <i>Chrysothamnus</i> , <i>Eriogonum</i> , <i>Solidago</i> , <i>Cenanthus</i> , and <i>Penstemon</i> . In California, the flight period for the queen is approximately February through November, peaking in late June and late September, while the flight period for workers and males is April through November, peaking in August and September (Thorp et al. 1983).	
Northern California legless lizard	<i>Anniella pulchra</i>	CSC	This species requires sandy or loose loamy soils within coastal dune scrub, coastal sage scrub, chaparral, woodland, riparian, or forest habitats. It requires cover such as logs, leaf litter, or rocks and will cover itself with loose soil.	Not observed. Lack of suitable habitat on the project site.
Cooper's Hawk	<i>Accipiter cooperii</i>	CDFW Watch List	Cooper's hawks frequent oak and riparian woodland habitats, and increasingly urban areas, where they prey primarily upon small birds (Curtis et al. 2006).	One Cooper's hawk was observed within the willow riparian habitat at the northwest end of the Property. No nests or nesting behaviors were observed.
Prairie falcon	<i>Falco peregrinus</i>	Fully protected species	Breeding habitats include a variety of locations from cliffs in uninhabited areas to tall buildings or bridges.	Not observed.
Sharp-shinned hawk	<i>Accipiter striatus</i>	Species watch list	Breeds in ponderosa pine, black oak, riparian deciduous, mixed conifer, and Jeffrey pine habitats. Prefers, but not restricted to, riparian habitats.	Not observed.
Steelhead -- south-central California coast DPS	<i>Oncorhynchus mykiss irideus</i>	Federal threatened	Coastal streams and rivers.	No suitable habitat
Western spadefoot	<i>Spea hammondi</i>	California Species of Special Concern Federal Species of Concern	Most of the year is spent in underground burrows up to 0.9 m (36 in) deep (Stebbins 1972), which they construct themselves. Some individuals also use mammal burrows. Recently metamorphosed juveniles seek refuge in the immediate vicinities of breeding ponds for up to several days after transformation. They hide in drying mud cracks, under boards and other surface objects including decomposing cow dung (Weintraub 1980).	Not observed. Lack of suitable breeding ponds.

## Migratory Nesting Birds and Sensitive Avian Species

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Migratory non-game native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take (as defined therein) of all native birds and their active nests, including raptors and other migratory non-game birds (as listed under the Federal MBTA).

One special status bird, Cooper's hawk (*Accipiter cooperii*), was observed on the Property during the February 2019 survey. Cooper's hawk is listed by CDFW as a Watch List species (for nesting occurrences only). Cooper's hawks occur regularly in California during the winter months and during spring and fall migration (CNDDDB 2019). Cooper's hawks frequent oak and riparian woodland habitats, and increasingly urban areas, where they prey primarily upon small birds (Curtis et al. 2006). One Cooper's hawk was observed within the willow riparian habitat at the northwest end of the Property. No nests or nesting behaviors were observed, however there is potential for Cooper's hawk to nest in the riparian habitat and the large eucalyptus trees on the northeast border of the Property. The CNDDDB does not list any records of Cooper's hawk nesting within the vicinity of the Property.

### *Sensitive Amphibian Species*

California red-legged frog (*Rana draytonii*) is a federally listed threatened species and a California Species of Special Concern. It occurs in California in the Coast Range, Sierra, the Transverse Range and south below 1,200 meters elevation (CDFW 2014, Sousa 2008). The main habitat types for the CRLF are deep, still or slow-moving sources of water in lowlands and foothills with shrubby, riparian, or vegetative shorelines for cover (CDFW 2014, CNDDDB 2017, Jennings and Hayes 1994). The most suitable vegetation types for cover are cattails (*Typha* sp.), arroyo willow (*Salix lasiolepis*) and bulrushes (*Scirpus* sp.) (Jennings and Hayes 1994). Along with its aquatic habitat, the CRLF also utilizes upland habitat for seeking food, shelter and as migration corridors between breeding and nonbreeding sites.

The closest reported occurrence of CRLF to the Study Area is approximately 2.3 miles northwest (CNDDDB #1356), with several occurrences reported in the vicinity. Reported occurrences denote CRLF observed in either riparian habitat with dense riparian/wetland vegetation or within drainages or ponds with pooled water.

### *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

An early season botanical survey conducted in February 2019 identified 17 species and subspecies of vascular plants on the Property (Table 2; Attachment E of the BRA). The botanical survey effort did not include late or mid-season coverage and therefore is not considered a protocol-level survey. Plants found on the project site include 3 species native to California, and 14 introduced (naturalized or planted) species. Based on the results of the site survey, and the ongoing effects of agricultural activities, the area of disturbance does not have the potential to support special status plant species and none were observed during the survey.

#### Special-Status Animals

One special status animal species, Cooper's hawk, was observed on the Property and has potential to nest in the willow riparian habitat or eucalyptus trees on site. The Project would not likely affect any nesting Cooper's hawk, if present, because work would be limited to the fallow cropland habitat



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at a distance of at least 400 feet from riparian habitat and 200 feet from eucalyptus trees. However, suitable foraging and nesting habitat is present for migratory birds throughout the property. The potential for some of these species to occur cannot be completely ruled out due to the movement of these species. If migratory birds are present at the time of ground disturbing and construction activities, they may be disturbed by project activities. Mitigation measures are required to avoid or minimize this impact (see BIO-1).

California red-legged frog (CRLF) was determined to have no potential to occur on the Property due to the lack of suitable aquatic habitat on site. The willow riparian habitat along the northwestern boundary of the property was dry at the time of the survey, which occurred during the wet season, and lacked evidence of any deep pools or ponds that would provide suitable aquatic habitat for CRLF. Additionally, the property is not within a potential migration path to/from known breeding locations, therefore CRLF are not expected to traverse the site during breeding migrations. CRLF are not expected to occur within the Study Area.

A supplement prepared for the BRA in October, 2020 (Althouse and Meade, Inc.) assessed the suitability of habitats on the project site to support Crotch bumble bee (CBB) and Western bumblebee (WBB). The project site is within the general range for Crotch bumble bee; however, the closest reported occurrence is an historical record from 1939 that was collected 22 miles to the northeast (CNDDDB #82). The next closest records are from the vicinity of the Cuyama Valley, approximately 27 miles east, and Figueroa Mountain, approximately 34 miles southeast. Therefore, the supplement to the BRA concludes that it would be unlikely for Crotch bumble bee to occur on the Property due to the lack of undisturbed grassland or scrubland habitats, and the limited suitable nectar and pollen sources onsite.

The only record of Western bumble bee within San Luis Obispo County is a 1936 record near Avila Beach (CNDDDB #279) approximately 14 miles northeast of the Property. There are no records of the species within Santa Barbara County. The Property is situated at the southernmost end of the species range. Therefore, the supplement to the BRA concludes that it would be unlikely for western bumble bee to occur on the Property due to the lack of appropriate undisturbed meadow or grassland habitat and the limited suitable nectar and pollen sources onsite.

However, in response to recent consultations regarding these species, CDFW has recommended pre-construction surveys and the implementation of avoidance and minimization measures where a project may directly or indirectly impact areas of grasslands and upland scrub that contain requisite habitat elements, such as small mammal burrows. Accordingly, preconstruction surveys and avoidance measures are recommended for CBB and WBB (BIO-3).

- (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?*

Based on the BRA prepared for the project, no special-status plant communities, USFWS-designated critical habitat, or riparian habitat occurs within the area of disturbance or the immediate project vicinity. The drainage that passes through the northern portion of the project site is outside the area of disturbance and defined as Freshwater Forested/Shrub Wetland, classified as PSSA (Palustrine (P), Scrub-Shrub (SS), Temporary Flooded (A) according to the National Wetlands Inventory (NWI 2005). The Conservation/Open Space element requires new development to observe a minimum 50 foot

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setback from the top of bank of a waterway or the edge of the riparian corridor whichever is greater. The area of disturbance and all associated project components will exceed this requirement.

The proposed project will have no direct or indirect effect on wetland or riparian habitat if the appropriate Best Management Practices (e.g., straw wattles, gravel bags, silt fences, Environmental Sensitive Area/exclusion fencing) as recommended by mitigation measure BIO-1 are installed and the appropriate setbacks from the unnamed drainage on the northern edge of the BSA are established prior to construction activities. Therefore, with mitigation, potential impacts to riparian habitat or other sensitive natural communities 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?*

The project site and vicinity do not contain state or federally protected wetlands, and there is no direct connectivity between the on-site ephemeral drainage and any offsite wetlands. The project does not include direct work to be done in any of these areas and will be conditioned to provide a drainage and erosion control plan to avoid indirect impacts to on-site and offsite water features. This drainage and erosion control plan would be subject to County Public Works review and approval in accordance with standard County construction and stormwater control requirements. Therefore, potential impacts to state or federally protected wetlands would be *less than significant*.

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

Maintaining connectivity among areas of suitable habitat is critical for dispersal, migration, foraging, and genetic health of plant and wildlife species. The project site is located approximately 11 miles west of the Los Padres National Forest, and east of the community of Nipomo. The project site is located in a semi-rural area of San Luis Obispo County, surrounded by agricultural operations and rural residences. Existing barriers to migration to and from non-developed portions of the project site, particularly for wildlife, are influenced by the high density of agriculture in the region, which typically correlates with a high frequency of land manipulation, wildlife-exclusion fences, and pest management activities. As a result, natural habitat features are currently fragmented on all sides of the project site. New localized barriers may be created by the conversion of a portion of the open agricultural fields to permanent or semi-permanent structures, which may deter general wildlife movement through the area; however, no large-scale passage barriers are proposed. The proposed project is not expected to increase the overall level of fragmentation in the region. No passage barriers through aquatic features are proposed as a part of the project.

Due to the semi-rural nature of the area, bright, artificial grow lighting that escapes the cultivation facilities could have the potential to impact wildlife species. Implementation of Mitigation Measure AES-1, which requires the applicant to prepare a light pollution prevention plan to prevent any light pollution resulting from cultivation activities, would reduce this impact to less than significant with mitigation.

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

The project site and the area of disturbance do not contain oak trees; impacts to oak trees are considered significant by the County for CEQA compliance purposes. Therefore, impacts associated

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with conflict with local ordinances or policies protecting biological resources would be *less than significant*.

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

The project is not located within an area governed by an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the project would not conflict with the provisions of an adopted plan and impacts would be less than significant.

### Conclusion

With implementation of Mitigation Measures BIO-1, BIO-2, and BIO-3, potential impacts to biological resources would be less than significant. 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;

### Mitigation

**BIO-1: Preconstruction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

- A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- If special-status avian species are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
- The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species.

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

**BIO-2 Best Management Practices.** Best Management Practices (e.g. straw wattles, Environmental Sensitive Area exclusion fencing, gravel bags, silt fencing, etc.) shall be installed prior to the start of any cannabis-growing activities to avoid direct inadvertent impacts to the unnamed drainage on the northern edge of the project site. Best Management Practices shall be installed to avoid any indirect impacts to these drainages that may occur from erosion/sedimentation.

Project activity occurring within 50 feet of aquatic habitat (e.g., swales, drainages, ponds, vernal pool, etc., identified in biological report) shall occur during the dry season (between June 1 and September 31). For short-term, temporary stabilization, an erosion and sedimentation control plan shall be developed outlining controls, which shall be implemented to prevent erosion and sedimentation into drainages and wetlands. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) fiber rolls, jute or coir netting, and/or other industry standard materials. These controls shall be installed and maintained for the duration of the project.

**BIO-3 Pre-construction surveys for Crotch Bumblebee and Western Bumblebee.** The following actions shall be undertaken to avoid and minimize potential impacts to Crotch Bumblebee and Western Bumblebee:

- a. Surveys - The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for Crotch Bumblebee and Western bumblebee within suitable habitat (i.e. small mammal burrows, grassland areas, upland scrubs) on the project site. Survey(s) can be conducted over an extended period of time to document and establish the presence of the bees within the areas of disturbance.
- b. CBB or WBB Take Avoidance - If the survey(s) establish the presence of Crotch Bumblebee or Western Bumblebee within the areas of disturbance, the applicant shall retain a qualified biologist to prepare a Biological Resources Management Plan (Management Plan) subject to review and approval of the Department in consultation with CDFW. The Management Plan shall include at least the following:
  - i. Avoidance measures to include a minimum 50-foot no-disturbance buffer to avoid take and potentially significant impacts.
  - ii. If ground-disturbing activities will occur during the overwintering period (October through February), the applicant, in coordination with the Department, shall consult with CDFW to identify specific measures to be undertaken to avoid take as defined by the California Endangered Species Act (CESA).
  - iii. Take Authorization - If Crotch Bumble Bee or Western Bumblebee are detected prior to, or during project implementation, the applicant shall consult with CDFW to avoid take and/ or to obtain applicable take authorization.

### Sources

See Exhibit A.

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### V. CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Setting

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

As defined by CEQA, a historical resource includes:

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

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

In the event of an accidental discovery or recognition of any human remains, Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations section 8304 (d) requires cannabis cultivation projects to immediately halt all ground-disturbing activities and implement section 7050.5 of the Health and Safety Code. California State Health and Safety Code Section 7050.5 and LUO Section 22.10.040 (Archaeological Resources) require that in the event of accidental discovery or recognition of any human remains, no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to California PRC Section 5097.98.

The Nipomo Mesa area shows a rich archaeological heritage represented by dozens of significant archaeological sites. The mesa is virtually surrounded by prehistoric camps and villages along the top of the bluffs and ancient dunes. Other sites occur in interior areas near springs and along Black Lake Canyon. A

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number of site surveys and test excavations have taken place across the Nipomo Mesa such as the Cypress Ridge Development area along the Black Lake Canyon where large, low-density prehistoric settlements occur (Conway 1996b; Gibson 1984; Kirkish et al. 1989). An archaeological survey done in 1958 documented the presence of numerous prehistoric sites along the western edge of the mesa (Wallace & Taylor 1958).

The earliest known archaeological investigations of the Nipomo Mesa area took place in 1874 near the present town of Nipomo when Paul Schumacher excavated aboriginal graves at a village, most likely the historic Chumash settlement of Nipumu', located in the present town of Nipomo. Schumacher worked as an agent of the Smithsonian Institution. The area along the eastern edge of the Nipomo Mesa shows intensive prehistoric settlement with several very large archaeological sites. A series of archaeological sites have been recorded within the town of Nipomo. Two of these sites, CA-SLO-804 and CA-SLO-809, may be one large settlement known historically as the Chumash village of Nipumu' (Gibson 1995; Conway 1996a & 1998). Other archaeological surveys completed in the town of Nipomo have yielded negative results for the presence of cultural resources (Conway 2002 & 2003a & b).

Because of the richness of previously identified archaeological resources in the vicinity of the project site, a Phase I cultural resources survey was conducted by Albion Environmental in May, 2020 which is incorporated by reference and available for review in its entirety at the Department of Planning and Building, 976 Osos Street, Suite 200, San Luis Obispo.

### *History of the Project Area*

The Project Area is situated on a former Mexican land grant and California Historical Landmark, called Rancho Nipomo. The 37,888-acre land grant was issued to William Goodwin Dana by Governor Juan B. Alvarado in 1837. Dana was born in Boston on May 5, 1797. He became a sea Captain and arrived in Santa Barbara in 1825. A few years later, in 1828, he married Maria Josefa Carrillo, the daughter of Carlos Antonio Carrillo who would later become the Governor of Alta California (1837-1838). In 1836 Dana became the Alcalde of Santa Barbara and the following year he acquired Rancho Nipomo. The home he built for his family in 1839 is the Dana Adobe, a significant property listed on the National Register of Historic Places. Following the Mexican-American War, the 1848 Treaty of Guadalupe Hidalgo, and Land Act of 1851, Rancho Nipomo was filed with the Public Land Commission in 1852. Mr. Dana died in 1858 but the land was patented to William G. Dana in 1860. After Dana's death, the rancho was divided among his heirs and the town of Nipomo was soon developed outside of the Project Area.

Historic aerials of the Project Area extend back to 1939. The surrounding area during that time was used for farming. The 1939 aerial shows farms as part of parcels much larger than those observed currently, with far fewer houses and fenced areas. The Project Area is void of structures or roads but is bound to the southwest by Mehlschau Road. A review of subsequent historic aerials showed that the Project Area landscape has remained seemingly unchanged throughout recent history. Furthermore, a 2002 aerial does not include the structures that currently exist in the Project Area, and therefore, they are a relatively recent addition.

### *Methodology*

#### Pedestrian Survey

On May 4, 2020, Albion Archaeologist Kaya Wiggins conducted an intensive pedestrian survey of the Project Area using 5-meter wide (or less) transects across the parcel while closely inspecting the ground surface for cultural materials. Surface visibility across the Project Area varied between completely obscured to

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moderately obscured (0-50%). Throughout most of the agricultural field, which encompasses the majority of the Project Area, the ground surface was moderately visible. Areas where surface visibility was completely obscured occurred in the road and along the fence line where vegetation was dense.

### Discussion

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

A review of historic aerial images showed that the Project Area landscape has remained seemingly unchanged throughout recent history and the Phase I survey did not identify an historic-era structures in the Project Area. Therefore, the project site does not contain, nor is it located near, any historic resources identified in the National Register of Historic Places or California Register of Historic Resources. The project site does not contain a site under the Historic Site (H) combining designation and does not contain other structures of historic age (50 years or older) that could be potentially significant as a historical resource. Therefore, the project would not result in an adverse change in the significance of a historical resources and *impacts would be less than significant*.

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

The Phase I survey failed to identify cultural materials or intact archaeological deposits within the Project Area. During the survey, particular attention was paid to areas where soils were more visible. Existing vegetation did not cover the ground throughout the field. Furthermore, the field had recently been mowed which contributed to surface visibility of the Project Area. The Project Area has been previously disturbed by farming activities, as well as from the development of an unpaved road and the construction of a metal barn and modular portable building. The soils observed were void of any cultural materials.

The records search conducted as part of the Phase I survey identified one archaeological site located within a 1/4 mile of the subject parcel. CA-SLO-2012 is recorded as a precolonial shell and lithic scatter that includes chert flakes and tools, fragments of marine shell (*Tivela*, *Tresus*, and *Saxidomus spp.*), fire-affected quartzite and sandstone cobbles, a hammerstone, and one Olivella shell bead (chipped spire-removed) (Gibson 2000). Additionally, large slabs of shale were also noted on the site record as possibly being used for a former stacked rock feature.

During the pedestrian survey, shale, sandstone, and quartzite cobbles and gravels were observed on the surface. These appeared to have been thermally affected—similar to those described in the site record for the nearby archaeological site (CA-SLO-2012); however, none of the rock specimens in the Project Area showed evidence of human modification (e.g. striking platform, bulb of percussion, battering) beyond that from farming practices, as only plow scars were observed on cobbles. Additionally, chert gravels were observed in the Project Area, but these were also void of any anthropogenic characteristics and appear to be natural. Furthermore, boulder-sized slabs of shale were identified throughout the Project Area, and these are also naturally occurring. Large outcrops of shale are visible in the surrounding areas. The Project Area is within a quaternary alluvium and marine deposit, which indicates the observed gravels, cobbles, and boulders are a natural occurrence (USDA 2018). While the materials observed during the survey are similar to those described in the site record for CA-SLO-2012, none of the specimens in the Project Area showed any anthropogenic characteristics and are present as a result of natural processes.

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Based on the Phase I survey, the project is not expected to adversely impact cultural resources because:

- No significant resources were discovered;
- The area of disturbance has been subject to irrigated cultivation for many decades.
- The area of disturbance is located over 420 feet from the ephemeral drainage that crosses the project site;
- AB 52 consultation outreach was conducted for this project, and no tribal cultural resources were identified.

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

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

Based on existing conditions, and the absence of resources revealed by the Phase I survey, buried human remains are not expected to be present in the area of disturbance. In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code Section 7050.5 and LUO 22.10.040 (Archaeological Resources) require that no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. With adherence to State Health and Safety Code Section 7050.5 and County LUO, impacts related to the unanticipated disturbance of archaeological resources and human remains would be reduced to less than significant; therefore, potential impacts would be *less than significant*.

### Conclusion

The Phase I study of the Project Area revealed no evidence of intact precolonial or historic-era archaeological deposits on the surface. Soil surface visibility was fair due to the recent clearing of vegetation. The Project Area includes an agricultural field and contained materials similarly as those described in the site record for a nearby archaeological site, CA-SLO-2012; however, the observed materials were void of any anthropogenic characteristics beyond plow scars and all appeared natural.

No significant impacts to archaeological or historical resources are expected, and no mitigation measures beyond compliance with the LUO are necessary to mitigate for the unlikely discovery of archaeological, historic, prehistoric, or human burials. 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.

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### *Mitigation*

None are required.

### *Sources*

See Exhibit A.



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### VI. ENERGY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### Setting

The Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within San Luis Obispo County. Approximately 39% of electricity provided by PG&E is sourced from renewable resources and an additional 47% is sourced from non-renewable GHG-free resources (PG&E 2019).

PG&E offers two programs through which consumers may purchase electricity from renewable sources: the Solar Choice program and the Regional Renewable Choice program. Under the Solar Choice program, a customer remains on their existing electric rate plan and pays a modest additional fee on a per kilowatt-hour (kWh) basis for clean solar power. The fee depends on the type of service, rate plan, and enrollment level. Customers may choose to have 50% or 100% of their monthly electricity usage to be generated via solar projects. The Regional Renewable Choice program enables customers to subscribe to renewable energy from a specific community-based project within PG&E's service territory. The Regional Renewable Choice program allows a customer to purchase between 25% and 100% of their annual usage from renewable sources.

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

#### Local Energy Plans and Policies

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

#### State Building Code Requirements

The California Building Code (CBC) contains standards that regulate the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or

## Initial Study – Environmental Checklist

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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 used for cultivation activities) are typically not regulated by these standards.

### *Vehicle Fuel Economy Standards*

In October 2012, the U.S. Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA), on behalf of the Department of Transportation, issued final rules to further reduce GHG emissions and improve corporate average fuel economy (CAFE) standards for light duty vehicles for model years 2017 and beyond. NHTSA's CAFE standards have been enacted under the Energy Policy and Conservation Act since 1978. This national program requires automobile manufacturers to build a single light-duty national fleet that meets all requirements under both federal programs and the standards of California and other states. This program would increase fuel economy to the equivalent of 54.5 miles per gallon (mpg) limiting vehicle emissions to 163 grams of carbon dioxide (CO<sub>2</sub>) per mile for the fleet of cars and light-duty trucks by the model year 2025.

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

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

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

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global warming gases and 75 percent fewer smog-forming emissions than the statewide fleet in 2016 (CARB 2016).

All self-propelled off-road diesel vehicles 25 horsepower (hp) or greater used in California and most two-engine vehicles (except on-road two-engine sweepers) are subject to the CARB's Regulation for In-Use Off-Road Diesel Fueled Fleets (Off-Road regulation). This includes vehicles that are rented or leased (rental or leased fleets). The overall purpose of the Off-Road regulation is to reduce emissions of oxides of nitrogen (NO<sub>x</sub>) and particulate matter (PM) from off-road diesel vehicles operating within California through the implementation of standards including, but not limited to, limits on idling, reporting and labeling of off-road vehicles, limitations on use of old engines, and performance requirements.

### *Energy Use in Cannabis Operations*

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

The total energy demand of a cannabis operation depends heavily on the type of cultivation, manufacturing, location of the project, and the types of equipment required. Outdoor cultivation involves minimal equipment and has relatively low energy demands, while indoor cultivation involves more equipment that tends to have much higher energy demands (e.g., high-intensity light fixtures, climate control systems) (County of Santa Barbara 2017). Specific energy uses for indoor grow operations include high-intensity lighting, dehumidification to remove water vapor and avoid mold formation, space heating or cooling during non-illuminated periods and drying processes, preheating of irrigation water, generation of carbon dioxide (CO<sub>2</sub>) 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 incorporate a range of 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 the use of on-site solar arrays. However, many other operations within the County have been observed to engage in activities that are highly inefficient and may result in the wasteful use of energy resources. Such operations may include the use of old equipment, highly inefficient light systems (e.g., incandescent bulbs), reliance on multiple diesel generators, and other similar inefficiencies (County of Santa Barbara 2017).

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### Discussion

- (a) *Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*
- (b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

Construction-related 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 Impacts.

Electricity and Natural Gas. The project's operational electricity needs would be met by a connection to existing PG&E infrastructure. Current energy demand associated with the project site is estimated in Table 11.

**Table 11 -- Estimated Existing Electricity Demand**

Use	Quantity	Demand Factor	Total Demand (kWhr/year)
Single Family Dwellings	2	18,000 kWhr/year <sup>1</sup>	36,000
Accessory Buildings <sup>2</sup>	2,995 sq.ft.	5.35 kWhr/sq/ft/year <sup>3</sup>	16,023
<b>Total:</b>			<b>52,023</b>

Sources:

1. Southern California Edison 2007; 6,000 kWhr/year electricity + 12,000 kWhr/sq.ft. natural gas equivalent.
2. To be removed as part of project.
3. Itron, Inc. March 2006; 4.45 kWhr/sq.ft. year electricity + 0.90 kWhr/sq.ft. natural gas equivalent.

The CBC 2019 Building Energy Efficiency Standards include mandatory energy efficiency standards. U-occupancy structures, such as greenhouses used for nursery cultivation activities, are exempt from CBC standards and therefore would not be subject to state-mandated energy efficiency design requirements or practices. As a result, these uses have the potential to result in wasteful, inefficient, or unnecessary energy consumption.

Proposed indoor cannabis cultivation activities would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during operation if it utilizes significantly more energy (greater than 20%) than a typical commercial building of the same size. Based on a study prepared for the California Energy Commission by Itron, Inc. (March 2006), commercial buildings utilize an average of 21.25 kWh per square foot (kWh/sf) annually (13.63 kWh from electricity and 7.62 kWh from natural gas). Therefore, a project that

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generates more than 25.5 kWh per square foot per year of energy demand is considered to have energy use that is wasteful, inefficient and unnecessary.

To determine whether a project has the potential to exceed this threshold, the County applies energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form (County of Santa Barbara 2018 which contains energy demand factors for different types of cannabis related activities. For mixed-light indoor cultivation (in a greenhouse), the form assumes an energy demand of 110 kWh/sf of building floor area annually.

The project includes 20,412 sq.ft. of indoor mixed-light cultivation and 5,103 sq.ft. of indoor ancillary nursery floor area. A preliminary estimate of the project's energy demand, based on the energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form ([County of Santa Barbara 2018](#)), is provided in Table 12.

As shown in Table 12, it is expected the project's mixed-light indoor cultivation activities could potentially use up to 4171% more energy than a typical non-cannabis commercial building of the same square footage. This amount of energy use would potentially be wasteful and inefficient when compared to similar sized buildings implementing energy efficiency measures and, depending on the project's proposed energy sources.

**Table 12 -- Projected Operational Energy Use**

Project Component	Size (sf)	Rate (kWh/year-sf)	Projected Energy (kWh/year)
Typical Commercial Building of Comparable Size	25,515	21.25	542,194
Indoor Mixed-light Cultivation And Ancillary Nursery		110	2,806,650
Percent In Excess of Typical Commercial Building			417%

Sources:

1. Itron, Inc. March 2006. Average energy demand of commercial businesses. Includes 13.63 kWh from electricity and 7.62 kWh from natural gas.
2. Santa Barbara County Cannabis Energy Conservation Plan Electricity Use Calculation Form 2018.

Mitigation Measures ENG-1 and ENG-2 are recommended which would reduce the project's individual and cumulative impacts associated with wasteful and inefficient energy use to a less than significant level through the preparation and implementation of an Energy Conservation Plan which would identify measures to be incorporated into the project to reduce or offset project energy demand that exceeds the demand associated with a typical commercial building of comparable floor area. ENG-1 requires the applicant to implement one or more of the measures identified in the Energy Conservation Plan until the project's energy demand is reduced and/or offset to within 20% of the energy use of a typical commercial building of the same size (650,632 kWh/year). This may be accomplished by enrollment in one of PG&E's renewable energy programs such as Solar Choice and Regional Renewable Choice. Under the Solar Choice Program, a customer may purchase electricity from a pool of solar generating projects within the PG&E service area. A customer may enroll by phone or by way of the internet. As of the date of this MND, there are a total of six dedicated solar



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generation facilities in this program with a combined generating capacity of 50.25 megawatts, plus one additional 1.5 MW facility under development.

Under the Regional Renewable Program a customer may purchase up to 100% of energy demand from a specific renewable energy provider within the PG&E service area. As of the date of this MND, there are five renewable energy providers within the PG&E service area. As with the Solar Choice Program, a customer may enroll by phone or by the internet.

The applicant may also choose to pursue other strategies identified in the Energy Conservation Plan such as the retrofit of existing structures with energy saving features, sourcing project energy from other renewable/sustainable energy sources, or other strategies or programs that effectively reduce or offset energy use and/or increase the project utilization of sustainable, GHG-free energy sources.

Therefore, upon implementation of identified mitigation measures, project impacts associated with energy use would be reduced to a *less than significant level and would be less than cumulatively considerable*.

*Fuel Use.* Construction activities will result in fuel use for worker and delivery trips and the operation of construction equipment. Ongoing operation of the project would result in fuel use associated with employee motor vehicle trips and deliveries. The project would employ up to 11 employees (8 full-time and 3 seasonal). All vehicles used by employees and deliveries during operation would be subject to applicable state and federal fuel economy standards and State-mandated smog inspections. Based on adherence to applicable state and federal vehicle fuel regulations and the size and scope of proposed activities, project fuel use would not result in a potentially significant environmental impact and would not be wasteful, inefficient, or unnecessary.

Therefore, potential impacts associated with potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources and potential conflict with state or local plans regarding renewable energy or energy efficiency would be *less than significant with mitigation incorporated*.

### Conclusion

The project would result in a potentially significant energy demand during long-term operations and would potentially conflict with state or local renewable energy or energy efficiency plans. Compliance with the provisions of Code of Regulations together with recommended mitigation measures ENG-1 and ENG-2 will reduce potential impacts to *less than significant with mitigation*. In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8305 relating to Renewable Energy Requirements:

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

### Mitigation

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

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

- a. A detailed inventory of energy demand prepared by a Certified Energy Analyst. The inventory shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities including, but not limited to, lighting, odor management, processing, manufacturing and climate control equipment. The quantification of demand associated with electricity shall be expressed in total kilowatt hours (kWh) per year; demand associated with natural gas shall be converted to kWh per year.
- b. A program for providing a reduction or offset of all energy demand that is 20% or more than a generic commercial building of the same size. . In this case, the estimated reduction or offset would be at least:  $2,806,650 \text{ kWh/yr} - 650,632 \text{ kWh/yr} = 2,156,018 \text{ kWh/yr}$ ; and the amount of energy not otherwise reduced or offset must not exceed 650,632 kWh/yr. Such a program (or programs) may include, but is not limited to, the following:
  - i. Evidence that the project will permanently source project energy demands from renewable energy sources (i.e. solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.
  - ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include, but is not limited to, the following:
    1. Participating in an annual energy audit.
    2. Upgrading and maintaining efficient heating/ cooling/ dehumidification systems.
    3. Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
    4. Implementing automated lighting systems.
    5. Utilizing natural light when possible.
    6. Utilizing an efficient circulation system.
    7. Ensuring that energy use is below or in-line with industry benchmarks.
    8. Implementing phase-out plans for the replacement of inefficient equipment.
    9. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.
  - iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]
  - iv. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of the project energy demand that is 20% or more above a generic commercial building of the same size.

**ENG-2. At time of quarterly monitoring inspection,** the applicant shall provide to the Department of Planning and Building for review, a current energy use statement from the service provider (e.g. PG&E) that documents energy use to date for the year. The applicant shall demonstrate continued

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compliance with ENG-1 (e.g. providing a current PG&E statement or contract showing continuous enrollment in the Solar Choice program or Regional Renewable Choice program).

### *Sources*

See Exhibit A.

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### VII. GEOLOGY AND SOILS

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

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Setting

The project site is located on relatively flat to gently rolling topography on the east side of the Nipomo Valley. Soils of the project site are described in Section II. Agricultural Resources.

The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) is a California state law that was developed to regulate development near active faults and mitigate the surface fault rupture potential and other hazards. The Alquist-Priolo Act identifies active earthquake fault zones and restricts the construction of habitable structures over known active or potentially active faults. San Luis Obispo County is located in a geologically complex and seismically active region. The Safety Element of the County of San Luis Obispo General Plan identifies three active faults that traverse through the county and are currently zoned under the Alquist-Priolo Act: the San Andreas, the Hosgri-San Simeon, and the Los Osos.

The project site is not located within the Geologic Study Area designation and is not within a high liquefaction area. The Setting in Section II., Agricultural Resources, describes the soil types and characteristics on the project site. The site's potential for liquefaction hazard is considered low to moderate. The project site is not located in an Alquist Priolo Fault Zone, and no active fault lines cross the project site (CGS 2018). Prior to the issuance of a building permit, the site may be subject to the preparation of a geological report per the County's Land Use Ordinance (LUO section 22.14.070 (c)) to evaluate the area's geological stability and to inform the design of building foundations.

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 project site is underlain by fluvial deposits of poorly sorted sand, silt and gravel preserved above active flood plains, fans, and channels. Clasts predominantly of Monterey and occasional Franciscan Complex lithologies.

**DRAINAGE** – The project site is not located within a 100-year flood hazard area. Drainage, sedimentation and erosion control plans are required for all construction and grading projects (LUO Sec. 22.52.100 and 22.52.110) to minimize drainage impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts.

**SEDIMENTATION AND EROSION** – Soil type, amount of disturbance and slopes are key aspects to analyzing potential sedimentation and erosion issues. When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Section 22.52.120) to minimize these 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 the local agency who manages compliance with this program.



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### Discussion

- (a) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*
- (a-i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*
  - (a-ii) *Strong seismic ground shaking?*
  - (a-iii) *Seismic-related ground failure, including liquefaction?*
  - (a-iv) *Landslides?*

The project site is not within a Geologic Study area designation and exhibits a low potential for liquefaction; landslide risk is considered moderate but slopes on the project site and surrounding properties are gently-sloping.

The Santa Maria Fault passes about one-quarter mile to the west of the project site. This fault extends roughly north-south along the floor of the Nipomo Valley and is considered potentially active.

Groundshaking refers to the motion that occurs in response to local and regional earthquakes. Seismic groundshaking is influenced by the proximity of the site to an earthquake fault, the intensity of the seismic event, and the underlying soil composition. The project would be required to comply with the California Building Code and other applicable standards to ensure the effects of a potential seismic event would be minimized through compliance with current engineering practices and techniques. The project does not include unique components that would be particularly sensitive to seismic ground shaking or result in an increased risk of injury or damage as a result of ground shaking. Implementation of the project would not expose people or structures to significant increased risks associated with seismic ground shaking; therefore, impacts would be *less than significant*.

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

The project will result in an area of disturbance of about 2.04 acres for the construction of 33,768 sq.ft. of new buildings and will require about 1,288 cubic yards of cut and 956 fill that will be distributed on site.

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. In addition, the project would be subject to Regional Water Quality Control Board (RWQCB) requirements for preparation of a Storm Water Pollution Prevention Plan (SWPPP) (LUO Section 22.52.130), which may include the preparation of a Storm Water Control Plan to further minimize on-site erosion. Upon implementation of the above control measures, impacts related to soil erosion would be *less than significant*.

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- (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?*

Based on the Safety Element Landslide Hazards Map, the project site is not located in an area with high landslide risk. Based on the Safety Element and U.S. Geological Survey (USGS) data, the project is not located in an area of historical or current land subsidence (USGS 2019) and is located in an area with low potential for liquefaction risk. Due to the distance to the nearest active fault zone and topography of the project site, lateral spreading is not likely to occur on-site.

Soils associated with the project site are described in Section II., 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?*

The project site is underlain by the following soil units: Cropley clay, 2-9% slopes, and Diablo clay, 5 – 9% slopes. Both complexes have high shrink-swell potential (USDA 2019). All new construction will be required to comply with applicable California Building Code standards designed to reduce potential risks associated with expansive soils. Therefore, potential impacts associated with expansive soil would be less than significant.

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

Existing development on the project site is served by a septic system that was installed without required permits. As part of this project, the septic system will be upgraded as necessary to meet current waste disposal regulations. Portable restrooms will be located next to the greenhouses for staff. Additional restrooms (ADA compliant) will be added to the manufacturing building and connected to the existing septic system once it has been permitted.

According to the NRCS Web Soil Survey, soils of the project site presents significant limitations for the use of septic leach fields relating to slow water movement and depth to bedrock. Accordingly, in order to meet current wastewater disposal standards, the existing septic leach field may need to be replaced and redesigned. However, the project site contains ample area surrounding the existing leach field if it needs to be expanded and redesigned. Therefore, the project will have a *less than significant impact* regarding wastewater disposal.

Therefore, potential impacts associated with having soils incapable of adequately supporting the use of septic tanks would be *less than significant*.

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

The project site does not contain any unique rock outcroppings or other unique geologic features. The project site is underlain by marine and nonmarine (continental) sedimentary rocks (Pleistocene) - Older alluvium, lake, playa, and terrace deposits. This type of underlying geologic material is considered to have low to high paleontological sensitivity with sensitivity increasing with depth past

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surface soils, approximately 3 to 5 feet (County of Monterey 2014, SWCA Environmental Consultants 2019).

Based on the project description, the project site has been continuously tilled and cultivated for many years which significantly reduces the likelihood of paleontological resources being discovered. The project will not require extensive grading that would impact previously undiscovered paleontological resources. Potential impacts to paleontological resources would be *less than significant*.

### *Conclusion*

The project is not expected to result in a significant impact relating to geology and soils.

### *Mitigation*

No mitigation measures are required.

### *Sources*

See Exhibit A.

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### VIII. GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### Setting

Greenhouse gasses (GHGs) are any gases that absorb infrared radiation in the atmosphere. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), and fluorinated gases. These are most commonly emitted through the burning of fossil fuels (oil, natural gas, and coal), agricultural practices, decay of organic waste in landfills, and a variety of other chemical reactions and industrial processes (e.g., the manufacturing of cement). Carbon dioxide (CO<sub>2</sub>) is the most abundant GHG and is estimated to represent approximately 80–90% of the principal GHGs that are currently affecting the earth's climate. According to the California Air Resources Board (CARB), transportation (vehicle exhaust) and electricity generation are the main sources of GHGs in the state.

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

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

- Reduce GHG emissions to 1990 levels by 2020;
- Reduce GHG emissions to 40% below 1990 levels by 2030;
- Reduce GHG emissions to 80% below 1990 levels by 2050.

The initial Scoping Plan was first approved by CARB on December 11, 2008, and is updated every 5 years. The first update of the Scoping Plan was approved by the CARB on May 22, 2014, which looked past 2020 to set mid-term goals (2030–2035) toward reaching the 2050 goals. The most recent update released by CARB is the 2017 Climate Change Scoping Plan, which was released in November 2017. The 2017 Climate Change

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Scoping Plan incorporates strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05.

When assessing the significance of potential impacts for CEQA compliance, an individual project's GHG emissions will generally not result in direct significant impacts because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation. Accordingly, in March 2012, the SLOAPCD approved thresholds for GHG impacts which were incorporated into their 2012 CEQA Air Quality Handbook. The Handbook recommended applying a 1,150 MTCO<sub>2e</sub> per year Bright Line Threshold for commercial and residential projects and included a list of general land uses and estimated sizes or capacities of uses expected to exceed this threshold. According to the SLOAPCD, this threshold was based on a 'gap analysis' and was used for CEQA compliance evaluations to demonstrate consistency with the state's GHG emission reduction goals associated with AB32 and the 2008 Climate Change Scoping Plan which have a target year of 2020. However, in 2015, the California Supreme Court issued an opinion in the case of *Center for Biological Diversity vs California Department of Fish and Wildlife* ("Newhall Ranch") that determined that AB 32 based thresholds derived from a gap analysis are invalid for projects with a planning horizon beyond 2020. Since the bright-line and service population GHG thresholds in the Handbook are AB 32 based, and project horizons are now beyond 2020, the SLOAPCD no longer recommends the use of these thresholds in CEQA evaluations. Instead, the following threshold options are recommended for consideration by the lead agency:

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

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

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



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should be noted that the 1,150 MTCO<sub>2</sub>e per year Bright Line Threshold was based on the assumption that a project with the potential to emit less than 1,150 MTCO<sub>2</sub>e per year would result in impacts that are less than significant and less than cumulatively considerable impact and would be consistent with state and local GHG reduction goals.

Since SB 32 requires the state to reduce GHG levels by 40 percent below 1990 levels by the year 2030, the application of an interim “bright line” SB32-based working threshold that is 40 percent below the 1,150 MMTCO<sub>2</sub>e Bright Line threshold ( $1,150 \times 0.6 = 690$  MMTCO<sub>2</sub>e) would be expected to produce comparable GHG reductions consistent with the targets established by SB32. Therefore, for the purpose of evaluating the significance of GHG

**Table 13 -- Projected Project GHG Emissions Without Mitigation**

Project Component	Quantity	Emissions Rate (Annual MTCO <sub>2</sub> e/sf)		Estimated Projected Annual CO <sub>2</sub> Emissions (MT/year) Without Mitigation
		Construction <sup>1</sup>	Operation	
Existing single family residences	2 dwellings	n/a	4.2 <sup>3</sup>	8.40
Ag Accessory Bldg. and Modular Office	2,995 sq.ft.	n/a	0.0069	20.66
<b>Total Existing:</b>				<b>29.06</b>
Indoor mixed-light cultivation and nursery greenhouses	25,515 sq.ft.	0.0022	0.036 <sup>2</sup>	974.67
Ancillary Processing	1,630 sq.ft.	0.0022	0.01	22.49
Manufacturing	772 sq.ft.	0.0022	0.01	10.56
<b>Net Change (Increase)</b>				<b>1,007.82</b>

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

Notes:

1. Total construction related GHG emissions divided by the floor area of a typical indoor cannabis cultivation building (22,000 sq.ft.). Assumes 34 total construction days including site preparation, grading and building construction, 13 vehicle miles travelled per construction day for workers and 1,000 cubic yards of cut and fill.
2. Total operational emissions based on an energy use factor of 110 kWhr/sq.ft./year and energy provided by Pacific Gas and Electric Co.
3. Based on 18,000 kWhr/household/year.

**Table 14 – Project GHG Emissions With Mitigation**

Project Component	Quantity	Emissions Rate (Annual MTCO <sub>2</sub> e/sf)		Estimated Projected Annual CO <sub>2</sub> Emissions (MT/year) Without Mitigation
		Construction <sup>1</sup>	Operation	
Existing single family residences	2 dwellings	n/a	4.2 <sup>3</sup>	8.40

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Ag Accessory Bldg. and Modular Office	2,995 sq.ft.	n/a	0.0069	20.66
<b>Total Existing:</b>				<b>29.06</b>
Indoor cultivation and nursery greenhouses	25,515 sq.ft.	0.0022	0.0116 <sup>2</sup>	352.10
Ancillary Processing	1,630 sq.ft.	0.0022	0.0116	22.49
Manufacturing	772 sq.ft.	0.0022	0.0116	10.65
<b>Net Change (Increase)</b>				<b>385.25</b>

### Notes:

1. Total construction related GHG emissions divided by the floor area of a typical indoor cannabis cultivation building (22,000 sq.ft.). Assumes 34 total construction days including site preparation, grading and building construction, 13 vehicle miles travelled per construction day for workers and 1,000 cubic yards of cut and fill.
2. Total operational emissions based on an energy demand of 650,632 kWhr/year (See Section VI. Energy) and energy provided by Pacific Gas and Electric Co. Emission factor derived from CalEEMOD and includes emissions associated with energy use, vehicle miles traveled and water use.
3. Based on 18,000 kWhr/household/year.

emissions for a project after 2020, a project estimated to generate less than 690 MMTCO<sub>2</sub>e per year GHG is assumed to have a less than significant impact that is less than cumulatively considerable and consistent with state and local GHG reduction goals.

### Discussion

- (a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*
- (b) *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

(a-b) Energy inefficiency contributes to higher GHG emissions and would conflict with state and local plans for energy efficiency, including the policies of the COSE, the EWP goals, and the 2001 SLOAPCD CAP. The California Energy Emissions Model (CalEEMod) was used to determine the approximate GHG emissions per square foot associated with construction and operation of an indoor cultivation operation based on an energy use factor of 110 kWh/sf per year. These emission factors were then multiplied by the total floor area of the building proposed for indoor cultivation and ancillary nursery to estimate the project's construction-related and annual operational carbon dioxide equivalent emissions in metric tons (MTCO<sub>2</sub>e; Table 13).

Table 14 provides an estimate of GHG emissions that accounts for the reduction/offset of estimated energy demand associated with implementation of mitigation measure ENG-1 in Section VI. Energy. This measure requires the project to reduce or offset estimated energy demand to within 20% of the demand associated with a typical commercial building of comparable floor area, which in this case is 650,632 kWhr/year.

As shown in Table 14, implementation of the energy conservation measures identified in ENG-1 will reduce project-related GHG emissions to about 385 MTCO<sub>2</sub>e which is below the working threshold of 690 MTCO<sub>2</sub>e. Accordingly, with mitigation project GHG emissions will be consistent with the reduction targets set forth by SB32. In addition, project-related GHG emissions are largely associated with the production of electricity and all electrical utilities in California will be subject to ongoing State-mandated GHG reduction requirements.

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Therefore, potential impacts associated with GHG emissions and applicable plans and policies adopted for the purpose of reducing GHG emissions would be *less than significant with mitigation*.

### Conclusion

The project would result in potentially significant GHG emissions during long-term operations and would potentially conflict with plans adopted to reduce GHG emissions. Compliance with the provisions of the Code of Regulations together with recommended mitigation measures ENG-1 and ENG-2 will reduce impacts associated with GHG emissions to less than significant.

### Mitigation

Implement ENG-1 and ENG-2.

### Sources

See Exhibit A.

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### IX. HAZARDS AND HAZARDOUS MATERIALS

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

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### *Setting*

The Hazardous Waste and Substances Site List (Cortese List), which is a list of hazardous materials sites compiled pursuant to California Government Code (CGC) Section 65962.5, is a planning document used by the state, local agencies, and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. To comply with Government Code Section 65962.5 (known as the “Cortese List”) the following databases/lists were checked in March 2020 for potential hazardous waste or substances occurring at the project site:

- 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” Cease and Desist Orders (CDO) and Cleanup and Abatement Orders (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 project would not be located in an area of known hazardous material contamination and is not on a site listed on the Cortese List (State Water Resources Control Board [SWRCB] 2015; California Department of Toxic Substance Control [DTSC] 2019).

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

The California Health and Safety Code provides regulations pertaining to the abatement of fire-related hazards and requires that local jurisdictions enforce the CBC, which provides standards for fire resistive building and roofing materials, and other fire-related construction methods. The Safety Element of the County of San Luis Obispo General Plan provides a Fire Hazard Zones Map that indicates unincorporated areas in the county within moderate, high, and very high fire hazard severity zones. The project would be located within the State Responsibility Area in a high fire hazard severity zone. Based on CAL FIRE’s referral response letter, it would take approximately 5-10 minutes to respond to a call regarding fire or life safety. For more information about fire-related hazards and risk assessment, see Section XX, Wildfire.

According to CalFire’s San Luis Obispo County Fire Hazard Severity Zone map, the project site is in a State Responsibility Area for fire service, and within a ‘moderate’ fire severity risk area. The closest fire station to the project site is CalFire Station 20 in Nipomo, which is approximately two miles southwest. According to the General Plan Safety Element Emergency Response Map, the average emergency response time to the project site is 5 – 10 minutes (San Luis Obispo County 1999).

The project is not within an Airport Review Area. The closest airport to the site is the Oceano Airport which is located approximately 8 miles to the northwest. The schools nearest the project site are located within the community of Nipomo, approximately 2 miles to the west.



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### 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 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 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; and
- Proper storage of incompatible, ignitable and/or reactive wastes.

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. As described in the application materials, the following products will be used for soil and pest control: 0-0-50 sulfate of potash, 1-0-1 Cal-mag, 14-0-0 growers secret nitrogen, algamin, blood meal, bloom-bat guano, calcium mainstay, dipel, forge, gnatrol WDG, Grandevo, H2H 3-2-1 Grow, humega humic acid, liquid potassium, metalosate multiminerall, mycotrol, mykos, natures nectar 0-0-5 potassium, natures nectar 0-4-0 phosphorus, Nu-film P, Omni, Silwet, SS SCl suncor soil, trilogy, and worm castings. Totals will only be what is necessary for the upcoming grow cycles, stored on shelves within secondary containment. All staff will be properly trained on the handling practices of chemicals used for the cultivation and what to do in the event of unintended exposure.

In addition, 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. Products used onsite will be stored in small containers within spill containment bins.

The project will also involve the manufacturing of products grown on site. The manufacturing process will employ a CO<sub>2</sub> extraction system in which pressurized carbon dioxide is used to extract

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waxes, cannabinoids, and terpenes from cannabis plants. The resulting oils will be bottled and transported offsite for sale.

The project would be required to comply with all applicable CAL FIRE requirements as detailed in the referral response letter of May 2, 2018, (Dell Wells, Fire Captain), including, but not limited to, preparation of a fire safety plan and compliance with relevant provisions of the California Fire Code with respect to manufacturing equipment (HAZ-3). Compliance with the UC and the recommendations of CalFIRE will ensure that potential impacts associated with hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials would be *less than significant*.

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

Oils, gasoline, lubricants, fuels, and other potentially hazardous substances would be used and temporarily stored onsite during construction activities. A spill or leak of these materials under accident conditions during construction activities could create a potentially significant hazard to the surrounding environment. Mitigation measures HAZ-1 and HAZ-2 have been recommended to reduce potential impacts associated with upset or accident conditions during project construction.

Proposed indoor cultivation activities would include the use, and storage of pesticides and fertilizers on-site. These materials are not considered highly toxic or hazardous, but could result in a hazard if upset or spilled under accident conditions. Storage, refilling, use, and dispensing procedures of these materials would be required to be conducted in accordance with the California Fire Code and the project Storage and Hazard Response Plan during operation, and would therefore not have the potential to create a significant hazard through upset or accident conditions.

Through required compliance with these standards, potential operational hazards would be effectively minimized. Therefore, potential impacts associated with hazards to the public or the environment through reasonably foreseeable upset or accident conditions would be *less than significant with mitigation*.

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

Based on the project description, the project is not located within one-quarter mile of a 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?*

Based on the California DTSC's Envirostor and SWRCB's GeoTracker, the proposed project site is not listed on or located in close proximity to a site listed on the Cortese List, which is a list of hazardous materials sites compiled pursuant to CGC Section 65962.5; therefore, *no impacts would occur*.

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

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

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

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

The project is located within a State Responsibility Area but is not located within a “very high” severity risk area which could present a significant fire safety risk. The proposed project was reviewed by CalFire. Per the letter from CalFIRE of May 2, 2018, (Dell Wells, Fire Captain), the applicant will be required to prepare a fire safety plan for review and approval prior to occupancy.

### Conclusion

The project was referred to the Environmental Health Department for review and comment. Their response letter of April 23, 2019 (Kealoha Ghilia) states that the project will be required to submit a Hazardous Materials Flow Chart prior to operation.

The project includes the use of potentially hazardous materials during construction and operation. Mitigation measures have been identified below to reduce potential impacts associated with routine transport, use, and disposal of these materials, as well as potential hazards associated with upset and accident conditions and wildland fire risk. Upon implementation of measures HAZ-1, HAZ-2 and HAZ-3, potential impacts associated with hazards and hazardous materials would be *less than significant with mitigation*.

In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Sections 8304 (f) and 8307 (b) require compliance with Department of Pesticide Regulations.

### Mitigation

**HAZ-1 Equipment Maintenance and Refueling.** During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

**HAZ-2 Spill Response Protocol.** During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.

## Initial Study – Environmental Checklist

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**HAZ-3 Fire Protection Engineer (FPE) Inspection.** Prior to final occupancy, a Registered Fire Protection Engineer (FPE) shall review all manufacturing equipment including the carbon dioxide extraction system and all hazardous material storage areas to confirm compliance with all applicable CAL FIRE regulations including, but not limited to, California Fire Code Chapter 38 – System Equipment and Safety Systems.

### *Sources*

See Exhibit A.

## Initial Study – Environmental Checklist

### X. HYDROLOGY AND WATER QUALITY

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



## Initial Study – Environmental Checklist

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### *Setting*

The RWQCB's Water Quality Control Plan for the Central Coast Basin (Basin Plan; RWQCB 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 RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose discharges can affect water quality.

Cannabis cultivators that plan to divert surface water need a water right to irrigate cannabis. The SWRCB Cannabis Policy requires cannabis cultivators to forbear (or cease) from diverting surface water during the dry season, which starts April 1 and ends October 31 of each calendar year. This means that water must be diverted during the wet season and stored for use during the dry season. Water is required to be stored off-stream. The Cannabis Small Irrigation Use Registration (SIUR) is a streamlined option to obtain a small appropriative water right (less than 6.6 acre-feet per year) to divert and store surface water to irrigate commercial cannabis crops.

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

Per the County's Stormwater Program, the County Department of Public Works is responsible for ensuring that new construction sites implement Best Management Practices (BMPs) during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1 acre or more must obtain coverage under the SWRCB's Construction General Permit. The Construction General Permit requires the preparation of a SWPPP to minimize on-site sedimentation and erosion. There are several types of projects that are exempt from preparing a SWPPP, including routine maintenance to existing developments, emergency construction activities, and projects exempted by the SWRCB or RWQCB. Projects that disturb less than 1 acre must implement all required elements within the site's erosion and sediment control plan as required by the LUO.

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

Grading, drainage and sedimentation and erosion control plans are typically required for construction and grading projects (LUO Sec. 22.52.100, 110 and 120). When required, these plans are prepared by a civil engineer to address both temporary and long-term drainage, sedimentation and erosion impacts.

**DRAINAGE** – The project site consists of flat to gently rolling terrain. The areas of disturbance are located in a flat area west of the existing ag accessory building. As discussed in Section III., Biological Resources, the

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project site is crossed by an ephemeral drainage; however, all project-related facilities will be located a minimum of 400 feet from the top of bank of the nearest drainage.

The project site is not located within a 100-year flood hazard area.

**SEDIMENTATION AND EROSION** – Soil type, amount of disturbance and slopes are key aspects to analyzing potential sedimentation and erosion issues. When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.110) to minimize these 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 the local extension who monitors this program.

**WATER DEMAND** – The project site is served by one existing well that has historically served the property for the residential and cultivation activities.

County Land Use Ordinance (LUO) Section 22.40.050 C.1. requires all applications for cannabis cultivation to include 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.

The project site is located on the fringe of the Santa Maria Groundwater Basin (LOS III Basin) but is not located within the basin as determined by the February, 2019 Final Groundwater Basin Boundary Modifications published by the California Department of Water Resources. The project is not located within an Area of Severe Decline. Therefore, no water use offset is required.

The project was referred to the Environmental Health Department for review and comment. Their response letter of April 23, 2019 (Kealoha Ghilia) states that, if the on-site population reaches 25 persons or more the water supply will be required to be permitted as a public water system.

### 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 2.04 acres of disturbance but will not require extensive grading. 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 (David Grimm, April 15, 2019) 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.

All potentially hazardous materials proposed to be used onsite would be stored, refilled, and dispensed on-site in full compliance with applicable County Department of Environmental Health standards. All pesticides would be registered and regulated by federal and state government codes, with the County Agricultural Commissioner being the primary local regulator. Based on the distance

## Initial Study – Environmental Checklist

from the nearest creek or water feature, and compliance with existing County and state water quality, sedimentation, and erosion control standards, the project would not result in a violation of any water quality standards, discharge into surface waters, or otherwise alter surface water quality; therefore, impacts would be *less than significant*.

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

Based on a pump test performed in 2016 (M&W Pumps, Inc., February 2016), the well can produce 15 gallons per minute which is more than sufficient to serve the project. Two 5,000-gallon water tanks will serve the indoor cultivation and one 10,000-gallon water tank will be used for fire suppression.

The project provides the following estimate of existing and projected water demand prepared by the applicant:

**Table 15 – Projected Water Demand**

Use	Water Demand Factor <sup>1</sup>	Canopy/ Floor Area SF	Days/Year	Gallons Per Year	Ace-Feet per Year
Indoor Cultivation	0.1	20,412	365	745,038	2.29
Ancillary Nursery	0.1	5,103	365	186,260	0.57
Employee Use	10 gallons / day	8 employees	365	29,200	0.09
<b>Total Future Demand:</b>				<b>960,498</b>	<b>2.95</b>

Notes:

1. Gallons per square foot per day.

As shown in Table 15, water demand associated with the project is estimated to be 2.95 AFY (an average of about 0.24 acre-feet per acre of cannabis canopy) which is not expected to adversely impact the underlying groundwater basin. According to the 2014 SLO County Integrated Regional Water Management Plan, irrigated row crops in the South Coast Water Planning Area, which includes the Nipomo area, consumed an average of about 2.12 acre-feet per year per acre. Therefore, water demand associated with the proposed cannabis cultivation will be considerably less per acre than the historic cultivation activities associated with the project site.

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 (2.95 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; and/or
- Installation of rainwater catchment systems to reduce demand on groundwater.

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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.

- (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?*

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, 110 and 120. The sedimentation and erosion control must be prepared to minimize the potential for soil erosion, which would be subject to the review and approval of the County Building Division to minimize potential impacts related to erosion, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation.

The project site is not located within a 100-year flood plain and the amount of increased impervious surfaces is not expected to exceed the capacity of stormwater conveyances or increase downslope flooding.

As discussed in Section IV. Biological Resources, mitigation measure BIO-2 requires the implementation of Best Management Practices to protect federal and state water from erosion and sedimentation that may be associated with construction and ongoing operations. Such BMPs may include, but are not limited to, the following:

- Minimize disturbed area and protect natural soil.
- Provide temporary cover for disturbed areas that are not being worked on.
- Divert runoff away from unprotected slopes or loose soils.
- Use mats, geotextiles, and erosion control blankets to protect slopes.
- Control the perimeter with silt fences and fiber rolls.
- Install a sediment basin, check dams, or vegetative buffer strips.
- Roughen the surface of a road with gravel.
- Protect ditches and inlet/outlet from erosion with rock armour.
- Plan and design new roads away from watercourses.
- Design roads to allow for sheet flow and use water bars and rolling dips to break up slope length.
- Inspect roads, slopes, and culverts regularly.

The project would be required to comply with all National Pollution Discharge Elimination System (NPDES) requirements and prepare a SWPPP that incorporates BMPs during construction. Water quality protection measures would include protection of stockpiles, protection of slopes, protection of all disturbed areas, protection of access roads, and perimeter containment measures. Therefore,

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potential impacts associated with erosion and siltation from substantial alteration of the existing on-site drainage pattern would be *less than significant*.

The project would be subject to post-construction stormwater requirements through preparation and implementation of a SWPPP, which would identify appropriate Best Management Practices to capture and treat runoff before it leaves the site. Based on required compliance with applicable state and County drainage and stormwater control regulations, the project's impacts associated with increased surface runoff resulting in exceedance of the capacity of existing or planned drainage systems or provide substantial additional sources of polluted runoff would be *less than significant*.

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

Based on the Safety Element Flood Hazard Map, the project site is not located within a 100-year flood zone (County of San Luis Obispo 2013). Based on the San Luis Obispo County Tsunami Inundation Maps, the project site is not located in an area with potential for inundation by a tsunami (CDOC 2019). The project site is not located within close proximity to a standing body of water with the potential for a seiche to occur. Therefore, the project site has no potential to release pollutants due to project inundation and *no impacts would occur*.

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

The project will be conditioned to comply with relevant provisions of the CCRWQCB Basin Plan.

### Conclusion

The project will result in less than significant impacts associated with water supply, water quality and hydrology. 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 (a) and (b) require 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, and 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;

### Mitigation

No mitigation measures are required.

### Sources

See Exhibit A.



## Initial Study – Environmental Checklist

### XI. LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Setting

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

The Land Use Element (LUE) of the County of San Luis Obispo General Plan provides policies and standards for the management of growth and development in each unincorporated community and rural areas of the county and serves as a reference point and guide for future land use planning studies throughout the county. The LUE identifies strategic growth principles to define and focus the County's proactive planning approach and balance environmental, economic, and social equity concerns. Each strategic growth principle correlates with a set of policies and implementation strategies that define how land will be used and resources protected. The LUE also defines each of the 14 land use designations and identifies standards for land uses based on the designation they are located within. The project parcel and surrounding properties are all within the Agriculture land use designation. The project site is currently developed with an ag accessory buildings and two single family residences.

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

Surrounding uses are identified on Page 2 of the Initial Study. 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, South County Area Plan, SLOAPCD CEQA Handbook, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., County Fire/CAL FIRE for Fire Code, SLOAPCD for Clean Air Plan, etc.).

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The proposed project is subject to the following Planning Area Standard(s) of the South County Area Plan, South County Sub-Area:

- Compliance with Countywide Design Plan when adopted.
- Protection of groundwater recharge areas.
- Public right-of-way dedications.
- Areawide circulation linkages.
- Provision of equestrian, pedestrian and bike paths in new development
- Limitations on use, Nipomo and Santa Maria Valley

### Discussion

(a) *Will the project physically divide an established community?*

The project does not propose project elements or components that would physically divide the site from surrounding areas and uses. The project would be consistent with the general level of development within the project vicinity and would not create, close, or impede any existing public or private roads, or create any other barriers to movement or accessibility within the community. Therefore, the proposed project would not physically divide an established community and *impacts would be less than significant.*

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

The project would be consistent with the property's land use designation and the guidelines and policies for development within the applicable area plan, inland LUO, and the COSE. The project was found to be consistent with standards and policies set forth in the County of San Luis Obispo General Plan, the South County Area Plan, the SLOAPCD Clean Air Plan, and other land use policies for this area. The project would be required to be consistent with standards set forth by County Fire/CAL FIRE and the County Public Works Department.

The project would be required to implement measures to mitigate potential impacts associated with aesthetic resources, air quality, biological resources, energy, hazards and hazardous materials, and transportation; therefore, with mitigation, the project would not conflict with policies or regulations adopted for the purpose of avoiding or mitigating environmental effects and impacts would be *less than significant with mitigation. The project, as it may be conditioned, is consistent with the LUO and with the applicable Planning Area Standards of the South County Area Plan, South County Sub-area.*

### Conclusion

The project, as mitigated and as it may be conditioned, is consistent with relevant adopted plans and policies.

### Mitigation

No additional mitigation measures are required.

### Sources

See Exhibit A.

## Initial Study – Environmental Checklist

### XII. MINERAL RESOURCES

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

#### Setting

The California Surface Mining and Reclamation Act of 1975 (SMARA) requires that the State Geologist classify land into mineral resource zones (MRZ) according to the known or inferred mineral potential of the land (California PRC Sections 2710–2796).

The three MRZs used in the SMARA classification-designation process in the San Luis Obispo-Santa Barbara Production-Consumption Region are defined below (California Geological Survey [CGS] 2015):

**MRZ-1:** Areas where available geologic information indicates that little likelihood exists for the presence of significant mineral resources.

**MRZ-2:** Areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists. This zone shall be applied to known mineral deposits or where well-developed lines of reasoning, based upon economic-geologic principles and adequate data, demonstrate that the likelihood for occurrence of significant mineral deposits is high.

**MRZ-3:** Areas containing known or inferred aggregate resources of undetermined significance.

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

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

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

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Mineral products historically produced in the county have included petroleum, natural gas, mercury, gypsum, sand and gravel, construction stone, and clay.

### Discussion

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

Based on the California Geological Survey (CGS) Information Warehouse for Mineral Land Classification, the project site is not located within an area that has been evaluated for mineral resources and is not in close proximity to an active mine (CGS 2015). In addition, based on Chapter 6 of the County of San Luis Obispo General Plan Conservation and Open Space Element – Mineral Resources, the project site is not located within an extractive resource area or an energy and extractive resource area. The project is not located within a designated mineral resource zone or within an Extractive Resource Area combining designation. There are no known mineral resources in the project area; therefore, impacts would be *less than significant*.

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

The project is not located within a designated mineral resource zone or within an Extractive Resource Area combining designation. There are no known mineral resources in the project area; therefore, *impacts would be less than significant*.

### Conclusion

The project will have no effect on the availability of mineral resources.

### Mitigation

No mitigation measures are required.

### Sources

See Exhibit A.

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### XIII. NOISE

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

#### Setting

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

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

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



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- Outdoor sports and recreation
- Offices

All sound levels referred to in the Noise Element are expressed in A-weighted decibels (dBA). A-weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear.

The project is subject to the County's standards for exterior noise provided in LUO Section 22.10.120 (Table 16). Section 22.10.120 B. sets forth standards that apply to sensitive land uses that include (but are not limited to) residences.

**Table 16 -- Maximum Allowed Exterior Noise Level Standards**

Sound Levels	Daytime 7 a.m. to 10 p.m.	Nighttime <sup>1</sup> 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?*

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

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

Permanent Operational Noise. The project proposes the use of an HVAC and odor management systems that would be a permanent source of stationary noise. Noise associated with the use of wall- or roof-mounted HVAC and odor mitigation equipment associated with the proposed greenhouses and processing/manufacturing building would be expected to generate noise levels of approximately 70 dBA at distance of 5 feet from the source. Noise attenuates (diminishes) at a rate of 6 dB per doubling of distance (OSHA Technical Manual, Section III, Chapter 5). As proposed, the greenhouse buildings will be located at least 119 feet from the southern property line, and approximately 142 feet from the western property line, which would result in HVAC noise generation of approximately 42 dBA and 41 dBA, respectively. The existing ag accessory building to be used for manufacturing and processing is located about 130 feet from the nearest property line. Noise at the property line will be about 42 decibels. Therefore, operation of HVAC and odor management systems would result in a noise levels that fall below the maximum level and average hourly

## Initial Study – Environmental Checklist

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nighttime level allowed by the County's noise standards. Operational noise impacts would be *less than significant*.

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

The project does not propose substantial grading/earthmoving activities, pile driving, or other high impact activities that would generate substantial groundborne noise or groundborne vibration during construction. Construction equipment has the potential to generate minor groundborne noise and/or vibration, but these activities would be limited in duration and are not likely to be perceptible from adjacent areas. The project does not propose a use that would generate long-term operational groundborne noise or vibration. Therefore, impacts related to exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels would be *less than significant*.

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

The nearest airstrip in proximity to the project site is Oceano Airport located approximately 8 miles to the northwest. The project site is not located within an Airport Review designation or adjacent to a private airstrip. The project site is not located within or adjacent to an airport land use plan or within 2 miles of a public airport or private airstrip; therefore, *no impact would occur*.

### Conclusion

Short-term construction activities would be limited in nature and duration and conducted during daytime periods per LUO standards. The project is not expected to exceed the nighttime peak and hourly average equivalent noise level standards set forth in the LUO. No other potentially significant impacts were identified, and no mitigation measures are necessary.

### Mitigation

None are required.

### Sources

See Exhibit A.

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### XIV. POPULATION AND HOUSING

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

#### Setting

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

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

The project site is currently developed with two single-family residences which would not be impacted by implementation of the project.

#### Discussion

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

The project proposes cannabis activities within a rural area and would employ up to 8 full-time employees. Workers would likely be sourced from the local labor pool and would not require new or additional housing as a result of the proposed project. The project would not generate a substantial number of new employment opportunities that would encourage population growth in the area. The project does not include the extension or establishment of roads, utilities, or other infrastructure that would induce development and population growth in new areas. In addition, the project would be subject to inclusionary housing fees to offset any potential

## Initial Study – Environmental Checklist

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increased need for housing in the area. Therefore, the project would not directly or indirectly induce substantial growth and impacts would be *less than significant*.

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

The project would not displace existing housing or necessitate the construction of replacement housing elsewhere; therefore, impacts would be *less than significant*.

### *Conclusion*

No significant population and housing impacts would occur as a result of the proposed project.

### *Mitigation*

None are required.

### *Sources*

See Exhibit A.

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### XV. PUBLIC SERVICES

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

#### Setting

**Fire Protection.** Fire protection and emergency medical services are provided by County Fire/Cal Fire. The Nipomo Fire Station (Station 20), located at 450 Pioneer Street serves Nipomo and nearby areas beyond the Urban Reserve Line, providing fire prevention and emergency medical services. Traditionally, one of the busiest fire stations in the county, Station 20 has a large and varied response area that has seen substantial growth over the past five years. Nipomo firefighters respond to incidents from the Nipomo core village, along a large stretch of Highway 101 from the Santa Maria river bridge north to the City of Arroyo Grande, and east through the Highway 166 corridor. For most calls, Cal Fire response times are about 5 to 10 minutes. The response times are within the performance standards as outlined in the Cal Fire/San Luis Obispo County Strategic Plan.

**Law Enforcement.** The Nipomo Valley relies on the County Sheriff and the California Highway Patrol for police protection services. The primary station serving the community is the Sheriff's coast station, located at 1681 Front Street in the community of Oceano, about 8 miles to the northwest. The Sheriff's substation in Oceano serves a large geographic area that extends from Avila Beach to the Santa Barbara County line. Response times for the Sheriff's office vary, based on allocated personnel, existing resources, time and day of week and prioritized calls for law enforcement services. Response times to the project site are expected to be 5 – 10 minutes.



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Other services, including investigative and emergency dispatch services, are provided at the County Operations Center on Kansas Avenue, midway between Morro Bay and San Luis Obispo near Highway 1. Additional police protection services are provided by the California Highway Patrol (CHP). The nearest Highway Patrol office is located near the California Boulevard-Highway 101 interchange in San Luis Obispo.

Schools. The Nipomo Valley is served by the Lucia Mar Unified School District.

Solid Waste. Collection and recycling services within the Nipomo area transport solid waste to Cold Canyon Landfill at 2268 Carpenter Canyon Road, between the cities of San Luis Obispo and Arroyo Grande.

At Cold Canyon Landfill, waste is processed at the Resource Recovery Park (RRP) and Materials Recovery Facility (MRF). The landfill does not compost, but green waste and wood waste are processed (chipped/ground) for either use as cover for the working face of the landfill, or being hauled to another out-of-county facility. Commercial operations that use roll-off services and/or construction and demolition waste removal services may choose any permitted hauler.

A public facility fee program (i.e., development impact fee program) has been adopted to address impacts related to public facilities (county) and schools (State Government Code 65995 et seq.). Fees are assessed annually by the County based on the type of proposed development and proportional impact and collected at the time of building permit issuance. Fees are used as needed to finance the construction of and/or improvements to facilities required to serve new development.

### Discussion

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

#### *Fire protection?*

The project will be conditioned to comply with all fire safety rules and regulations including the California Fire Code and Public Resources Code prior to issuance of building permits. The project was reviewed by County Fire/CAL FIRE and a referral response letter was received (May 2, 2018, Dell Wells, Fire Captain), which describes requirements for the applicant to implement to comply with County Fire/CAL FIRE standards. Based on the limited amount of development proposed, the project would 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 demand for fire protection services. Therefore, impacts would be *less than significant*. Additional information regarding fire hazard impacts is discussed in Section VII, Hazards and Hazardous Materials.

#### *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?*

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### *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 this impact, and will reduce the cumulative impacts to less-than-significant levels. No significant public services/utility impacts would occur as a result of the proposed project; therefore, no mitigation measures are necessary.

### *Mitigation*

No additional mitigation measures are required.

### *Sources*

See Exhibit A.

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### XVI. RECREATION

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

#### Setting

The project will be located on a privately-owned parcel that would support cannabis activities and would not be open to the general public. The County's Parks and Recreation Element does not show a potential trail corridor on the project site.

#### 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 project proposes cannabis activities within a semi-rural area and would employ up to 8 people full-time. The small number of full time workers and the seasonal nature of proposed cannabis activities are not expected to increase the demand on existing or planned recreational facilities in the County. The project is not proposed in a location that would affect any existing trail, park, recreational facility, coastal access, and/or natural area.

#### Conclusion

The project would not induce population growth or create a significant need for additional park or recreational facilities; therefore, *no impacts would occur*.

#### Mitigation

No mitigation measures are required.

#### Sources

See Exhibit A.

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### XVII. TRANSPORTATION

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

#### Setting

The County Department of Public Works maintains updated traffic count data for all County-maintained roadways. In addition, Traffic Circulation Studies have been conducted within several community areas using traffic models to reasonably simulate current traffic flow patterns and forecast future travel demands and traffic flow patterns. These community Traffic Circulation Studies include the South County Circulation Study, Los Osos Circulation Study, Templeton Circulation Study, San Miguel Circulation Study, Avila Circulation Study, and North Coast Circulation Study. The California Department of Transportation (Caltrans) maintains annual traffic data on state highways and interchanges within the county.

The County has established Level of Service (LOS) "C" or better for rural roadways. The project site currently has two residences and generates a very low volume of traffic. The project is located on Mehlschau Road, a local road serving large agricultural parcels between N. Thompson Avenue and N. Dana Foothill Road. The County does not take traffic counts on Mehlschau Road; however, because of the small number of parcels served, and the agricultural nature of existing development, traffic volumes on Mehlschau Road are low. Traffic counts taken on S. Dana Foothill Road in 2014 showed an afternoon peak hour volume of 12 vehicles. A referral was sent to Public Works to assess the project's traffic impacts and compliance with County driveway standards. The project is subject to the South County Area 1 Road Improvement Fee which addresses cumulative impacts to County roads in the area.

In 2013 SB 743 was signed into law with the intent to "more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions" and required the Governor's Office of Planning and Research (OPR) to identify new metrics for identifying and mitigating transportation impacts within CEQA. As a result, in December 2018, the California Natural Resources Agency certified and adopted

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updates to the State CEQA Guidelines. The revisions included new requirements related to the implementation of SB 743 and identified VMT per capita, VMT per employee, and net VMT as new metrics for transportation analysis under CEQA (as detailed in Section 15064.3 [b]). Beginning July 1, 2020, the newly adopted VMT criteria for determining significance of transportation impacts must be implemented statewide.

The County's Framework for Planning (Inland), includes the Land Use and Circulation Elements of the County of San Luis Obispo General Plan. The Framework establishes goals and strategies to meet pedestrian circulation needs by providing usable and attractive sidewalks, pathways, and trails to establish maximum access and connectivity between land use designations. Due to the remote location of the project site, there are no pedestrian, bicycle, or public transit facilities serving the project site.

### 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 Mehlschau 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 Melschau Road, traffic will increase by less than 1% per day for a construction timeframe of one to two months. The temporary increase in traffic on Mehischau Road will not reduce the level of service which will remain within the standard set by the General Plan Circulation Element.

#### Operational Impacts

Roadway Capacity. Based on the referral response from the Department of Public Works (David Grimm, April 15, 2019) the project is expected to generate about 20 average daily trips and 2.80 afternoon peak hour trips. The additional 2.8 PM peak hour trips on Mehischau Road will increase the traffic volume by less than 1% per day. Marginal increases in traffic can be accommodated by existing local streets and the project would not result in any long-term changes in traffic or circulation or reduce the Level of Service below LOS "C". The project does not propose uses that would interfere or conflict with applicable policies related to circulation, transit, roadway, bicycle, or pedestrian systems or facilities. The project would be consistent with the County Framework for Planning (Inland) and consistent with the projected level of growth and development identified in the 2019 RTP.

Mitigation measure TR-1 requires the applicant to pay to the Department of Public Works the South County Area 1 Road Improvement Fee based on the latest adopted area fee schedule and 2.8 peak hour trip as estimated by the County. The payment would negate the requirement to develop a Transportation Management Plan, which includes monitoring and annual reporting of the project's traffic generation. No other significant traffic impacts were identified, and no additional mitigation measures are necessary. Therefore, potential impacts would be *less than significant with mitigation*.

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

The County of San Luis Obispo is developing a model and method for evaluating vehicle miles traveled for proposed land use development projects. This program will incorporate the State's direction and recommended screening criteria for types of projects that would not have an impact to circulation due to Vehicle Miles Traveled (VMT). This screening criteria includes small projects that

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generate low levels of traffic or VMT. The State screening level equates to 110 average daily trips (ADT). The project is estimated to generate 20 ADT.

Based on the nature and location of the project, the project would not generate a significant increase in construction-related or operational traffic trips or vehicle miles traveled. The project would not substantially change existing land uses and would not result in the need for additional new or expanded transportation facilities. The project would be subject to standard development impact fees to offset the relative impacts on surrounding roadways. Therefore, potential impacts would be *less than significant*.

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

The project would not change roadway design and does not include geometric design features that would create new hazards or an incompatible use. Therefore, impacts would be less than significant.

- (d) *Result in inadequate emergency access?*

The project would not result in road closures during short-term construction activities or long-term operations. Individual access to adjacent properties would be maintained during construction activities and throughout the project area. Project implementation would not affect long-term access through the project area and sufficient alternative access exists to accommodate regional trips. Therefore, the project would not adversely affect existing emergency access and impacts would be less than significant.

### Conclusion

No project specific significant traffic impacts were identified, but the project is subject to the South County Area 1 Road Improvement Fee. Payment of the required fee as required by ordinance will reduce transportation and circulation impacts to less than significant levels.

### Mitigation

None are required.

### Sources

See Exhibit A.



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### XVIII. TRIBAL CULTURAL RESOURCES

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

#### Setting

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

1. Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are either of the following:
  - o Included or determined to be eligible for inclusion in the California Register of Historical Resources; or
  - o Included in a local register of historical resources as defined in subdivision (k) of California Public Resources Code (PRC) Section 5020.1.
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth California PRC Section 5024.1(c).

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

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

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

### Discussion

- (a) *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*
- (a-i) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?*

The County has provided notice of the opportunity to consult with appropriate tribes per the requirements of AB 52 and the project site does not contain any known tribal cultural resources that have been listed or been found eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1. Potential impacts associated with the inadvertent discovery of tribal cultural resources would be subject to LUO 22.10.040 (Archaeological Resources), which requires that in the event resources are encountered during project construction, construction activities shall cease, and the County Planning and Building Department shall be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with state and federal law. Therefore, impacts related to a substantial adverse change in the significance of tribal cultural resources would be *less than significant*.

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

The project site does not contain any resources determined by the County to be a potentially significant tribal cultural resource. Impacts associated with the potential inadvertent

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discovery of cultural resources would be minimized through compliance with existing standards and regulations (LUO 22.10.040). Therefore, potential impacts would be *less than significant*.

### 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 County of San Luis Obispo Land Use Ordinance Section 22.10.040, 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.

### Mitigation

No mitigation measures are required.

### Sources

See Exhibit A.

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### XIX. UTILITIES AND SERVICE SYSTEMS

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

#### Setting

The County Department of Public Works provides water and wastewater services for specific County Service Areas (CSAs) that are managed through issuance of water/wastewater "will serve" letters. The Department of Public Works currently maintains CSAs for the communities of Nipomo, Oak Shores, Cayucos, Avila Beach, Shandon, the San Luis Obispo County Club, and Santa Margarita. Other unincorporated areas in the county rely on on-site wells and individual wastewater systems. Regulatory standards and design criteria for on-site wastewater treatment systems are provided by the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (California OWTS Policy).

Per the County's Stormwater Program, the Department of Public Works is responsible for ensuring that new construction sites implement BMPs during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb one acre or more must obtain

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coverage under the SWRCB's Construction General Permit. PG&E is the primary electricity provider and both PG&E and SoCalGas provide natural gas services for urban and rural communities within the county. The project would be served by a domestic well for water and a renovated existing septic system and leach field for wastewater disposal. The project's energy needs would be provided by PG&E.

There are three landfills in San Luis Obispo County: Cold Canyon Landfill, located near the city of San Luis Obispo; Chicago Grade Landfill, located near the community of Templeton; and Paso Robles Landfill, located east of the city of Paso Robles. The project's solid waste needs would be served by Mid-State Solid Waste and Recycling and the Chicago Grade Landfill.

### 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 not result in a substantial increase in demand on water, wastewater, or stormwater collection, treatment, or disposal facilities and would not require the construction of new or expanded water, wastewater, or stormwater facilities. The project, with incorporation of the recommended mitigation measures, would not result in a substantial increase in energy demand, natural gas, or telecommunications; no new or expanded facilities would be required. No utility relocations are proposed. Therefore, 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?*

Water for the project site will be provided by an on-site well (see Section X. Hydrology). Based on a pump test performed in 2016 (M&W Pumps, Inc., February 2016), the well can produce 15 gallons per minute which is more than sufficient to serve the project. As shown in Section X, water demand associated with the project is estimated to be 2.95 AFY (an average of about 0.24 acre-feet per acre of cannabis canopy) which is not expected to adversely impact the underlying groundwater basin. According to the 2014 SLO County Integrated Regional Water Management Plan, irrigated row crops in the South Coast Water Planning Area, which includes the Nipomo area, consumed an average of about 2.12 acre-feet per year per acre. Therefore, water demand associated with the proposed cannabis cultivation will be considerably less per acre than the historic cultivation activities associated with the project site.

Therefore, project impacts relating to the adequacy of the water supply are considered *less than significant*.

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

The project would be served by an individual on-site septic system and would not be connected to a community wastewater service provider. Therefore, no impacts would occur.

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

Cold Canyon Landfill provides solid waste disposal for the Nipomo area. Currently, the maximum permitted throughput to the landfill is limited to 1,650 tons per day (CalRecycle 2016). However, the

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Cold Canyon Landfill recently received approvals from the County and the state in 2013 to allow continued waste expansion and disposal operations through 2040. With planned expansions through 2040, the maximum total throughput would increase to 2,050 tons (City of San Luis Obispo 2014). The landfill has a design capacity of 23,900,000 cubic yards (cy) and a remaining capacity of 14,500,000 cy, or 60.7 percent which is more than enough to serve the project. The project will recycle and compost green waste before disposal. Potential impacts associated with solid waste disposal will be *less than significant*.

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

The project would not result in a substantial increase in waste generation during project construction or operation. Construction waste disposal would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Therefore, potential impacts would be less than significant.

### Conclusion

No significant impacts to utilities and service systems are expected. 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. All projects are required to comply with the waste management provisions set forth in Section 8308.

### Mitigation

No mitigation measures are required.

### Sources

See Exhibit A.



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## XX. WILDFIRE

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

*Setting*

In central California, the fire season usually extends from roughly May through October; however, recent events indicate that wildfire behavior, frequency, and duration of the fire season are changing in California. Fire Hazard Severity Zones (FHSZ) are defined by CALFIRE based on the presence of fire-prone vegetation, climate, topography, assets at risk (e.g., high population centers), and a fire protection agency's ability to provide service to the area (CAL FIRE 2007). FHSZs throughout the county have been designated as "Very High," "High," or "Moderate." In San Luis Obispo County, most of the area that has been designated as a "Very High Fire Hazard Severity Zone" is located in the Santa Lucia Mountains, which extend parallel to the coast along the entire length of San Luis Obispo County. The project would be located within the State Responsibility Area in a "high" fire hazard severity zone. Based on CAL FIRE's referral response letter, it would take approximately 10 - 15 minutes to respond to a call regarding fire or life safety.

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

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

## Initial Study – Environmental Checklist

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

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

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

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

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

### Discussion

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

The project does not require any road closures and would be designed to accommodate emergency vehicle access. Implementation of the proposed project would not have a permanent impact on any adopted emergency response plans or emergency evacuation plans. Temporary construction activities and staging would not substantially alter existing circulation patterns or trips. Access to adjacent areas would be maintained throughout the duration of the project. There are adequate alternative routes available to accommodate any rerouted trips through the project area for the short-term construction period.

The project does not require any road closures and would be designed to accommodate emergency vehicle access. Based on the County's Land Use View tool and Dam and Levee Failure Plan, the project is not located within an area that would be inundated in the event of failure of the Lopez Dam (Lopez Lake). The project would not impair implementation or physically interfere with County hazard mitigation or emergency plans; therefore, no impacts related to emergency plans would occur.

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

The prevailing winds on the project site are from the north and west during the daytime hours and slightly eastward (offshore) at night. A wildfire originating to the west could expose project occupants to pollutant concentrations associated with smoke. However, given the nature of the surrounding land uses and the moderate risk of wildfire, the project is not expected to exacerbate wildfire risks.

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

The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and Public Resources Code, which includes improvements to the existing access road/driveway to accommodate emergency vehicle access, vegetation clearing or trimming around all existing and proposed structures, and installation of water storage tanks for fire protection. These infrastructure improvements would reduce fire risk. Therefore, potential impacts would be less than significant.

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

The cannabis activities would be located on a fairly level portion of the project site. Winds in the area vary from 6-8 miles per hour and primarily come from the north (October-April) and west (April-October). As described in Section VII., Geology and Soils, the potential for landslides in the project area is low to moderate, and the project is not proposing disturbance in areas of steep slopes that would be conducive to the formation of debris flows in the nearby existing channels. The project does not include any design elements that would expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, impacts would be less than significant.

### Conclusion

The project would not expose people or structures to new or exacerbated wildfire risks and would not require the development of new or expanded infrastructure or maintenance to reduce wildfire risks. Therefore, potential impacts associated with wildfire would be less than significant and no mitigation measures are necessary.

### Mitigation

No mitigation measures are required.

### Sources

See Exhibit A.

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### XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

#### Setting

The setting is provided in each of the topical sections of this Initial Study.

#### Discussion

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

As discussed in each of the preceding topical sections, the project would result in potentially significant impacts to biological resources, but would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or

## Initial Study – Environmental Checklist

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endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. Compliance with mitigation measures recommended in Section IV (Biology), would mitigate potential direct and indirect impacts to biological resources.

- (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

In 2016, the County estimated that there were as many as 500 unpermitted (illegal) cannabis cultivation sites within the unincorporated county. Assuming one-half acre per site, the canopy associated with these activities could be as high as 250 acres.

Table 17 provides a summary of the total number of cannabis activities that the County has either approved or has received an application as of the date of this initial study. As shown on Table 17, the County has received applications for a total of 114 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

## Initial Study – Environmental Checklist

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).

Figure 14 shows the project site along with other approved and proposed cannabis activities in the region.

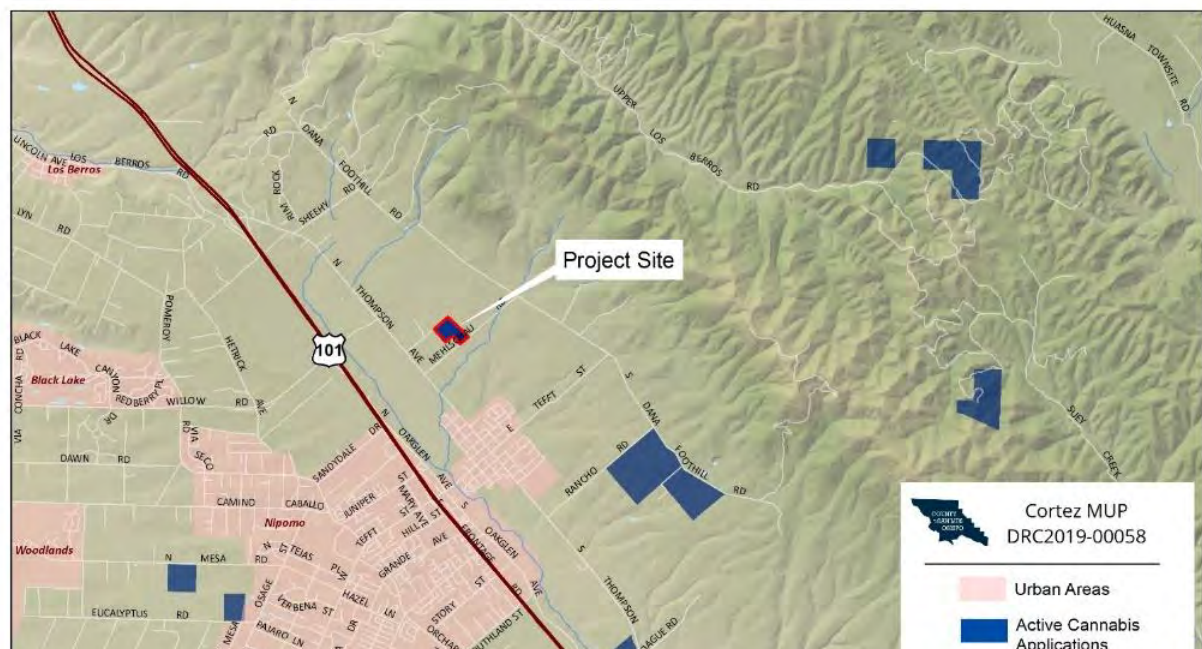
**Table 17 -- Summary of Cannabis Activities for Unincorporated San Luis Obispo County<sup>1</sup>**

Proposed Cannabis Activity Type	Total Number of Proposed Cannabis Activities <sup>1,2</sup>	Total Proposed Canopy (acres)	Approved Activities
Indoor Cultivation and Indoor Nursery	114	75.9	30
Outdoor Cultivation		225	
Ancillary Nursery	114	66.4	30
Processing	9	-	-
Manufacturing	24	-	6
Non-Storefront Dispensary	28	-	15
Commercial Distribution	8	-	4
Commercial Transport	5	-	1
Testing Laboratory	1	-	1
<b>Total</b>	<b>303</b>	<b>367.3</b>	<b>87</b>

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 14 – Reasonably Foreseeable Cannabis Projects**





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

- All 114 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 6.0 acres to include the construction of one or more buildings to house the indoor cultivation, ancillary nursery and processing;
  - A total of 4 full-time and 4 seasonal employees;
  - A total of 25 average daily motor vehicle trips; and
  - 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 would be less than significant with mitigation identified to eliminate off-site nighttime light overspill. The project site is located in an area with 6 potential cannabis facilities within 5 miles (as of March, 2020). Surrounding proposed cannabis cultivation operations would require discretionary permits if County staff determine they have the potential to result in potentially significant environmental effects, including potential impacts to visual resources. Based on the rural and agricultural visual character of the area, newly proposed structures visible from surrounding public roadways would undergo evaluation for consistency with the surrounding visual character and may be required to implement visual screening and/or other measures if County staff identify potential impacts to visual resources. Proposed cannabis cultivation projects, including use of mixed-light growing techniques, would be subject to standard County mitigation measures to eliminate off-site nighttime light and glare.

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

### *Agricultural Resources*

Table 18 provides a summary of the potential impacts to important farmland from 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 with 3 acres of outdoor cultivation, 0.5 acres of indoor cultivation, plus another one acre of disturbance associated with additional buildings for processing, areas devoted to access roads, water storage, and other miscellaneous support facilities;

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- 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 classification. For example, *Prime Farmland* is about 16% 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:  $114 \times .16 = 18$  sites.

**Table 18 – 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	1,365.50	16%	114	18	85.0
Farmland of Statewide Importance	1,142.69	14%	114	16	71.10
Not Prime Farmland/ Not Mapped	5,803.60	70%	114	80	361.32
<b>Total:</b>	<b>8,312.00</b>	<b>--</b>	<b>--</b>	<b>114</b>	<b>517.50</b>

Source: NRCS Soil Survey, 2019

The analysis provided in Section II. Agricultural Resources, indicates that the project will result in the permanent conversion of 0.82 acres of important farmland. However, 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 4 of Section II, Agricultural Resources the total acreage of prime farmland impacted by the project (about 0.82 acres) is less than 0.003 percent of the prime farmland in the county. Moreover, the county has seen a net increase in the acreage of prime farmland each year since 2006.
- As shown in Table 18, the total acreage potentially of prime farmland 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.
- 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 have the potential to adversely impact sensitive receptors and could result

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in a potentially cumulatively considerable contribution to the county's non-attainment status under state air quality standards for ozone and fugitive dust. With implementation of recommended mitigation measures AQ-1 through AQ-3, project construction, operational, and cumulative impacts would be less than significant.

The project is one of 114 land use permit applications for cannabis cultivation activities located within the county. All proposed cannabis cultivation operations located within the county would require discretionary permits and would be evaluated for their potential to result in potentially significant environmental effects, including potential impacts to air quality. These proposed cannabis cultivation projects would undergo evaluation for their potential to exceed applicable SLOAPCD thresholds and result in potentially cumulatively considerable contribution to the county's non-attainment status for ozone and/or fugitive dust. Proposed projects with the potential to exceed SLOAPCD thresholds would be subject to standard SLOAPCD mitigation measures to reduce potential air pollutant emissions to a less-than-significant level. These measures would also be applied for projects located within close proximity of sensitive receptor locations.

The project site is located in an area with six reasonably foreseeable future cannabis cultivation facilities within 5 miles (as of March, 2020). The analysis provided in Section III, Air Quality, concludes that the project's potential other emissions (such as those leading to odor) would be less than significant based on the distance of proposed odor-emitting uses from the project property lines and proposed odor control technology to be implemented within proposed structures. All surrounding proposed cannabis development projects would be required to comply with County LUO ordinance cannabis odor control requirements, including preparation of an odor control plan, minimum setback distances, and installation of sufficient ventilation controls to prevent odors from being detected off-site.

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

### *Biological Resources*

The analysis provided in Section IV., Biological Resources, concludes that the project will have a less than significant impact so long as the recommended mitigation measures for the protection of surface water quality and pre-construction surveys for migratory and nesting birds are incorporated into the project description. All surrounding proposed cannabis development projects would undergo evaluation for potential to impact biological resources. Proposed cannabis projects that are determined to have the potential to impact sensitive species and/or their habitats, sensitive natural communities, federal or state wetlands, migratory corridors, native trees, or conflict with state or local policies or habitat conservation plans would be required to implement mitigation measures to reduce these impacts.

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

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### 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 as much as 2.8 million kWh per year.

Electricity. Table 19 provides a summary of total electricity demand associated with development of all 114 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 114 sites are developed with the maximum allowable canopies: 3 acres for outdoor cultivation and 22,000 square feet for indoor cultivation.

**Table 19 – Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects**

Proposed Land Use	Total Electricity Demand from Proposed Cannabis Cultivation Projects <sup>1</sup> (Kilowatt-Hours/Year)	Total Electricity Demand (Gigawatt Hours/Year)	Electricity Consumption in San Luis Obispo County in 2018 <sup>2</sup> (Gigawatt Hours)	Total Demand in San Luis Obispo County with Proposed Cannabis Cultivation (Gigawatt Hours/Year)	Percent Increase Over 2018 Electricity Demand
Mixed-light (indoor) Cultivation	203,643,000	203.6			
Outdoor Cultivation	119,572,200	119.6			
<b>Total</b>	<b>323,215,200</b>	<b>323.2</b>	<b>1,765.9</b>	<b>2,089</b>	<b>18%</b>

<sup>1</sup>Source: CalEEMOD 2016 v.3.2. Assumes 114 cultivation projects with 0.5 acre of mixed-light cannabis canopy.

<sup>2</sup>Source: California Energy Commission 2019.

Table 19 indicates that electricity demand in San Luis Obispo County could increase by as much 18% if all 114 cultivation projects are approved and constructed. PG&E is required by state law (the Renewable Portfolio Standard) to derive at least 60% of their electricity from renewable sources by 2030. These sources are “bundled” and offered for sale to other Load Serving Entities (utility providers). Table 20 shows the percent increase in the projected 2030 demand for these bundled sources of electricity throughout PG&E’s service area for, assuming all 114 cultivation projects are developed with 22,000 square feet of mixed-light cultivation and approved.

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**Table 20 -- Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects Compared With Projected PG&E 2030 Available Service Load**

Increased Electricity Consumption in San Luis Obispo County with 114 Cannabis Cultivation Projects <sup>1</sup> (Gigawatt Hours/Year)	323
Projected PG&E 2030 Bundled Service Load <sup>2</sup> (Gigawatt Hours)	33,784
<b>Percent Increase in 2030 Demand With Cannabis Cultivation</b>	<b>0.95%</b>

<sup>1</sup>Source: CalEEMOD 2016 v.3.2. Assumes 114 cultivation projects with 3.5 acres of cannabis canopy.

<sup>2</sup>Source: Pacific Gas and Electric 2018, Integrated Resource Plan.

The project's contribution to the overall increased demand for electricity would have the potential to result in potentially cumulatively considerable environmental impacts the wasteful, inefficient and unnecessary use of energy. Mitigation measures ENG-1 and ENG-2 require the applicant to prepare and implement an Energy Conservation Plan to identify strategies to reduce or offset for cannabis-related electricity demand. In addition, all proposed cannabis cultivation projects within the county would be subject to discretionary review by County staff. Indoor and mixed-light cultivation projects that are determined to have the potential to result in potentially significant impacts from their proposed energy use would be required to implement mitigation measures to reduce their energy demand and use sources that result in less GHG emissions. It is also important to note that while many proposed cannabis cultivation projects would result in new permitted facilities, a portion of these facilities are being proposed in existing buildings previously used for unpermitted cannabis cultivation activities or other uses. Therefore, the estimated increases in energy demand provided in Tables 19 and 20 are assumed to be overestimations.

Based upon implementation of identified mitigation measures and discretionary review of other cultivation projects within the county, the project's environmental impacts associated with energy use would be less than cumulatively considerable.

### Fuel Use

#### Assumptions:

- 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.
- 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 / 8,333,720 miles travelled per day = 0.056 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
- 12 Average Daily Trips for operations for 365 days

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### Construction Fuel Use

4 ADT x 14.7 miles x 115 projects = 6,762 VMT per day

6,762 VMT x 10 days = 67,620 total VMT

67,630 x 0.056 gallons consumed per mile travelled = 3,787 gallons

### Operational Fuel Use

51,326 VMT per day for all 115 projects combined

18,733,260 total VMT per year

18,733,260 VMT x 0.056 gallons consumed per mile travelled = 10,490,525 gallons per year

Total fuel use associated with construction and operation of all 114 projects would be about 6% 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 and would not be cumulatively considerable.

### *Greenhouse Gas (GHG) Emissions*

As discussed in Section VIII, Greenhouse Gas Emissions, the project is estimated to generate approximately 381 metric tons of CO<sub>2</sub> emissions per year after implementation of the energy reduction measures recommended by ENG-1 and ENG-2. Accordingly, the project will not exceed the interim working GHG threshold of 690 metric tons of CO<sub>2</sub> emissions per year and project emissions will be consistent with the GHG reduction measures set forth by SB 32 and the County's EnergyWise Plan.

All proposed cannabis cultivation operations located within the county would require discretionary permits and would be evaluated for their potential to result in potentially significant environmental effects, including potential impacts associated with GHG emissions. These proposed cannabis cultivation projects would undergo evaluation for their potential to exceed the applicable GHG threshold. Projects identified to have the potential to exceed the thresholds would be required to implement standard mitigation measures to reduce these potential impacts, including but not limited to, preparation of an Greenhouse Gas Reduction Plan and/or requiring enrollment in a clean energy program.

Based on implementation of identified mitigation measures and discretionary review of other cannabis cultivation projects within the county, cumulative impacts associated with GHG emissions would be *less than cumulatively considerable*.

### *Geology and Soils*

As discussed in Section VII. Geology and Soils, the project is not located within an Alquist-Priolo Fault Hazard Zone and would be required to comply with the CBC and other applicable standards to ensure the effects of ground instability or a potential seismic event would be minimized through compliance with current engineering practices and techniques. Based on the volume and depth of proposed earthwork and potential sensitivity of the underlying geologic formation, the project's potential impacts to previously unknown paleontological resources would be less than significant.



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All proposed cannabis cultivation operations located within the county would require discretionary permits and would be evaluated for their potential to result in potentially significant environmental effects, including potential impacts associated with geology and soils. These proposed cannabis cultivation projects would undergo evaluation for their potential to exacerbate geologic hazards and impact geologic resources, including paleontological resources. Projects identified to have potentially significant impacts associated with geology and soils would be required to implement mitigation measures to reduce these risks.

Based on implementation of identified mitigation measures and discretionary review of other cannabis cultivation projects within the county, cumulative impacts associated with geology and soils would be less than cumulatively considerable.

### *Hazards and Hazardous Materials*

As discussed in Section IX. Hazards and Hazardous Materials, the project includes the use of potentially hazardous materials which could result in potential hazards through routine transport, use, and disposal as well as under upset or accident conditions. Mitigation measures HAZ-1 and HAZ-2 have been identified to reduce potential impacts by restricting the location of equipment maintenance, refueling and other potentially hazardous activities, and identifying the appropriate response protocol for immediate cleanup of any spills. HAZ-3 ensures that the manufacturing process meets applicable fire safety codes.

Probable future development of cannabis cultivation facilities within the vicinity of the project would be subject to discretionary review and therefore would be evaluated for potentially significant environmental impacts, including impacts associated with hazards and hazardous materials. Impacts associated with hazards and hazardous materials from other cannabis projects in the project vicinity would likely require mitigation similar to the project, which may include, but would not be limited to, implementation of hazardous material spill response plans, staging and refueling location limitations, and vegetation management. Based on the project-specific mitigation measures identified above, and the discretionary environmental review of probable future cannabis projects within the vicinity, project impacts associated with hazards and hazardous materials would be less than cumulatively considerable.

### *Hydrology/Water Demand*

As discussed in Section X. Hydrology and Water Quality, compliance with existing regulations and/or required plans would adequately reduce potential impacts associated with hydrology and water quality to be less than significant.

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

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

- All 114 cannabis cultivation projects are approved and implemented;
- All 114 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 and ancillary nursery;
- 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;

As shown in Table 21, 64 cultivation projects are served by groundwater basins designated by the Department of Water Resources Bulletin 118. Two of the nine 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.

**Table 21 – Total Estimated Water Demand from Cannabis Cultivation**

Bulletin 118 Groundwater Basin <sup>1</sup>	Number of Cultivation Projects	Acres	Total Estimated Water Demand From Cannabis Cultivation AF/Year <sup>3</sup>
Paso Robles Groundwater Basin <sup>4,5</sup>	32 <sup>2</sup>	2,525.59	125.91
Carrizo Plain Groundwater Basin	13	469.9	59.77
Pozo Valley Groundwater Basin	2	79.97	12.49
Atascadero Basin	3	185.05	17.81
Los Osos Groundwater Basin <sup>4,5</sup>	2	49.29	9.15
San Luis Obispo Valley	3	56.68	14.48
Santa Maria Valley Groundwater Basin <sup>4, 5</sup>	6	273.41	13.79
Huasna Valley	2	18.06	4.94
Santa Rosa Valley <sup>5</sup>	1	8.38	6.05

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Sub-Total:	64	3,667.34	264.40
Not Within A Bulletin 118 Groundwater Basin	50	4,654.05	171.36
<b>Total for All Cultivation Sites</b>	<b>114</b>	<b>8,312.00</b>	<b>435.76</b>

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.
5. Designated Level of Severity III by the most recent Resource Management Report.

Groundwater basins serving cannabis cultivation that have been designated Level of Severity III include the Paso Robles, Los Osos, Santa Rosa Valley and Santa Maria Valley groundwater basins. As shown in Table 21, there are 45 cultivation projects with a total estimated water demand of 154.91 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 20 cultivation sites within groundwater basins that are not subject to the water use offset requirements of Title 19.04 and 50 sites that do not overlie a designated groundwater basin. Therefore, for purposes of assessing the impact of cannabis cultivation on groundwater, the net cumulative water demand on Bulletin 118 groundwater basins is assumed to be 264 AFY – 154 = 109 AFY.

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**Table 22 – Total Estimated Water Demand from Cannabis Cultivation From Bulletin 118 Groundwater Basins With No Level of Severity**

Bulletin 118 Groundwater Basin <sup>1</sup>	Number of Cultivation Projects	Acres	Total Estimated Water Demand From Cannabis Cultivation AF/Year <sup>3</sup>	Total Storage/ Safe Yield	Status of Groundwater Basin
Carrizo Plain Groundwater Basin	13	469.90	59.77	Total storage estimated to be 400,000 AF	No Level of Severity
Pozo Valley Groundwater Basin	2	79.97	12.49	The total storage capacity is estimated at 2,000 AF	No Level of Severity
Atascadero Basin	3	185.05	17.81	Safe Yield estimated to be 16,400 AFY	No Level of Severity
San Luis Obispo Valley	3	56.68	14.48	The total storage capacity is estimated at 10,000 – 22,000 AF	No Level of Severity
Huasna Valley	2	18.06	4.94	No estimate of storage of safe yield	No Level of Severity
Total:	20	809.66	109.49	--	--

The cumulative impact of water demand associated with cannabis cultivation in Bulletin 118 groundwater basins is expected to be less than cumulatively considerable because:

- Water demand associated with the 44 cannabis cultivation sites 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 are expected to meet the estimated demand from urban, rural and agricultural demand for at least 15 years. As shown in Table 22, the marginal demand associated with cannabis cultivation is insignificant in relation to the available storage capacities of these basins; and
- Water demand for areas outside of designated groundwater basins will not (by definition) adversely impact groundwater basins.

### Noise

As discussed in Section XIII, Noise, noise associated with proposed HVAC and odor management systems would be less than significant. Reasonably foreseeable future cannabis cultivation projects would require discretionary permits and would be reviewed by County staff for potentially significant environmental impacts, including impacts associated with noise. Future projects with potential to generate noise above County standards or noise that would adversely affect surrounding sensitive receptors would be required to implement measures to reduce associated impacts. In addition, most cultivation activities would be required to adhere to the established setback distances from property lines as detailed in the LUO and these setbacks would allow noises to dissipate to some degree before reaching surrounding land uses.

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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 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 6 – 8 full-time workers and up to 12 workers during the harvest. The 2050 employment forecast does not account for employment in the cannabis industry, 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 workers. It is most likely that these workers will be sourced from the existing workforce in San Luis Obispo County. 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*

The project and surrounding reasonably foreseeable future development would be subject to adopted public facility (County) and school (CGC Section 65995 et seq.) fee programs to offset impacts to public services. 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 public services impacts would be less than cumulatively considerable.

### *Transportation*

As discussed in Section XVII, Transportation, the project would not result in a conflict with a plan or policy addressing the circulation system, or increase hazards due to a geometric design feature. Surrounding reasonably foreseeable future cannabis cultivation projects would be subject to discretionary review and potential impacts associated with these thresholds would be analyzed and required to be reduced on a case-by-case basis. Therefore, the project's potential impacts associated with these thresholds would be less than cumulatively considerable.

County Fire/CAL FIRE requirements will be enforced as conditions of approval.

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.

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Table 23 provides an estimate of total ADT and vehicle miles traveled associated with buildout of the 114 approved and active cannabis cultivation projects.

**Table 23 – Cumulative Average Daily Trips From Cannabis Cultivation**

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

Notes:

\* Units based on gross square feet, acres, and employees.

\*\* Seasonal Trips are adjusted based on the annual frequency.

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 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 will be required to mitigate the 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 serve the project 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.

### *Other Impact Issue Areas*

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

- Cultural Resources;
- Land Use Planning;
- Mineral Resources;
- Recreation;
- Tribal Cultural Resources;
- Utilities and Service Systems; and
- Wildfire.



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

Environmental impacts that may have an adverse effect on human beings, either directly or indirectly, are analyzed in each environmental resource section above. In addition, implementation of mitigation measures AQ-1 through AQ-3, HAZ-1, HAZ-2 and HAZ-3, and identified in the resource sections above would reduce potential adverse effects on human beings to less than significant; therefore, impacts would be less than significant with mitigation..

### *Conclusion*

Project impacts would be less than significant and less than cumulatively considerable with mitigation.

### *Sources*

See Exhibit A.

## Initial Study – Environmental Checklist

### Exhibit A - Initial Study References and Agency Contacts

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

Contacted	Agency	Response
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input checked="" type="checkbox"/>	County Environmental Health Services	In File**
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	In File**
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input type="checkbox"/>	Air Pollution Control District	Not Applicable
<input checked="" type="checkbox"/>	County Sheriff's Department	None
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Fish and Wildlife	None
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	In File**
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input checked="" type="checkbox"/>	Community Services District	Not Applicable
<input checked="" type="checkbox"/>	Other: South County Advisory Council	In File**
	Other: AB52	In File**
<input checked="" type="checkbox"/>	Other: Assessor	In File**
<input checked="" type="checkbox"/>	Other: Building Division	In File**

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

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

<input checked="" type="checkbox"/> Project File for the Subject Application	<input type="checkbox"/> Design Plan
<input checked="" type="checkbox"/> <b>County Documents</b>	<input type="checkbox"/> Specific Plan
<input type="checkbox"/> Coastal Plan Policies	<input type="checkbox"/> Annual Resource Summary Report
<input type="checkbox"/> Framework for Planning (Coastal/Inland)	<input type="checkbox"/> Circulation Study
<input checked="" type="checkbox"/> General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:	<input checked="" type="checkbox"/> <b>Other Documents</b>
<input checked="" type="checkbox"/> Agriculture Element	<input checked="" type="checkbox"/> Clean Air Plan/APCD Handbook
<input checked="" type="checkbox"/> Conservation & Open Space Element	<input type="checkbox"/> Regional Transportation Plan
<input type="checkbox"/> Economic Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Archaeological Resources Map
<input checked="" type="checkbox"/> Parks & Recreation Element/Project List	<input type="checkbox"/> Area of Critical Concerns Map
<input type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> Special Biological Importance Map
<input checked="" type="checkbox"/> Land Use Ordinance (Inland/Coastal)	<input checked="" type="checkbox"/> CA Natural Species Diversity Database
<input checked="" type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Public Facilities Fee Ordinance	<input checked="" type="checkbox"/> Flood Hazard Maps
<input type="checkbox"/> Real Property Division Ordinance	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input type="checkbox"/> Affordable Housing Fund	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input type="checkbox"/> Airport Land Use Plan	
<input checked="" type="checkbox"/> Energy Wise Plan	

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☒ South County Area Plan/South County sub area ☐ 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

Ag Commissioner's Office, letter of March 16, 2020

Air Pollution Control District (APCD) letter of November 25, 2019

Albion, May 2020, Phase I Cultural Resource Inventory for 375 Mehlschau Road (APN 090-051-058)

Althouse and Meade, Inc, December 20, 2019, Revised Biological Resource Assessment for 375 Mehlschau Road

Althouse and Meade, Inc, October 13, 2020, Assessment of Potential for 2 Sensitive Bumblebee Species to Occur at 375 Mehlschau Road, Nipomo

Assessor email dated April 16, 2019

Building Department, letter of April 17, 2019

CalFIRE, San Luis Obispo County Fire Department, letter of May 2, 2018

Department of Public Works, letter of April 15, 2019

Environmental Health Department letter of April 23, 2019

M&W Pumps, Inc., February 2016 well pump test

### Other County References

California Department of Conservation (CDOC). 2015. CGS Information Warehouse: Regulatory Maps <http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps> accessed August 2018

San Luis Obispo County. 1999. General Plan Safety Element. <https://www.slocounty.ca.gov/getattachment/893b6c58-7550-4113-911c-3ef46d22b7c8/Safety-Element.aspx> accessed August 2018

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- California Department of Toxic Substances Control (DTSC). 2019. EnviroStor. Available at  
<<https://www.envirostor.dtsc.ca.gov/public/>>
- California Department of Transportation (Caltrans). 2019. California Scenic Highways Mapping Tool. Available at: <  
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- California Geological Survey (CGS). 2015. CGS Information Warehouse: Mineral Land Classification. Available at <<https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>>
- County of San Luis Obispo. 2016. 2015/2016 County Bikeways Plan. July 6<sup>th</sup>, 2016.
- County of San Luisa Obispo. 2014 Integrated Regional Water Management Plan, Appendix J
- County of Santa Barbara. 2017. Final Environmental Impact Report (EIR) for the Cannabis Land Use Ordinance and Licensing Program. December 2017.
- \_\_\_\_\_. 2018. County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form.
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- Itron, Inc, March 2006, Energy Use By Residential, Commercial and Industrial Businesses, California Energy Commission Report
- Diblee, Thomas W., Jr. 2004. Geologic Map of the Creston & Shedd Canyon Quadrangles, San Luis Obispo County, California. National Geologic Map Database. Available at:  
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- Pacific Gas and Electric (PG&E). 2019. Delivering Low-Emission Energy. Available at:  
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- San Luis Obispo Air Pollution Control District (SLOAPCD). 2012. CEQA Air Quality Handbook. April 2012.
- \_\_\_\_\_. 2017. Clarification Memorandum for the San Luis Obispo County Air Pollution Control District's 2012 CEQA Air Quality Handbook. November 2017.
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United States Geological Survey (USGS). 2019. Areas of Land Subsidence in California. Available at:  
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### 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 Construction Equipment Emissions Controls.** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

- Maintain all construction equipment in proper tune according to manufacturer’s specifications;
- Fuel all off-road and portable diesel powered equipment with CARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- Use diesel construction equipment meeting CARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
- Use on-road heavy-duty trucks that meet the CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g., captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
- All on and off-road diesel equipment shall not idle for more than 5 minutes.



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- Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit;
- Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- Electrify equipment when feasible;
- Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- Use alternatively fueled construction equipment onsite where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

**AQ-2 Idling Restrictions Near Sensitive Receptors for Both On and off-Road Equipment.** During all site disturbance and construction activities of all project phases:

- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- Use of alternative fueled equipment is recommended whenever possible; and,
- Signs that specify the no idling requirements must be posted and enforced at the construction site.

**AQ-3 Fugitive Dust Construction Control Measures.** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

- Reduce the amount of the disturbed area where possible;
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;
- All dirt stock-pile areas shall be sprayed daily as needed;
- All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
- 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.

### Biological Resources

**BIO-1 Preconstruction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

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- A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- If special-status avian species (aside from the burrowing owl or tricolored blackbird) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
- The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

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

**BIO-2 Best Management Practices.** Best Management Practices (e.g. straw wattles, Environmental Sensitive Area exclusion fencing, gravel bags, silt fencing, etc.) shall be installed prior to the start of any cannabis-growing activities to avoid direct inadvertent impacts to the unnamed drainage on the northern edge and the ravines on the western edge of the project site. Best Management Practices shall be installed to avoid any indirect impacts to these drainages that may occur from erosion/sedimentation.

Project activity occurring within 50 feet of aquatic habitat (e.g., swales, drainages, ponds, vernal pool, etc., identified in biological report) shall occur during the dry season (between June 1 and September 31). For short-term, temporary stabilization, an erosion and sedimentation control plan shall be developed outlining controls, which shall be implemented to prevent erosion and sedimentation into drainages and wetlands. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) fiber rolls, jute or coir netting, and/or other industry standard materials. These controls shall be installed and maintained for the duration of the project.

**BIO-3 Pre-construction surveys for Crotch Bumblebee and Western Bumblebee.** The following actions shall be undertaken to avoid and minimize potential impacts to Crotch Bumblebee and Western Bumblebee:

- a. Surveys - The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for Crotch Bumblebee and Western bumblebee within suitable habitat (i.e. small mammal burrows, grassland areas, upland scrubs) on the project site. Survey(s) can be conducted over an extended period of time to document and establish the presence of the bees within the areas of disturbance.

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- b. CBB or WBB Take Avoidance - If the survey(s) establish the presence of Crotch Bumblebee or Western Bumblebee within the areas of disturbance, the applicant shall retain a qualified biologist to prepare a Biological Resources Management Plan (Management Plan) subject to review and approval of the Department in consultation with CDFW. The Management Plan shall include at least the following:
  - i. Avoidance measures to include a minimum 50-feet no-disturbance buffer to avoid take and potentially significant impacts.
  - ii. If ground-disturbing activities will occur during the overwintering period (October through February), the applicant, in coordination with the Department, shall consult with CDFW to identify specific measures to be undertaken to avoid take as defined by the California Endangered Species Act (CESA).
  - iii. Take Authorization - If Crotch Bumble Bee or Western Bumblebee are detected prior to, or during project implementation, the applicant shall consult with CDFW to avoid take and/ or to obtain applicable take authorization.

### Energy

**ENG-1. Prior to issuance of building permits**, the applicant shall provide to the Department of Planning and Building for review and approval, an Energy Conservation Plan with a package of measures that, when implemented, would reduce or offset the project's energy demand to within 20% of the demand associated with a generic commercial building of the same size. The Energy Conservation Plan shall include the following:

- a. A detailed inventory of energy demand prepared by a Certified Energy Analyst. The inventory shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities including, but not limited to, lighting, odor management, processing, manufacturing and climate control equipment. The quantification of demand associated with electricity shall be expressed in total kilowatt hours (kWh) per year; demand associated with natural gas shall be converted to kWh per year.
- b. A program for providing a reduction or offset of all energy demand that is 20% or more than a generic commercial building of the same size. In this case, the estimated reduction or offset would be at least:  $2,806,650 \text{ kWh/yr} - 650,632 \text{ kWh/yr} = 2,156,018 \text{ kWh/yr}$ ; and the amount of energy not otherwise reduced or offset must not exceed 650,632 kWh/yr. Such a program (or programs) may include, but is not limited to, the following:
  - i. Evidence that the project will permanently source project energy demands from renewable energy sources (i.e. solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.
  - ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include, but is not limited to, the following:
    - 1. Participating in an annual energy audit.
    - 2. Upgrading and maintaining efficient heating/ cooling/ dehumidification systems.

## Initial Study – Environmental Checklist

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3. Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
  4. Implementing automated lighting systems.
  5. Utilizing natural light when possible.
  6. Utilizing an efficient circulation system.
  7. Ensuring that energy use is below or in-line with industry benchmarks.
  8. Implementing phase-out plans for the replacement of inefficient equipment.
  9. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.
- iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]
- iv. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of the project energy demand that is 20% or more above a generic commercial building of the same size.

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

### Hazards and Hazardous Materials

- HAZ-1 Equipment Maintenance and Refueling.** During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.
- HAZ-2 Spill Response Protocol.** During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.
- HAZ-3 Fire Protection Engineer (FPE) Inspection.** Prior to final occupancy, a Registered Fire Protection Engineer (FPE) shall review all manufacturing equipment including the carbon dioxide extraction system and all hazardous material storage areas to confirm compliance with all applicable CAL FIRE regulations including, but not limited to, California Fire Code Chapter 38 – System Equipment and Safety Systems.

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### Appendix A

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:

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(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.



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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 Alteration*. 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.

**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM  
FOR CORTEZ CONDITIONAL USE PERMIT  
(DRC2019-00058)**

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.

**AESTHETICS**

**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:** Light pollution prevention plan shall be submitted for review and approval by the County Department of Planning and Building at the time of application for construction permits. Compliance will be verified by the County Department of Planning and Building.

## **AIR QUALITY**

**AQ-1 Construction Equipment Emissions Controls.** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

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

**AQ-2 Idling Restrictions Near Sensitive Receptors for Both On and off-Road Equipment.** During all site disturbance and construction activities of all project phases:

- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- Use of alternative fueled equipment is recommended whenever possible; and,
- Signs that specify the no idling requirements must be posted and enforced at the construction site.

**AQ-3 Fugitive Dust Construction Control Measures.** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

- Reduce the amount of the disturbed area where possible;
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;

- All dirt stock-pile areas shall be sprayed daily as needed;
- All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
- 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.

**Monitoring:** Grading and construction plans shall be checked for the incorporation of required measures prior to the issuance of construction permits. Compliance will be verified by the County Department of Planning and Building during construction.

## **BIOLOGICAL RESOURCES**

**BIO-1: Preconstruction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

- A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- If special-status avian species (aside from the burrowing owl or tricolored blackbird) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
- The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

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

**Monitoring:** Evidence that preconstruction surveys for sensitive and nesting birds have been undertaken within the timeframe prescribed shall be provided to the Department of Planning Building. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

**BIO-2 Best Management Practices.** Best Management Practices (e.g. straw wattles, Environmental Sensitive Area exclusion fencing, gravel bags, silt fencing, etc.) shall be installed prior to the start of any cannabis-growing activities to avoid direct inadvertent impacts to the unnamed drainage on the northern edge and the ravines on the western edge of the project site. Best Management Practices shall be installed to avoid any indirect impacts to these drainages that may occur from erosion/sedimentation.

Project activity occurring within 50 feet of aquatic habitat (e.g., swales, drainages, ponds, vernal pool, etc., identified in biological report) shall occur during the dry season (between June 1 and September 31). For short-term, temporary stabilization, an erosion and sedimentation control plan shall be developed outlining controls, which shall be implemented to prevent erosion and sedimentation into drainages and wetlands. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) fiber rolls, jute or coir netting, and/or other industry standard materials. These controls shall be installed and maintained for the duration of the project.

**Monitoring:** Best Management Practices shall be listed on the approved grading plans. Implementation shall be verified during construction by the Department of Planning and Building.

**BIO-3 Pre-construction surveys for Crotch Bumblebee and Western Bumblebee.** The following actions shall be undertaken to avoid and minimize potential impacts to Crotch Bumblebee and Western Bumblebee:

- a. Surveys - The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for Crotch Bumblebee and Western bumblebee within suitable habitat (i.e. small mammal burrows, grassland areas, upland scrubs) on the project site. Survey(s) can be conducted over an extended period of time to document and establish the presence of the bees within the areas of disturbance.
- b. CBB or WBB Take Avoidance - If the survey(s) establish the presence of Crotch Bumblebee or Western Bumblebee within the areas of disturbance, the applicant shall retain a qualified biologist to prepare a Biological Resources Management Plan (Management Plan) subject to review and approval of the Department in consultation with CDFW. The Management Plan shall include at least the following:
  - i. Avoidance measures to include a minimum 50-feet no-disturbance buffer to avoid take and potentially significant impacts.
  - ii. If ground-disturbing activities will occur during the overwintering period (October through February), the applicant, in coordination with the Department, shall consult with CDFW to identify specific measures to be undertaken to avoid take as defined by the California Endangered Species Act (CESA).
  - iii. Take Authorization - If Crotch Bumble Bee or Western Bumblebee are detected prior to, or during project implementation, the applicant shall consult with CDFW to

avoid take and/ or to obtain applicable take authorization.

**Monitoring:** Evidence that preconstruction surveys for CBB and Western Bumblebee have been undertaken within the timeframe prescribed shall be provided to the Department of Planning Building. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

## **ENERGY/GREENHOUSE GAS EMISSIONS**

**ENG-1 Prior to issuance of building permits,** the applicant shall provide to the Department of Planning and Building for review and approval, an Energy Conservation Plan with a package of measures that, when implemented, would reduce or offset the project's energy demand to within 20% of the demand associated with a generic commercial building of the same size. The Energy Conservation Plan shall include the following:

- a. A detailed inventory of energy demand prepared by a Certified Energy Analyst. The inventory shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities including, but not limited to, lighting, odor management, processing, manufacturing and climate control equipment. The quantification of demand associated with electricity shall be expressed in total kilowatt hours (kWh) per year; demand associated with natural gas shall be converted to kWh per year.
- b. A program for providing a reduction or offset of all energy demand that is 20% or more than a generic commercial building of the same size. In this case, the estimated reduction or offset would be at least: 2,806,650 kWh/yr – 650,632 kWh/yr = 2,156,018 kWh/yr; and the amount of energy not otherwise reduced or offset must not exceed 650,632 kWh/yr. Such a program (or programs) may include, but is not limited to, the following:
  - i. Evidence that the project will permanently source project energy demands from renewable energy sources (i.e. solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.
  - ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include, but is not limited to, the following:
    1. Participating in an annual energy audit.
    2. Upgrading and maintaining efficient heating/ cooling/ dehumidification systems.
    3. Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
    4. Implementing automated lighting systems.
    5. Utilizing natural light when possible.
    6. Utilizing an efficient circulation system.



7. Ensuring that energy use is below or in-line with industry benchmarks.
8. Implementing phase-out plans for the replacement of inefficient equipment.
9. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.
- iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]
- iv. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of the project energy demand that is 20% or more above a generic commercial building of the same size.

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

**Monitoring:** The Energy Conservation Plan shall be submitted for review and approval by the County Department of Planning and Building at the time of application for construction permits. Compliance will be verified by the County Department of Planning and Building.

### **Hazards and Hazardous Materials**

**HAZ-1 Equipment Maintenance and Refueling.** During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

**HAZ-2 Spill Response Protocol.** During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.

**HAZ-3 Fire Protection Engineer (FPE) Inspection.** Prior to final occupancy, a Registered Fire Protection Engineer (FPE) shall review all manufacturing equipment including the carbon dioxide extraction system and all hazardous material storage areas to confirm compliance with all applicable CAL FIRE regulations including, but not limited to, California Fire Code Chapter 38 – System Equipment and Safety Systems.

**Monitoring:** Required during all construction activities. Implementation and 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

October 14, 2020

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.



EMILIO CORTES

10/14/20

Signature of Applicant

Name (Print)

Date