

**Summary of Water Consumption for GREENHOUSE Cannabis Cultivation @  
KOENIG CUP  
3919 HUASANA RD., ARROYO GRANDE  
Permit No DRC2018-00155  
Exceptions to Applicants Environmental Submittals Water Management  
Water Demand Analysis and Summary**

Sirs:

Based on the applicants **STATED DEMAND TOTAL OF 3.47 acre-feet/year** of (see attachment pg 52) water, we hereby take exception to the demand factors this applicant has provided for this project as follows:

- 1) For the purposes of this exercise, we are factoring a cannabis plants modestly assessed 2 gal/day water requirement when grown in a greenhouse. This value allows for an average consumption over the life of the plant. We will factor the area per plant water demand at 16 sq-ft per plant. This will account for a single mature flowering plant area calculation as well as multiple plants in that same area while in a vegetative state.
- 2) When completing CEQA applications the applicant will present the total sq-ft being considered for cultivation. As well as where the water will be coming from and how many gallons/day that operation will require. This will ultimately be converted into an acre-foot/year demand on whatever water supply will be feeding that applicant.

**1 acre = 43,560 sq-ft**

**1 acre-foot = 325,851 gallons**

- 3) Here is our project water demand analysis for a STATED 160,880 sq-ft (greenhouse canopy totals):

160,880 sq-ft (Total Area) ÷ 16 sq-ft (per plant area) = 10,055 plants

10,055 (plants) x 2 gal/day water = 20,110 gal/day water

20,110 (gal/day) ÷ 325,851 (gal) = 0.061 acre-feet/day

**ACTUAL GREENHOUSE DEMAND: 0.061 X 365 days = 22.26 acre-feet/year**

This represents a potential 146% difference between STATED and ACTUAL water usage.

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.** ED Number 20-083

**DATE:** April 27, 2020

**PROJECT/ENTITLEMENT:** Koenig Conditional Use Permit; DRC2018-00155

**APPLICANT NAME:** Krista Koenig

**Email:** fromstarttofoundation@hotmail.com

**ADDRESS:** 3919 Huasna Road, Arroyo Grande, CA 93420

**CONTACT PERSON:** Krista Koenig

**Telephone:** 831-588-6214

**PROPOSED USES/INTENT:** A request by Krista Koenig for a Conditional Use Permit (DRC2018-00155) to allow for the phased development of multiple cannabis activities on a 56.5-acre parcel. Phase 1 would include the establishment of three acres of outdoor cannabis cultivation, 4,800 square feet of modular trailers for ancillary cannabis processing, a 960 square-foot modular trailer for a non-storefront dispensary service and additional processing, the relocation of two existing 5,000 gallon water tanks, the installation of one new 5,000 gallon water tank, and site improvements including security equipment, fencing, driveway improvements, parking areas, and installation of a restroom and septic system. Phase 2 would include 33,600 square feet of greenhouse to support 22,000 square feet of mixed-light/indoor cultivation, one 8,200 square-foot greenhouse for a commercial cannabis nursery, and a 960 square foot modular trailer for non-volatile manufacturing activities. The project would result in approximately 5.5 acres of site disturbance including less than 50 cubic yards of earthwork (combined cut and fill).

**LOCATION:** The project site is located within the Agriculture land use designation at 3919 Huasna Road, approximately five miles northeast of the city of Arroyo Grande.

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

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

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

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

**COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 4:30 p.m. (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 Department of Planning and Building as ☒ *Lead Agency* ☐ *Responsible Agency* approved/denied the above described project on \_\_\_\_\_, and has made the following determinations regarding the above described project:

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

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

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

PLN-2039  
04/2019

Initial Study – Environmental Checklist

Project Title & No. Koenig Conditional Use Permit ED20-083(DRC2018-00155)

**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 checked="" type="checkbox"/> Agriculture & Forestry Resources	<input 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.

Brandi Cummings, SWCA  
Prepared by (Print)

*Brandi Cummings*  
Signature

April 15, 2020  
Date

David Moran  
Reviewed by (Print)

*David Moran*  
Signature

for Steve McMasters,  
Environmental Coordinator

4/16/2020  
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:** A request by **Krista Koenig** for a Conditional Use Permit (DRC2018-00155) to allow for the phased development of multiple cannabis activities on a 56.5-acre parcel. Phase 1 would include the establishment of three acres of outdoor cannabis cultivation, 4,800 square feet of modular trailers for ancillary cannabis processing, a 960 square-foot modular trailer for a non-storefront dispensary service and additional processing, the relocation of two existing 5,000 gallon water tanks, the installation of one new 5,000 gallon water tank, and site improvements including security equipment, fencing, driveway improvements, parking areas, and installation of a restroom and septic system. Phase 2 would include one 33,600 square foot greenhouse to support 22,000 square feet of mixed-light/indoor cultivation, one 8,200 square-foot greenhouse for a commercial cannabis nursery, and a 960 square foot modular trailer for non-volatile manufacturing activities. The project would result in approximately 5.5 acres of site disturbance including less than 50 cubic yards of earthwork (combined cut and fill). The project site is located within the Agriculture land use designation at 3919 Huasna Road, approximately five miles northeast of the city of Arroyo Grande in the San Luis Bay Inland Sub Area South of the South County Planning Area.

The project location and vicinity are shown in Figures 1 and 2; project components are summarized in Table 1. The proposed cannabis facilities will be located near the southern end of the 56.5-acre parcel and will include installation of additional security measures; all proposed project components would occur within a 7-foot-high chain-link fence which would be lined with mesh fabric to provide screening of the cannabis activities.

**Table 1. Project Summary**

Phase	Use	Structure Type	No. of Structures	Total Area	Total Cannabis Canopy
Phase I	Outdoor Cannabis Cultivation	n/a	n/a	3 acres (130,680 sf)	3 acres (130,680 sf)
	Ancillary Cannabis Processing	Modular Trailer	5	4,800 sf	4,800 sf
	Non-storefront Dispensary and Additional Processing	Modular Trailer	1	960 sf	n/a
Phase II	Indoor Cannabis Cultivation	New Greenhouses	1	33,600 sf	22,000 sf
	Commercial Nursery		1	8,200 sf	8,200 sf
	Manufacturing	Modular Trailer	1	960 sf	n/a
	<b>Total:</b>		<b>9</b>	<b>4.1 acres 179,200 sf</b>	<b>165,680 sf</b>

The outdoor cultivation area would be harvested from mid to late June through early November, and indoor cultivation and harvest would occur year-round. Processing would occur within eight modular trailers and consist of trimming, drying, and

## Initial Study – Environmental Checklist

curing of the product prior to sending offsite. To prevent nuisance odors from being detected offsite, the proposed outdoor cultivation area would be located a minimum of 300 feet from the property lines of the site and public right-of-way in accordance with County of San Luis Obispo (County) Land Use Ordinance (LUO) 22.40.050.D.3.b. In addition, each of the proposed greenhouses and the proposed processing building would be equipped with carbon scrubbers in accordance with LUO 22.40.050.D.8.

A portion of the property is located within the Santa Maria River Valley – Arroyo Grande 3-012.02 Groundwater Basin (split in 2019 from the Santa Maria Valley Groundwater Basin), which is not currently listed as an impacted (Level of Severity III) basin. The project would be served by an existing well onsite, however, a new 5,000-gallon water storage tank would be constructed, and the two existing 5,000-gallon storage tanks would be relocated. The project would result in approximately 3.47-acre-feet of water demand annually.

The subject property is not currently under a Williamson Act contract.

The project facilities would operate 7 days a week between 7:00 a.m. and 9:00 p.m. and would employ up to 20 full-time regular employees and part-time seasonal employees. Based on the Traffic Study for the project prepared by Orosz Engineering Group, Inc. (2019), the project would generate approximately 33 average daily trips, with one trip generated during the p.m. peak hours. The project would not be located within a road improvement fee area.

The project's electricity needs would be met by existing overhead powerlines and two existing meters serviced by the Pacific Gas & Electric Company (PG&E). The project's estimated annual energy use would be 4,598,000 kWh.

**Baseline Conditions.** The property is currently utilized for a residence, approximately four acres of crop production, horse training and boarding, and approximately a half-acre of cannabis cultivation registered under the County's Emergency Cannabis Ordinance. Surrounding land uses include active agricultural crops, Monterey Mushrooms - a mushroom cultivation farm, Layne Laboratories – a mice and rat breeding and processing facility and scattered rural residences (Figure 3).

**Ordinance Modification:** The project request includes a modification from the parking provisions set forth in LUO Section 22.18.050. The type of use that is most similar to the proposed indoor cannabis cultivation and commercial nursery is "*Nursery Specialties*" with a parking requirement of one parking space per 500 sf of floor area. Cannabis processing 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. The non-storefront dispensary use is considered a *Mail Order & Vending* land use, which requires one parking space per 1,000 square feet of use area. By applying these standards, the project requires a total of 91 parking spaces as summarized in Table 2. The applicant is proposing a total of 14 parking spaces including one ADA accessible space.

**Table 2. Summary of Parking Requirements**

Use	Parking Standard	Floor Area	Required Number Of Spaces
Indoor Cannabis Cultivation	1:500	33,600 sf	67
Ancillary Processing	1:1,000	4,800 sf	5
Commercial Nursery	1:500	8,200 sf	16
Non-storefront Dispensary	1:1000	960 sf	1
Non-Volatile Manufacturing	1:500	960 sf	2
<b>Total:</b>			<b>91</b>

The project proposes 14 designated parking spaces (including Americans with Disabilities Act [ADA] compliant spaces), and additional room for parking is available adjacent to the greenhouses. Up to 20 employees could be on-site at any time during the day during peak harvest times; therefore, the 14 proposed designated spaces, along with the additional parking areas, would be sufficient to meet the parking demands of the project.

**ASSESSOR PARCEL NUMBER(S):** 041-097-005

**Latitude:** 34° 1' N

**Longitude:** 120° 1' W

**SUPERVISORIAL DISTRICT #**

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## Initial Study – Environmental Checklist

### Other Public Agencies Whose Approval is Required

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
Cannabis retail license	California Bureau of Cannabis Control
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.

### B. Existing Setting

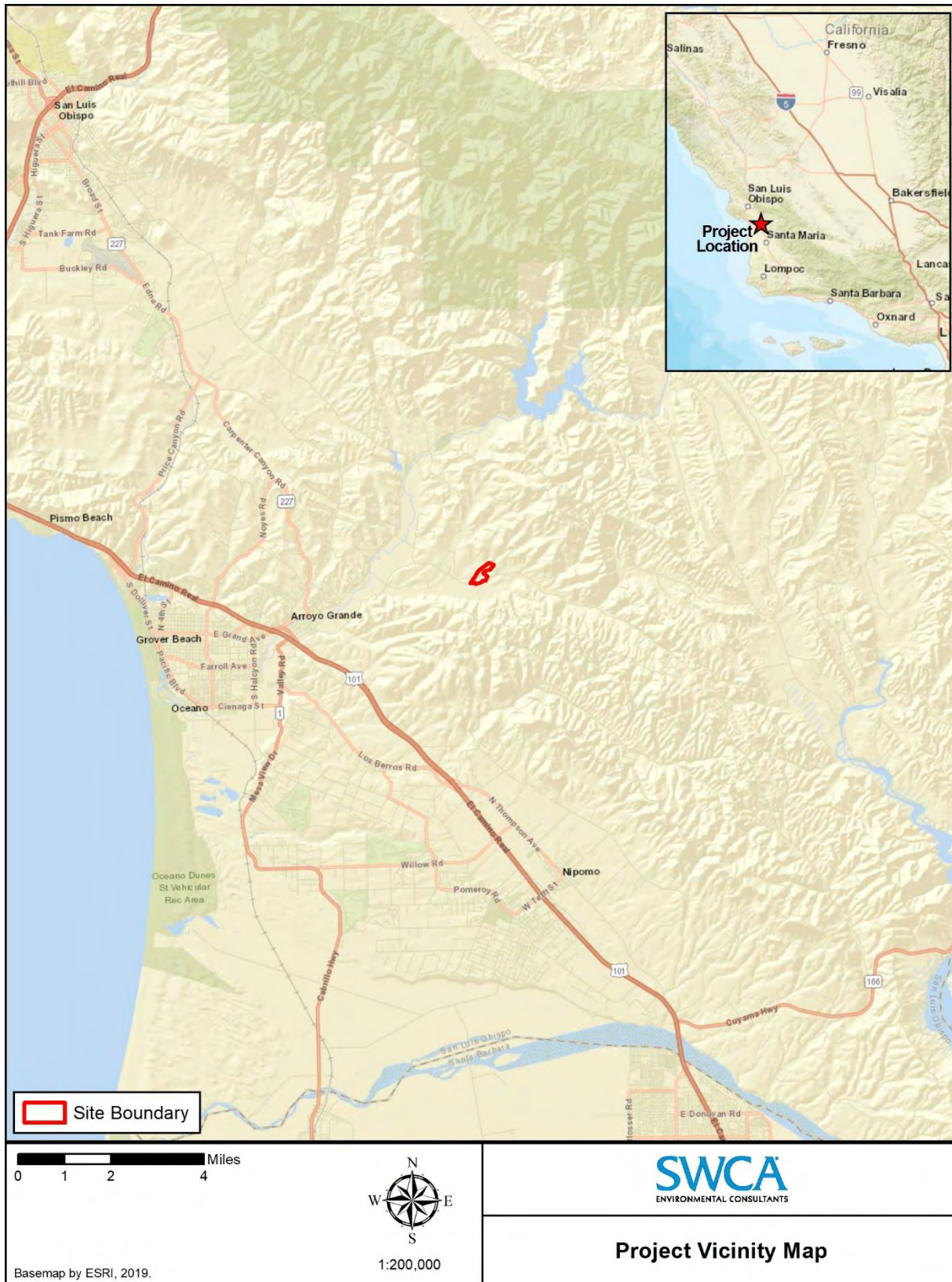
**Plan Area:** South County      **Sub:** San Luis Bay (South)      **Comm:** Rural  
**Land Use Category:** Agriculture  
**Combining Designation:** Flood Hazard  
**Parcel Size:** acres  
**Topography:** Nearly level to gently sloping  
**Vegetation:** Agriculture  
**Existing Uses:** Agricultural uses single-family residence(s)  
**Surrounding Land Use Categories and Uses:**  
**North:** Agriculture; undeveloped single-family residence(s)      **East:** Agriculture; agricultural uses  
**South:** Agriculture; agricultural uses single-family residence(s)      **West:** Agriculture; single-family residence(s)

### 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.

## Initial Study – Environmental Checklist

**Figure 1. Vicinity Map**





## Initial Study – Environmental Checklist

Figure 2. Project Location Map/Aerial View





### Photo 3. Proposed Site Plan



## 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 type="checkbox"/>	<input checked="" 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

CEQA establishes that it is the policy of the state to take all action necessary to provide people of the state “with... enjoyment of aesthetic, natural, scenic and historic environmental qualities” (Public Resources Code Section 21001(b)).

A scenic vista is generally defined as a high-quality view displaying good aesthetic and compositional values that can be seen from public viewpoints. Some scenic vistas are officially or informally designated by public agencies or other organizations. A substantial adverse effect on a scenic vista would occur if the project would significantly degrade the scenic landscape as viewed from public roads or other public areas. A proposed project’s potential effect on a scenic vista is largely dependent upon the degree to which it would complement or contrast with the natural setting, the degree to which it would be noticeable in the existing environment, and whether it detracts from or complements the scenic vista.

California’s Scenic Highway Program was created by the State Legislature in 1963 with the intention of protecting and enhancing the natural scenic beauty of California highways and adjacent corridors. There are several officially designated state scenic highways and several eligible state scenic highways within the county. State Route 1 is an Officially Designated State Scenic Highway and All-American Road from the City of San Luis Obispo to the northern San Luis Obispo County boundary. A portion of Nacimiento Lake Drive is an Officially Designated County Scenic Highway. Portions of Highway 101, Highway 46, Highway 41, Highway 166, and Highway 33 are also classified as Eligible State Scenic Highways – Not Officially Designated.

The County of San Luis Obispo Inland Land Use Ordinance (LUO) establishes regulations for exterior lighting (LUO 22.10.060), height limitations for each land use category (LUO 22.10.090), scenic highway corridor standards (LUO 22.10.095), and other visual resource protection policies. These regulations are intended to help the County achieve its Strategic Growth Principles of preserving scenic natural beauty and fostering distinctive, attractive communities with a strong sense of place as set forth in the County Land Use Element.

The LUO also requires portions of the Salinas River Highway Corridor, the San Luis Obispo Highway Corridor, and the South County Highway Corridor to comply with County highway corridor design standards. These standards include but are not



## Initial Study – Environmental Checklist

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limited to setbacks from highway rights-of-way, guidelines for development along ridgelines, limitations on graded slopes, protection of landmark features, and standards for building height and color (LUO 22.10.095).

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

In addition to policies set forth in the LUO, the County Conservation and Open Space Element (COSE) provides guidelines for the appropriate placement of development so that the natural landscape continues to be the dominant view in rural parts of the county and to ensure the visual character contributes to a robust sense of place in urban areas. The COSE provides a number of goals and policies to protect the visual character and identify of the county while protecting private property rights, such as the identification and protection of community separators (rural-appearing land located between separate, identifiable communities and towns), designation of scenic corridors along public roads and highways throughout the county, retaining existing access to scenic vista points, and setting the standard that new development in urban and village areas shall be consistent with the local character, identify, and sense of place.

The project site is located within a 56.5-acre property along Huasna Road approximately five miles northeast of the city of Arroyo Grande. The property is currently developed with one single-family residence, an agricultural accessory barn, two 5,000-gallon water storage tanks, two storage containers, and equestrian boarding and training facilities and about 2,500 sf of outdoor cannabis cultivation. Agricultural crops are also in active production and include tomatoes, peas, barley, canola, eggplant, and various other row crops. Onsite vegetation generally consists of disturbed/ruderal, annual (non-native) grassland, and agricultural habitats. Photos 1-3 below show views of the project site from Huasna Road.



**Photo 1.** View of the project site from Huasna Road looking northeast (Google Maps July 2019)



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**Photo 2.** View of the project site from Huasna Road looking north (Google Maps July 2019)



**Photo 3.** View of the project site from Huasna Road looking west (Google Maps July 2019)

The visual character of the project vicinity is characterized by agricultural land uses including row crops and equestrian uses, with scattered rural residences, agricultural accessory structures, and mature oak trees. Topography of the area varies from nearly flat fields to rolling hills. Although Huasna Road is not officially designated as a scenic highway, the roadway offers high-quality views of rural agricultural landscapes. Huasna Road serves as a major collector for both residential and agricultural lands located east of Arroyo Grande.

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The project site is located in a rural portion of San Luis Obispo County with minimal development and little light pollution. According to [lightpollutionmap.info](http://lightpollutionmap.info), the project site is located in a moderately light-polluted area of the county, with a Bortle classification of 4 (rural/suburban transition) and an artificial brightness level of 118  $\mu\text{cd}/\text{m}^2$ .<sup>1</sup>

### Discussion

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

The project site is located in a rural area accessed by a driveway off Huasna Road, which serves as the primary public key viewing area of the project site. 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 County of San Luis Obispo General Plan does not designate any scenic resources in this area. The project is not located within an identified scenic vista, visually sensitive area, scenic corridor, or an identified area of high scenic quality that would be seen from key public viewpoints. Therefore, the project would not have a substantial adverse effect on a scenic vista and impacts would be *less than significant*.

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

The project is not located within the viewshed of a designated or eligible state scenic highway and implementation of the project would not result in damage to scenic resources within the viewshed of a state scenic highway. Therefore, *no impacts would occur*.

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

The proposed project could have a potentially significant impact on visual resources as seen from Huasna Road, since it would introduce a new use and structures which could be visually incompatible with the character of the surrounding rural residential and agricultural landscape. LUO 22.40.070(D)(2) requires that cannabis manufacturing facilities be designed in an agrarian architectural style to better blend with the rural character of the area. However, the LUO does not provide the same requirement for other cannabis-related structures.

The project would introduce new structural components that would result in a permanent noticeable change in the physical characteristics of the existing environment. While greenhouses are generally agricultural in nature, there are no existing greenhouses within the general project viewshed. There are however several barns and agrarian structures of comparable scale throughout the area. Similarly, most fencing in the area consists of barbed wire fencing or horizontal horse fencing with gaps, not chain-linked fencing with screen cloth. The project site already consists of two 5,000-gallon water storage tanks, and therefore the additional storage tank would not likely disrupt the existing aesthetic character of the area. The project's other proposed structural components would have the potential to degrade the public views of the rural agricultural site and area as seen from Huasna Road.

**Mitigation Measures AES-1 and AES-2** have been identified to require the preparation and implementation of a landscape plan to provide adequate vegetative screening along the southern and eastern boundaries of the project area. **Mitigation Measures AES-3 and AES-4** have also been identified to ensure that all plantings associated with the landscape plan are adequately protected until they are successfully established and maintained for the life of the project. Implementation of these measures would increase the project's visual compatibility with its surrounding landscape and decrease noticeability of the proposed components as seen from Huasna Road.

**Mitigation Measure AES-5** would require all structures proposed for the project to be painted in earth tones to

<sup>1</sup> A measure of luminance in units of micro candelas per square meter. A higher number indicates higher luminance. By comparison, central Arroyo Grande has a luminance of 1,210  $\mu\text{cd}/\text{m}^2$ .

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blend with the surrounding landscape. These measures would increase the project's consistency with goals and objectives identified in the COSE and County Design Guidelines for protection of visual resources.

In addition, there are several other proposed cannabis cultivation projects being proposed within the project vicinity. **Mitigation Measures AES-1 through AES-5** would reduce the project's potential cumulative impacts to visual character to less than significant. Therefore, project contribution to cumulative impacts associated with degradation of visual character or public views of the site and its surroundings would be *less than significant with mitigation*.

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

The project proposes both outdoor and indoor cultivation activities. Outdoor cultivation would occur in hoop house structures and would use primitive light deprivation techniques to induce plant flowering. No artificial lighting would be used with the outdoor cultivation. The indoor mixed-light cultivation greenhouses would use both light deprivation techniques and artificial lighting. Artificial "grow" lights would be used during low-light periods and at night for certain grow phases. The nursery greenhouse may also use grow lights during the vegetative stage of plants. The project includes use of shading and black-out screening within each greenhouse to reduce visibility of night lighting from offsite. In addition, the project includes use of exterior security lighting.

**Mitigation Measure AES-6** has been identified to require a light pollution prevention plan that conforms to the County's exterior lighting standards (LUO 22.10.060) and shall include techniques to properly shield and blackout facilities that may employ artificial lighting techniques; therefore, impacts relating to nighttime lighting and glare would be *less than significant with mitigation*.

### Conclusion

The project has the potential to result in visual impacts to the visual character or quality of public views of the site and its surroundings and nighttime views. Mitigation measures AES-1 through AES-6 have been identified to reduce potentially significant impacts to a less than significant level and to be consistent with County visual resource protection standards and design guidelines. Upon implementation of these mitigation measures, impacts to aesthetics would be less than significant.

### Mitigation

#### AES-1

**At the time of application for construction permits, or prior to establishment of the use, whichever occurs first**, the applicant shall submit a landscape plan to provide adequate vegetative screening along the southern and eastern boundaries of the project area to the County Department of Planning and Building for review and approval. If it is determined that the success criteria would not be met by the proposed landscape plan, the applicant shall submit a supplemental landscape screening plan with additional recommendations to achieve the required screening. The landscape plan shall be prepared in accordance with Water Efficient Landscape Methods and Landscape Plan Content requirements as described in LUO Section 22.16. The plans shall be developed and signed by a licensed landscape architect and include the following:

- The screen plants shall be strategically located along the southern and eastern fence lines of the project and southern and eastern boundaries of the property (see Figure 3). Placement of various tree types and understory vegetation (e.g., varying height, growth rate) shall be placed to create a more natural setting around the proposed fencing. Plantings shall screen 50% of the proposed fencing, greenhouses, and processing building as seen from Huasna Road, upon maturity or 5 years, whichever occurs first.
- Screen planting shall include evergreen trees capable of growing to a minimum height of 8 feet tall. Trees shall be planted from a minimum 15-gallon container size. Shrubs from 5-gallon containers shall be planted among the screen trees. All landscaping plants shall be native to the area and utilize plants identified in the County's Approved Plant List. At least 80% of the proposed vegetation shall have either an F1 or F2 fire resistance designation, as noted within the County's Approved Plant List.
- The landscape screening plan shall be designed to meet the required 50% screening criteria while accommodating for typical establishment success ratios and possible plant mortality.



## Initial Study – Environmental Checklist

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- d. All vegetation planting with a maturity height of 10 feet or greater shall be located at least 50 feet from existing powerlines.
- e. If possible, planting during the warmest, driest months (June through September) shall be avoided.

- AES-2**      **Prior to final inspection/occupancy, or establishment of the use, whichever occurs first**, the approved landscape plan shall be implemented, and the applicant shall provide a letter to the County Department of Planning and Building for approval demonstrating that the applicant has entered into a contract with a qualified landscape architect for the purpose of monitoring the success of the screen planting area. The monitoring contract shall include a requirement that the monitor conduct, at a minimum, an annual site visit and assessment of the planting success for 5 years and an annual submittal of a monitoring report to the County Department of Planning and Building. After two years of maintaining and monitor
- AES-3**      **Prior to final inspection or occupancy, whichever occurs first**, the applicant shall post a bond for the cost of implementing the landscape screening plan with the County Department of Planning and Building. The licensed landscape architect shall include a cost estimate for the implementation of the landscape plan. **At the end of the 5-year monitoring period**, the monitoring report (as described in measure AES-2) shall be submitted to the County Department of Planning and Building for review:
- a. If the monitoring report demonstrates that the landscaping plan has been successfully implemented and meets the required screening criteria (as described in measure AES-1), the bond shall be returned to the applicant in full; or
  - b. If the monitoring report demonstrates that the landscaping plan does not meet the required screening criteria, the applicant shall submit a revised landscape plan prepared by a licensed landscape architect in accordance with the standards set forth in measure AES-1 for review and approval by the County Planning Department. Upon approval of the revised landscape plan, the applicant shall implement the revised landscape plan and submit an annual monitoring report (consistent with the standards set forth in AES-2) for two years.
- If the revised landscape plan does not meet the required screening criteria after five years, the County Planning Department shall use the bond to hire a licensed landscape architect to implement and maintain the revised landscape screening plan. If the monitoring report demonstrates the landscaping plan successfully meets the required screening criteria, the bond shall be returned to the applicant in full.
- AES-4**      **For the life of the project**, all plantings associated with the landscape plan described in AES-1 shall be maintained until successfully established. This shall include protection (e.g., tree shelters, exclusionary fencing) from animals (e.g., deer, rodents), regular weeding (minimum of once during early fall and once during early spring) of at least a 3-foot radius surrounding each tree/plant, and adequate watering (e.g., drip irrigation system) as described in the approved landscape plan.
- AES-5**      **Architectural Design.** Prior to issuance of construction permits, the applicant shall submit elevations and color samples for all proposed project structures, including the greenhouse, nursery, trailers, office, delivery service office, water tanks (new and relocated), and restroom. The structures shall be in earth tone colors with Munsell chroma values of 6 or less.
- AES-6**      **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 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. Any exterior lighting shall be “warm-white” or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions; 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

Refer to 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 checked="" type="checkbox"/>	<input 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"/>
(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"/>

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

### Setting

The County of San Luis Obispo supports a unique, diverse, and valuable agricultural industry that can be attributed to its Mediterranean climate, fertile soils, and sufficient water supply. Wine grapes are regularly the top agricultural crop in the county. Top value agricultural products in the county also include fruit and nuts, vegetables, field crops, nursery products, and animals. The County of San Luis Obispo Agriculture Element includes policies, goals, objectives, and other requirements that apply to lands designated in the Agriculture land use category. In addition to the Agriculture Element, in accordance with Sections 2272 and 2279 of the California Food and Agriculture Code, the County Agricultural Commissioner releases an annual report on the condition, acreage, production, pest management, and value of agricultural products within the county. The most recent annual crop report can be found here: <https://www.slocounty.ca.gov/Departments/Agriculture-Weights-and-Measures/All-Forms-Documents/Information/Crop-Report.aspx>.

Onsite soils at the project area include:

- 115-Chamise channery loam, 9 to 15 percent slopes, MLRA 15. This very deep, well-drained moderately steep soil has very slow permeability and rapid surface runoff. The hazard of water erosion is high. If this soil is used for urban development, special design considerations may be required due to slope, very slow permeability, and high clay content. Septic tank absorption fields do not function well in this soil due to slope and moderate shrink-swell potential. This soil is classified as Not Prime Farmland by the NRCS. This soil has a CA Storie Index Rating of Grade 2 – Good.
- 116-Chamise channery loam, 15 to 30 percent slopes, MLRA 15. This very deep, well-drained moderately steep soil has very slow permeability and rapid surface runoff. The hazard of water erosion is high. If this soil is used for urban development, special design considerations may be required due to slope, very slow permeability, and high clay content. Septic tank absorption fields do not function well in this soil due to slope and moderate shrink-swell potential. This soil is classified as Not Prime Farmland by the NRCS. This soil has a CA Storie Index Rating of Grade 2 – Good.
- 135-Elder sandy loam, 2 to 5 percent slopes. This very deep, well drained, gently sloping soil has moderately rapid permeability and surface runoff is slow. The hazard of water erosion is slight, and the hazard of wind erosion is moderate. This soil has few limitations for development. This soil is classified as Prime Farmland if Irrigated by the NRCS. This soil has a CA Storie Index Rating of Grade 1 – Excellent.

The County Conservation and Open Space Element (COSE) includes a table of Important Agricultural Soils of San Luis Obispo County. The COSE identifies Chamise channery loam, 15 to 30 percent slopes, as a productive soil, and Elder sandy loam, 2 to 5 percent slopes, as prime farmland, both of which are Important Agricultural Soils as defined by the County General Plan.

**Table 3. NRCS and COES Farmland Classifications and Acreages**

Soil	NRCS Farmland Classification	COES Classification	Acre
<u>Chamise channery loam, 9 to 15 percent slopes</u>	Not Prime	Other Productive Soils	12.91
<u>Chamise channery loam, 15 to 30 percent slopes</u>	Not Prime	Other Productive Soils	26.63
<u>Elder sandy loam, 2 to 5 percent slopes</u>	Prime if Irrigated	Prime Farmland	16.96

Sources:

1. NRCS WebSoil Survey, 2020



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### 2. Table SL-2, Conservation/Open Space Element

The California Department of Conservation's 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. Table 4 provides a summary of soils of the project site according to their FMMP classifications.

**Table 4. FMMP Classifications and Acreage**

FMMP Classification	Acres
Prime	8.56
Unique (U)	0.64
Local Potential (LP)	7.44
Grazing (G)	37.74
Other Land (X)	2.12
<b>Total:</b>	<b>56.50</b>

Source: Department of Conservation Farmland Mapping and Monitoring Program, 2020

#### Notes:

1. Prime Farmland (P). Farmland with the best combination of physical and chemical features able to sustain long term agricultural production.
2. Unique Farmland (U). Farmland of lesser quality soils used for the production of the state's leading agricultural crops.
3. Local Potential (LP): lands having the potential for farmland, which have Prime or Statewide characteristics and are not cultivated.
4. Grazing (G). Land on which the existing vegetation is suited to the grazing of livestock.
5. Other Land (X). Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities.

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 does not include land within the Agriculture land use designation and is not within lands subject to a Williamson Act contract.

According to Public Resources Code Section 12220(g), forest land is defined as land that can support 10-percent 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 board 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. The project site does not support any forest land or timberland.

#### Discussion

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

According to the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP), the project site contains both Prime Farmland and Unique Farmland. The FMMP also shows that between 2008 and 2016 (the most recent data year), the amount of agricultural land in San Luis Obispo County has decreased from 1,593,578 acres to 1,586,355 acres (about 7,223 acres). (The total area inventoried over this same period increased

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by only 58 acres.) During this same period, the amount of Important Farmland (Prime, Unique, Statewide Importance) decreased by 13,349 acres, approximately 3.25% over an 8-year period.

The proposed project would result in the permanent conversion of approximately 1.68 acres of Prime Farmland for construction of the greenhouse, nursery, processing, and other ancillary use areas (approximately 0.004% of the total amount of Prime Farmland in the county). An additional 3.75 acres of Prime Farmland would be semi-permanently converted for outdoor cannabis cultivation. This area would be fenced, and cannabis would be grown in-ground, without the use of hoop structures. Since this area would only be semi-permanently disturbed, the land could be easily converted back to agricultural use at the end of the life of the project, with removal of the fence.

**Mitigation Measure AG-1** would require the applicant to remove the fencing and footings within 60 days of ceasing the outdoor cannabis use.

While the proposed project itself would not result in direct significant impacts to Farmland, the project in conjunction with other similar projects would have the potential for a cumulatively significant impact to Farmland in the County. See Section XXI. Mandatory Findings of Significance for the discussion on cumulative agricultural impacts.

Impacts to Farmland conversion would be *less than significant with mitigation*.

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

The subject property is located within the Agriculture land use designation and cannabis cultivation activities including the proposed outdoor cultivation, indoor cultivation, and processing activities are allowed uses within this land use designation (LUO 22.06.030).

The project site is not currently enrolled in a Williamson Act contract and therefore would not cause a conflict with such contract. Therefore, the project would not result in a conflict with a Williamson Act contract and impacts related to existing zoning for agricultural use would be *less than significant*.

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

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

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

The project site does not support forest land or timberland and would not result in the loss or conversion of these lands to non-forest use; *no impacts would occur*.

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

Beside the impact identified in threshold a above, the project's impacts to converting farmland to non-agricultural use would be *less than significant*.

### Conclusion

The project would result in cumulative impacts to Prime Farmland and Unique Farmland due to the conversion of these Farmlands to non-agricultural uses as a result of construction of permanent structures. Mitigation measures are proposed to reduce these impacts to a less-than-significant level.

### Mitigation

**AG-1 Within 60 days of permanent cessation of outdoor cannabis cultivation**, the applicant shall remove all fencing installed as part of the project that are located on Prime Farmland or Unique Farmland, including all concrete footings.

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### Sources

Refer to Exhibit A.

### 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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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

#### Regulatory Agencies and Standards

San Luis Obispo County is part of the South Central Coast Air Basin, (SCCAB) which also includes Santa Barbara and Ventura Counties. Air quality within the SCCAB is regulated by several jurisdictions including the U.S. Environmental Protection Agency (EPA), California Air Resources Board (ARB), and the San Luis Obispo County Air Pollution Control District (SLOAPCD). Each of these jurisdictions develops rules, regulations, and policies to attain the goals or directives imposed upon them through legislation. The California ARB is the agency responsible for coordination and oversight of state and local air pollution control programs in California and for implementing the California Clean Air Act (CCAA) of 1988. The State Department of Public Health established California Ambient Air Quality Standards (CAAQS) in 1962 to define the maximum amount of a pollutant (averaged over a specified period of time) that can be present without any harmful effects on people or the environment. The California ARB adopted the CAAQS developed by the Department of Public Health in 1969, which had established CAAQS for 10 criteria pollutants: particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), ozone (O<sub>3</sub>), nitrogen dioxide (NO<sub>2</sub>), sulfate, carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), visibility reducing particles, lead (Pb), hydrogen sulfide (H<sub>2</sub>S), and vinyl chloride.

The Federal Clean Air Act (FCAA) later required the U.S. EPA to establish National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment, and also set deadlines for their attainment. The U.S. EPA has established NAAQS for six criteria pollutants (all of which are also regulated by CAAQS): CO, lead, NO<sub>2</sub>, ozone, PM<sub>10</sub> and PM<sub>2.5</sub>, and SO<sub>2</sub>.

California law continues to mandate compliance with CAAQS, which are often more stringent than national standards. However, California law does not require that CAAQS be met by specified dates as is the case with NAAQS. Rather, it requires incremental progress toward attainment. The SLOAPCD is the agency primarily responsible for ensuring that NAAQS and CAAQS are not exceeded and that air quality conditions within the county are maintained.

#### SLOAPCD Thresholds



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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.

The APCD has established thresholds for both short-term construction emissions and long-term operational emissions. Use of heavy equipment and earth moving operations during project construction can generate fugitive dust and engine combustion emissions that may have substantial temporary impacts on local air quality and climate change. Combustion emissions, such as nitrogen oxides (NOx), 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. SLOAPCD has established thresholds of significance for each of these contaminants.

The proposed project would result in the disturbance of approximately 5.5 acres and would result in approximately less than 50 cubic yards of earthwork.

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

General screening criteria is used by the SLOAPCD to determine the type and scope of air quality assessment required for a particular project (Table 1-1 in the SLOAPCD's CEQA Air Quality Handbook). These criteria are based on project size in an urban setting and are designed to identify those projects with the potential to exceed the APCD's significance thresholds. A more refined analysis of air quality impacts specific to a given project is necessary for projects that exceed the screening criteria below or are within ten percent (10%) of exceeding the screening criteria.

### *Air Quality Monitoring*

The county's air quality is measured by a total of 10 ambient air quality monitoring stations, and pollutant levels are measured continuously and averaged each hour, 24 hours a day. The significance of a given pollutant can be evaluated by comparing its atmospheric concentration to state and federal air quality standards. These standards represent allowable atmospheric containment concentrations at which the public health and welfare are protected, and include a factor of safety. The SLOAPCD prepares an Annual Air Quality Report detailing information on air quality monitoring and pollutant trends in the county. The most recent Annual Air Quality Report can be found here:

<https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/2017aqrt-FINAL2.pdf>.

In the county of San Luis Obispo, ozone and fine particulates (particulate matter of 10 microns in diameter or smaller; PM<sub>10</sub>) are the pollutants of main concern, since exceedances of state health-based standards for these pollutants are experienced in some areas of the county. Under federal standards, the county has non-attainment status for ozone in eastern San Luis Obispo county.

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

The SLOAPCD's 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 PM<sub>10</sub>. The CAP presents a detailed description of the sources and pollutants which 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.

### *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 the county and may contain NOA. If these areas are disturbed during construction, NOA-containing particles can be released into the air and have an adverse impact on local air quality and human health.

The project site is located in an APCD-designated naturally occurring asbestos (NOA) zone (San Luis Obispo County APCD 2018). Prior to any grading activities, the applicant will be required to comply with the applicable sections of the Air

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Resources Board's Air Toxics Control Measures for Construction, Grading, Quarrying, and Surface Mining Operations (NOA ATCM). These standard requirements require the preparation of a geologic evaluation for review by the SLOAPCD.

### *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 project area is a single-family residence located approximately 580 feet to the east.

### *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 twelve full-time regular employees, with eight regular employees onsite at a time, and up to twenty-five seasonal employees. The project would not result in a significant increase in employees and therefore would not significantly affect the local area's jobs/housing balance.

Adopted transportation control measures include, but are not limited to, a voluntary commute options program, local and regional transit system improvements, bikeway enhancements, and telecommuting programs. Project employees would generally be performing manual tasks such as planting, harvesting, and monitoring the irrigation equipment; therefore, the project would not be a feasible candidate for participation in a telecommuting program. No regional transit system serves this area and therefore improvements to the transit system are not feasible. The project site is in a rural area, off an established bikeway system, and therefore bikeway enhancements are not feasible.

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

#### *(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 of the project would result in emissions of ozone precursors including reactive organic gasses (ROG) and nitrous oxides (NO<sub>x</sub>) and fugitive dust emissions (PM<sub>10</sub>).

### *Construction Impacts*

The SLOAPCD CEQA Air Quality Handbook provides thresholds of significance for construction related emissions. Table 5 lists SLOAPCD's general thresholds for determining whether a potentially significant impact could occur as a result of a project's construction activities.

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**Table 5. SLOAPCD Thresholds of Significance for Construction Activities**

Pollutant	Threshold <sup>(1)</sup>		
	Daily	Quarterly Tier 1	Quarterly Tier 2
Diesel Particulate Matter (DPM)	7 lbs	0.13 tons	0.32 tons
Reactive Organic Gases (ROG) + Oxides of Nitrogen (NO <sub>x</sub> )	137 lbs	2.5	6.3 tons
Fugitive Particulate Matter (PM <sub>10</sub> ), Dust <sup>(2)</sup>		2.5 tons <sup>(2)</sup>	

1. Daily and quarterly emission thresholds are based on the California Health and 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.

The SLOAPCD CEQA Air Quality Handbook also provides preliminary screening construction emission rates based on the proposed volume of soil to be moved and the anticipated area of disturbance. Table 6 lists the SLOAPCD's screening emission rates that would be generated based on the amount of material to be moved. The SLOAPCD's CEQA Handbook also clarifies that any project that would require grading of 4.0 acres or more can exceed the 2.5-ton PM<sub>10</sub> quarterly threshold listed above.

**Table 6. Screening Emission Rates for Construction Activities**

Pollutant	Grams/Cubic Yard of Material Moved	Lbs/Cubic Yard of Material Moved
Diesel Particulate Matter (DPM)	2.2	0.0049
Reactive Organic Gases (ROG)	9.2	0.0203
Oxides of Nitrogen (NO <sub>x</sub> )	42.4	0.0935
Fugitive Particulate Matter (PM <sub>10</sub> )	0.75 tons/acre/month of construction activity (assuming 22 days of construction per month)	

Based on estimated cut and fill estimates and the construction emission rates shown in Table 6, construction-related emissions that would result from the project were calculated and are shown in Table 7 below.

**Table 7. Proposed Project Estimated Construction Emissions.**

Pollutant	Total Estimated Emissions	SLOAPCD Threshold		Threshold Exceeded?
		Daily	Quarterly (Tier 1)	
ROG + NO <sub>x</sub> (combined)	1,407.02 pounds 0.70 tons (64 pounds/day)	137 pounds	2.5 tons	No
Diesel Particulate Matter (DPM)	60.58 pounds 0.03 tons (2.75 pounds/day)	7 pounds	0.13 tons	No
Fugitive Particulate Matter (PM <sub>10</sub> )	7.5 tons/month		2.5 tons	Yes



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For projects involving construction and/or grading activities, the LUO requires that all surfaces and materials shall be managed to ensure that fugitive dust emissions are adequately controlled to below the 20% opacity limit and to ensure dust is not emitted offsite. The LUO includes a list of primary fugitive dust control measures required for all projects involving grading or site disturbance. The LUO also includes an expanded list of fugitive dust control measures for projects requiring site disturbance of greater than four acres or which are located within 1,000 feet of any sensitive receptor location. All applicable fugitive dust control measures are required to be shown on grading and building plans and monitored by a designated monitor to minimize dust complaints, reduce visible emissions below the 20% opacity limit, and to prevent transport of dust offsite (LUO 22.52.160.C).

The California Code of Regulations (Section 2485 of Title 13) also prohibits idling in excess of 5 minutes from any diesel-fueled commercial motor vehicles with gross vehicular weight ratings of 10,000 pounds or more or that must be licensed for operation on highways.

The project would result in construction-related PM<sub>10</sub> emissions that exceed the APCD's threshold of significance and would generate disturbance within 1,000 feet of a sensitive receptor. Exceedance of the 2.5 tons/quarter PM<sub>10</sub> threshold and disturbance within 1,000 feet of a sensitive receptor requires standard Fugitive PM<sub>10</sub> and DPM Mitigation Measures to reduce potential impacts to less than significant. These standard mitigation measures are outlined in **Mitigation Measure AIR-1** for fugitive dust control and **Mitigation Measure AIR-2** for DPM suppression. Therefore, the project would result in a cumulatively considerable net increase of a criteria pollutant for which the region is non-attainment, and impacts would be *less than significant with mitigation*.

### *Operational Impacts*

Operationally the project would employ up to 20 full time regular employees and part time seasonal employees from the region and result in approximately 33 average daily trips.

The SLOAPCD's CEQA Air Quality Handbook provides operational screening criteria to identify projects with the potential to exceed SLOAPCD operational significance thresholds (refer to Table 1-1 of the CEQA Handbook). Based on Table 1-1 of the CEQA Handbook, the project does not propose a use that would have the potential to result in operational emissions that would exceed SLOAPCD thresholds. Based on the relatively low volume of trips associated with the project and the type of activities proposed, operational impacts associated with the project would be minimal. The project would not generate substantial new long-term traffic trips or vehicle emissions and does not propose construction of new direct (source) emissions. Therefore, potential operational emissions would be *less than significant*.

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

The project site is located in a sparsely developed area and the nearest sensitive land use to the project is a residence located approximately 580 feet to the east. The project would result in temporary increases in air emissions, including emissions of fugitive dust (PM<sub>10</sub>) and diesel-exhaust PM (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 1,000 feet of a sensitive receptor and standard dust control mitigation has been identified to reduce fugitive dust and PM<sub>10</sub> emissions during construction activities. Implementation of **Mitigation Measure AIR-1** would reduce potentially significant impacts resulting from cumulative net increases of pollutants. Therefore, impacts would be *less than significant with mitigation*.

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

The project includes indoor and outdoor cannabis cultivation as well as drying and processing of cannabis grown on-site. These activities often produce potentially objectionable odors during the flowering, harvest, drying, and processing phases of the proposed operations and could disperse through the air and be sensed by surrounding receptors.

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Odor management of the outdoor cultivation area includes location of the cultivation area at a minimum of 300 feet from each property line, as required by LUO 22.40.50.D.3, near the center of the 56.5-acre parcel. This cultivation area could produce objectionable odors during the maturing and harvest season each year and has been determined to be located and designed in a manner that would prevent all cannabis nuisance odors from being detected offsite, in accordance with LUO 22.40.50.D.8.

Proposed indoor cannabis cultivation would occur within a 33,600 square foot greenhouse equipped with carbon scrubbers. Carbon scrubbers absorb and filter odor-causing agents through activated carbon, and 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). Proposed drying, curing, and storage of cannabis produced onsite would occur within 4,800 square-feet of modular trailers that would also be equipped with carbon scrubbers.

Every proposed cannabis use that would have the potential to create objectionable odors would be located a minimum of 300 feet from the nearest property line or would be equipped with sufficient ventilation controls to significantly reduce the likelihood of odors being detected offsite.

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. No long-term operational odors would be generated by the project. Therefore, potential odor-related impacts would be *less than significant*.

In addition, the project site is located in an APCD-designated naturally occurring asbestos (NOA) zone (San Luis Obispo County APCD 2018). Prior to any grading activities, the applicant will be required to comply with the applicable sections of the Air Resources Board's Air Toxics Control Measures for Construction, Grading, Quarrying, and Surface Mining Operations (NOA ATCM). These standard requirements require the preparation of a geologic evaluation for review by the SLOAPCD prior to issuance of construction permits.

### Conclusion

The project would be consistent with the SLOAPCD's Clean Air Plan and thresholds for operational emissions. The project would exceed the SLOAPCD's threshold for fugitive dust emissions and would be subject to standard mitigation measures to reduce the impact to less than significant. The project could potentially expose sensitive receptors to substantial pollutant concentrations and would require mitigation to reduce fugitive dust and PM10 emissions during construction activities. Therefore, potential impacts to air quality would be less than significant with mitigation.

### Mitigation

- AIR-1** Upon application for construction and/or encroachment permits, all required PM10 measures shall be shown on applicable grading or construction plans and made applicable during grading and construction activities, as described below.
- a. Reduce the amount of the disturbed area where possible;
  - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60-minute period shall be implemented. Increased watering frequency shall be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water shall be used whenever possible;
  - c. All dirt stockpile areas shall be sprayed daily or covered with tarps or other dust barriers, as needed;
  - d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil-disturbing activities;

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- e. Exposed ground areas that are planned to be reworked at dates greater than 1 month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the San Luis Obispo County Air Pollution Control District;
- g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;
- j. Installation of wheel washers or other devices to control tracking of mud and dirt onto adjacent roadways where vehicles enter and exit unpaved roads onto streets shall be implemented, or trucks and equipment shall be washed prior to leaving the site;
- k. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
- l. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60-minute period, and to prevent transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the San Luis Obispo County Air Pollution Control District Engineering & Compliance Division prior to the start of any grading, earthwork, or demolition.

### AIR-2

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:

#### Construction Equipment

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel-powered equipment with California Air Resources Board-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- c. Use diesel construction equipment meeting the California Air Resources Board's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
- d. Use on-road heavy-duty trucks that meet the California Air Resources Board's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;



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- e. 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 oxides of nitrogen exempt area fleets) may be eligible by proving alternative compliance;
- f. 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;
- g. Diesel idling shall be avoided to the greatest extent feasible throughout the duration of construction activities. No idling in excess of 5 minutes shall be permitted as described above;
- h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors whenever possible;
- i. Electrify equipment when feasible;
- j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.

### Sources

Refer to Exhibit A.

## 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 type="checkbox"/>	<input checked="" 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"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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 type="checkbox"/>	<input checked="" type="checkbox"/>

### Setting

#### Sensitive Resource Area Designations

The County of San Luis Obispo Land Use Ordinance (LUO) Sensitive Resource Area (SRA) combining designation applies to areas of the county with special environmental qualities, or areas containing unique or sensitive endangered vegetation or habitat resources. The combining designation standards established in the LUO require that proposed uses be designed with consideration of the identified sensitive resources and the need for their protection.

#### Federal and State Endangered Species Acts

The Federal Endangered Species Act of 1973 (FESA) provides legislation to protect federally listed plant and animal species. The California Endangered Species Act of 1984 (CESA) ensures legal protection for plants listed as rare or endangered, and wildlife species formally listed as endangered or threatened, and also maintains a list of California Species of Special Concern (SSC). SSC status is assigned to species that have limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. Under state law, the CDFW has the authority to review projects for their potential to impact special-status species and their habitats.

#### Migratory Bird Treaty Act

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

#### Oak Woodland Ordinance

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

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The project site does not support oak woodland or Heritage Oaks.

### *Clean Water Act and State Porter Cologne Water Quality Control Act*

The U.S. Army Corps of Engineers (USACE) regulates discharges of dredged or fill material into waters of the United States. These waters include wetland and non-wetland water bodies that meet specific criteria. USACE jurisdiction regulates almost all work in, over, and under waters listed as “navigable waters of the U.S.” that results in a discharge of dredged or fill material within USACE regulatory jurisdiction, pursuant to Section 404 of the Clean Water Act (CWA). Under Section 404, USACE regulates traditional navigable waters, wetlands adjacent to traditional navigable waters, relatively permanent non-navigable tributaries that have a continuous flow at least seasonally (typically 3 months), and wetlands that directly abut relatively permanent tributaries.

The State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCBs) regulate discharges of fill and dredged material in California, under Section 401 of the CWA and the State Porter-Cologne Water Quality Control Act, through the State Water Quality Certification Program. State Water Quality Certification is necessary for all projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the State. Based on the U.S. Fish and Wildlife Service National Wetlands Inventory, the project site does not support wetlands, riparian or deep-water habitats (USFWS 2019).

### *Conservation and Open Space Element*

The intent of the goals, policies, and implementation strategies in the COSE is to identify and protect biological resources that are a critical component of the county’s environmental, social, and economic well-being. Biological resources include major ecosystems; threatened, rare, and endangered species and their habitats; native trees and vegetation; creeks and riparian areas; wetlands; fisheries; and marine resources. Individual species, habitat areas, ecosystems and migration patterns must be considered together in order to sustain biological resources. The COSE identifies Critical Habitat areas for sensitive species including California condor, California red legged frog, vernal pool fairy shrimp, La Graciosa thistle, Morro Bay kangaroo rat, Morro shoulderband snail, tiger salamander, and western snowy plover. The COSE also identifies features of particular importance to wildlife for movement corridors such as riparian corridors, shorelines of the coast and bay, and ridgelines.

### *Project Site Setting*

The project property is located on the north side of Huasna Road within a predominately agricultural area with scattered rural residential dwellings and agricultural support structures. The property is moderately developed with a residence, approximately four eight acres of crop production, horse training and boarding facility, and approximately a half-acre of cannabis cultivation.

A Biological Resources Assessment (BRA) was prepared by Kevin Merk Associates, LLC (KMA) for the subject property in April 2019 to determine if the project has the potential to impact biological resources. The study included a review of the California Natural Diversity Database (CNDDB), the California Native Plant Society (CNPS) Electronic Inventory of Rare and Endangered Plants of California, and other studies to determine if sensitive species have the potential to occur.

An unnamed ephemeral drainage is located along the western boundary of the project area, which drains to Tar Spring Creek, located to the south of the parcel across Huasna Road. The drainage is expected to be jurisdictional based on the presence of a defined bed and bank, and the connection to Arroyo Grande Creek via Tar Springs Creek. The BRA identified riparian habitat associated with this drainage, including arroyo willow (*Salix lasiolepis*), western sycamore (*Platanus racemosa*) and coast live oaks. This riparian habitat is considered a special status plant community given its proximity within the regulated drainage.

### *On-Site Habitats*

Dominant natural communities within the project site include agriculture, non-native annual grassland, coast live oak woodland, riparian, and developed/ruderal. The project area is dominated by row crops including tomatoes, peas, barley, canola, eggplant, and various other crops. Several mature coast live oak trees (*Quercus agrifolia*) also occur within the project area. Coyote brush (*Baccharis pilularis*) and poison oak (*Toxicodendron diversilobum*) were also observed on the project site (KMA 2019).



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Review of designated critical habitat boundaries in southern San Luis Obispo County indicate that the subject parcel is not within critical habitat for any special-status species.

Based on the County's San Joaquin kit fox Standard Mitigation Ratio Areas map, the project is not located in an area with a designated mitigation ratio for San Joaquin kit fox.

### *Special-Status Species*

The California Natural Diversity Database (CNDDDB) was queried for sensitive plant species within five miles of the proposed project and fourteen sensitive plant species were identified to have documented occurrences. One special status plant species was documented within one mile of the project area: slender bush-mallow (*Malacothamnus gracilis*). The CNDDDB identified eleven sensitive animal species within a five-mile radius, of which three were documented within a one-mile radius: Coast horned lizard (*Phrynosoma blainvillii*), Prairie falcon (*Falco mexicanus*), and Monarch-CA overwintering population (*Danaus plexippus*). No special status species were identified on-site.

### Special-Status Plants

One special-status plant was determined to potentially occur in the project area:

- Slender bush-mallow (*Malacothamnus gracilis*)

Slender bush-mallow, a California Rare Plant Rank 1B.1 species, occurs in open chaparral in foothill woodlands. The project site is outside the elevational range for this species, and no occurrences were noted during the field survey. Other special-status plant species are not expected to occur due to the tilling and cultivated land use of the project area, and no other special status plant species were identified during the field survey.

### Special-Status Wildlife

Three special-status animal species were identified by CNDDDB to occur within one mile of the project area:

- Coast horned lizard (*Phrynosoma blainvillii*)
- Prairie falcon (*Falco mexicanus*)
- Monarch-CA overwintering population (*Danaus plexippus*)

Coast horned lizard habitat occurs in small fragments along the fringes of the agricultural footprint and slopes with coastal scrub habitat that is outside the project area. Coast horned lizard is not likely to occur in the project area due to the relatively small and fragmented habitat area, and the disruptive agricultural activities. Monarch butterfly is not expected to occur onsite due to the lack of eucalyptus groves in the area that would provide suitable habitat. Prairie falcons nest in cliffs overlooking large areas. The project site does not support such habitat and nesting is not expected to occur onsite, but the site could be used for foraging.

The project area does not support sufficient aquatic habitat to support amphibian species. The drainage through the property is highly ephemeral in nature and does not contain sufficient water to support pond turtles or breeding of California red-legged frog. It appears that the drainage rarely flows and does not contain significant pools that would fill during winter flows.

American badger has a documented occurrence within 5 miles of the project site, but not within one mile. No potential den sites were observed in the study area, and given regular human presence and active farming and equestrian activities, this species is not expected to den onsite. No suitable prey base was observed during the survey, but this highly mobile species is known to occur in the region and could potentially travel through the site.

No special-status animals were observed during the field survey in June/July 2018.

### *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

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The project area consists of predominantly row crops, and the land is consistently tilled and disturbed, which removes all native and non-native plants. The CNDDDB identified one special status plant species present within one mile of the project area: slender bush-mallow (*Malacothamnus gracilis*). Although identified by CNDDDB, the field work by Kevin Merk Associates, Inc. (KMA) established that slender bush-mallow is not present onsite.

### Special-Status Wildlife

The CNDDDB identified three special status animal species present within one mile of the project area: Coast horned lizard (*Phrynosoma blainvillii*), Prairie falcon (*Falco mexicanus*), and Monarch-CA overwintering population (*Danaus plexippus*). Although identified by CNDDDB, the field work by Kevin Merk Associates, Inc. (KMA) established that no suitable habitat is present within the proposed project footprint for any of these species, and none of these species were identified onsite. No suitable prey base or potential den sites for American badger are present onsite; any species utilizing the site would be transient in nature and impacts would be less than significant.

Surrounding trees and shrubs could support nesting bird species, and construction activities associated with this project could potentially impact breeding activities. If the project activities are conducted between February 15 and October 31, the typical nesting bird season, birds may be nesting within or adjacent to the affected area. Because the proposed project does not propose to remove native vegetation, no direct impacts related to removal of habitat are expected. Noise or other disturbances related to construction activities may cause an individual to abandon a nest, resulting in an indirect impact. **Mitigation Measure BIO-1** has been identified to address potential impacts to nesting migratory birds protected by the MBTA; therefore, impacts would be *less than significant with mitigation*.

Likewise, the project area provides suitable roosting and foraging habitat for roosting bats. The project does not propose removal of existing structures or oak trees onsite; therefore, the project would not result in direct loss of roosting habitat. However, the project would result in temporary noise and dust disturbance associated with construction, and the loss of foraging habitat for these species within the project development area. **Mitigation Measure BIO-2** has been identified to avoid impacts to roosting bats if found roosting within or adjacent to the project site, therefore; impacts would be *less than significant with mitigation*.

Special-status reptiles and amphibians known to occur within the project region include Silvery legless lizard, western pond turtle, coast horned lizard, foothill yellow-legged frog, and California red-legged frog. Potential habitat for these species does not exist on the project site and no individuals were observed during the field survey of June/July 2018. Habitat was considered unsuitable due to the lack of ponded water onsite. Therefore, impacts to these species would be *less than significant*.

Artificial lighting of the greenhouses at night could result in light pollution which could have the potential to impact wildlife due to the disruption of normal nocturnal habitat. The project includes the use of shading and black-out screening within each greenhouse to reduce visibility of night lighting from offsite. **Mitigation Measure AES-6** in Section I. Aesthetics has been identified to require a light pollution prevention plan that conforms to the County's exterior lighting standards..

**Mitigation Measures AES-6, BIO-1 and BIO-2** have been identified to reduce potential impacts to special-status plant and wildlife species; therefore, impacts related to loss of unique or special-status species would be *less than significant with mitigation*.

- (b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?*

An unnamed ephemeral drainage is located along the western boundary of the project area, which drains to Tar Spring Creek, located to the south of the parcel across Huasna Road. The BRA identified riparian habitat associated with this drainage, including arroyo willow (*Salix lasiolepis*), western sycamore (*Platanus racemosa*) and coast live oaks. In accordance with Land Use Ordinance (LUO) section 22.40.050(D)(3), the project is setback a minimum of 50 feet from this riparian area. Additionally, pursuant to Land LUO section 22.52.120, the project would be required to prepare an erosion and sedimentation plan, which would prevent soil and stormwater runoff into the

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channel. Based on the distance of the project to the identified riparian habitat, and the requirement for an erosion and sedimentation plan, impacts are expected to be less than significant and no mitigation beyond ordinance requirements are necessary.

- (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 BRA prepared for the project does not identify any wetland features within the vicinity of the project area. Therefore, impacts would be less than significant.

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

The California Essential Habitat Connectivity Project was queried for Essential Habitat Connectivity, which are the best available data describing important areas for maintaining connectivity between large blocks of land for wildlife corridor purposes (CDFW 2019). These important areas are referred to as Essential Connectivity Areas. Essential Connectivity Areas are only intended to be a broad-scale representation of areas that provide essential connectivity. The project site does not fall within an Essential Connectivity Area. For the purposes of this analysis, it is reasonable to assume that, due to the extent of development and disturbance onsite and in surrounding areas, and the limited size of the project area, the project site is not located within or adjacent to a wildlife corridor or nursery site. As identified above, the project would not have a significant impact to the onsite drainages, and therefore would not affect migratory fish species. Therefore, impacts would be *less than significant*.

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

The project would not adversely affect sensitive habitats or resources identified in the COSE. Native tree species are protected under the County Oak Woodland Ordinance. No oak trees are proposed for removal, but access road improvements could have the potential to impact the critical root zone (1.5 times the dripline) of several oak trees. **Mitigation Measure BIO-3** would require protection of existing oak trees and replanting of oak trees that are impacted at a 2:1 ratio. Therefore, impacts would be *less than significant with mitigation*.

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

The project is not located within an area governed by an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The project is not within areas identified as critical habitat or within the County's San Joaquin Kit Fox standard mitigation ratio area (County of San Luis Obispo 2007). Therefore, the project would not conflict with the provisions of an adopted plan and *no impacts would occur*.

### Conclusion

Compliance with **Mitigation Measures BIO-1 through BIO-3** would ensure the project is consistent with regional plans and policies for protecting sensitive species and biological resources. Therefore, conflicts with regional plans or policies, or USFWS and CDFW regulations, would be less than significant with mitigation. Due to the rural sky nature of the area, bright, artificial grow lighting that escapes the cultivation facilities could have the potential to impact wildlife species. Noise or other disturbances related to construction activities may cause nesting birds to abandon a nest, resulting in an indirect impact. Therefore, the project would have potential impacts to biological resources and mitigation measures are necessary.

### Mitigation

**AES-6.** See Section I. Aesthetics.

**BIO-1. Nesting Birds and Raptors.** Site preparation, ground disturbance, and construction activities including any tree trimming and vegetation removal shall be conducted outside of the migratory bird nesting season (February 15 through October 31). If such activities cannot be avoided during this period, a County-approved qualified biologist shall conduct a preconstruction nesting bird survey no sooner than 1–4 weeks prior to tree removal



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activities and shall verify whether migratory birds are nesting in the site. If nesting activity is detected, the following measures shall be implemented:

- a. The project shall be modified via the use of protective buffers, delaying construction activities, or other methods designated by the qualified biologist to avoid direct take of identified nests, eggs, and/or young protected under the Migratory Bird Treaty Act and/or California Fish and Game Code.
- b. The qualified biologist shall monitor the nests within the vicinity of project-related disturbances and determine if construction activities are causing behavioral changes or affecting nesting activities. Monitoring results shall then be utilized to develop an appropriate buffer around the next site to minimize disturbance. Construction activities within the buffer zone shall be prohibited until the young have fledged the nest and achieved independence.
- c. The qualified biologist shall document all active nests and submit a letter report to the County documenting project compliance with the Migratory Bird Treaty Act, California Fish and Game Code, and applicable project mitigation measures within 14 days of survey completion.

**BIO-2. Roosting Bats.** Site preparation, ground disturbance, and construction activities including any tree trimming and/or vegetation removal shall be conducted outside of the typical bat maternity roosting and pupping season (from February 1st to August 31st), if feasible. If site disturbance activities are to occur within this season, the applicant shall retain a County-qualified biologist to conduct a preconstruction survey within 14 days prior to commencement of proposed site disturbance activities. If any roosting bats are found during preconstruction surveys, no work activities shall occur within 100 feet of active roosts until bats have left the roosts. The County-qualified biologist shall prepare a report after each survey and a copy of the report shall be provided to the County within 14 days of completion of each survey. If no bat roosting activities are detected within the proposed work area, site disturbance and noise-producing construction activities may proceed, and no further mitigation is required.

**BIO-3. Impacts to Native Oaks.** Development of the project may result in impacts to native oak trees. The number of oak tree impacts shall be determined prior to permit issuance and clearly shown on the project plans.

Oak Tree impacts shall be minimized during grading, road improvement activities, fire clearance work, passage of large equipment, and other project activities, by implementing the following measures:

1. No oak trees are authorized to be removed.
2. Trees impacted but not removed will be mitigated in-kind at a 2:1 ratio. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available and grading activities are complete in proposed replanting areas). Replant areas shall be located either in native topsoil or areas where native topsoil has been reapplied. If located in areas where native topsoil has been reapplied, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted. The layer of reapplied topsoil shall be a minimum of 6 to 12 inches deep.
3. Seed stock shall be collected onsite or in the immediately surrounding area.
4. Location of newly planted trees and/or vegetation/seeds shall adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines).
5. Newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, exclusionary fencing) from animals (e.g., deer, rodents), regular weeding (minimum of once during early Fall and once during early Spring) of at least a 3-foot radius surrounding the tree/plant and adequate watering (e.g., drip-irrigation system). Watering shall be controlled so only enough is used to initially establish the tree/plant, gradually reducing to zero water over a 3-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

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6. Following planting of replacement oak trees, to guarantee the success of the new trees, the County shall monitor the new trees' survivability and vigor until the trees are successfully established and prepare monitoring reports on an annual basis for a minimum of 7 years. The first monitoring report shall be submitted to the County Environmental Coordinator 1 year after the completion of replacement planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the initially-required vegetation is successfully established. Additional monitoring would be necessary if initially-required vegetation is not considered successfully established. Success criteria for revegetation is 80% survivability within 5 years upon initial planting efforts.

The County shall maintain compliance with the following measures related to weed removal around newly planted vegetation: 1) no herbicides shall be used; and 2) either installation of a securely staked "weed mat" (covering at least a 3-foot radius from center of plant), or hand-removal of weeds (covering at least a three-foot radius from center of plant) shall be completed for each new plant (hand-removal weeding shall be maintained on a regular basis [at least once in late spring (April) and once in early winter (December)] until plant is 3 feet tall or for 7 years, whichever occurs first. Use of weed-free mulch (at least 3 inches deep) with regular replenishment may be substituted for the weed mat.

### Sources

Refer to Exhibit A.

## 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. PRC Section 5024.1 requires that any properties that can be expected to be directly or indirectly affected by a proposed project be evaluated for California Register of Historical Resources (CRHR) eligibility. The purpose of the CRHR is to maintain listings of the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from material impairment and substantial adverse change.

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 which 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.

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The County of San Luis Obispo LUO Historic Site (H) combining designation is applied to areas of the county to recognize the importance of archeological and historic sites and/or structures important to local, state, or national history. Standards are included regarding minimum parcel size and permit processing requirements for parcels with an established structure and Historic Site combining designation. For example, all new structures and uses within an H combining designation require Minor Use Permit approval, and applications for such projects are required to include a description of measures proposed to protect the historic resource identified by the Land Use Element (LUO 22.14.080).

San Luis Obispo County was historically occupied by two Native American tribes: the northernmost subdivision of the Chumash, the Obispeño (after Mission San Luis Obispo de Tolosa), and the Salinan. However, the precise location of the boundary between the Chumashan-speaking Obispeño Chumash and their northern neighbors, the Hokaan-speaking Salinan, is not known, as those boundaries may have changed over time.

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. Based on the COSE, the project is not located in a designated Archaeological Sensitive Area or Historic Site.

A Cultural Resources Survey was prepared by Central Coast Archaeological Research Consultants (CCARC) in April 2019 and concluded that prehistoric or historic cultural resources were not present within the proposed project area. Records searches included the National Register of Historic Places (NRHP), State Historic Property Data Files, National Register of Determined Eligible Properties, California Historical Landmarks, California Points of Historic Interest, California Office of Historic Preservation Archaeological Determinations of Eligibility, California Department of Transportation (Caltrans) State and Local Bridge Surveys, and the Central Coast Information Center (CCIC).

### Discussion

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

According to the Cultural Resources Survey (CCARC 2019) prepared for the project, 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 Cultural Resources Survey records search identified three sites within a 0.25-mile radius of the project site. The field investigation did not identify any prehistoric or historic cultural materials in the project area and concluded that the three nearby recorded sites are topographically separated from the project area. Despite the highly sensitive nature of the general vicinity, the likelihood of intact significant archaeological resources being discovered in the project area is considered low due to historical agricultural practices, construction of Huasna Road, and previous development.

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. Therefore, impacts related to a substantial adverse change in the significance of archaeological resources would be *less than significant*.

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

The nearest dedicated cemetery is the Arroyo Grande Cemetery, located 5 miles to the west. The record and literature search of the project area did not identify any known burial sites within 0.5 miles of the project. Additionally, consultation with the Native American tribes did not result in identification of known burials. (See

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Section XVIII. Tribal Cultural Resources.) 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

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

### Mitigation

None necessary.

### Sources

Refer to Exhibit A.

## 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

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

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

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



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

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

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

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

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

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

### 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

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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 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 total energy demand of a cannabis operation depends heavily on the type of cultivation, manufacturing, location of the project, as well as the types of equipment required. Outdoor cultivation involves minimal equipment and has relatively low energy demands, while indoor cultivation involves more equipment that tends to have much higher energy demands (e.g., high-intensity light fixtures, and climate control systems) (County of Santa Barbara 2017). Specific energy uses in indoor grow operations include high-intensity lighting, dehumidification to remove water vapor and avoid mold formation, odor management, space heating or cooling during non-illuminated periods and drying processes, preheating of irrigation water, generation of 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 range in measures that promote the conservation of energy resources. For instance, several current operators are known to engage in practices that promote energy conservation and reduce overall energy demands using high-efficiency lighting or through generation and use of solar energy. However, many other operations within the County have been observed to engage in activities which are highly inefficient and may result in the wasteful use of energy resources. Such operations may include the use of old equipment, highly inefficient light systems (e.g., incandescent bulbs), reliance on multiple diesel generators, and other similar inefficiencies (County of Santa Barbara 2017).

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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?*

(a-b) Construction Activities. 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.

#### Project Operations.

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

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

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

The proposed project would include 33,000 sf of mixed-light cultivation floor area in two greenhouses and 8,200 sf of nursery cultivation floor area in a greenhouse. 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 8. No diesel, gasoline, or natural gas is proposed.

**Table 8. Project's Projected Operational Energy Use  
Compared with a Generic Building of Comparable Floor Area**

Project Component	Size (sf)	Rate (kWh/year-sf)	Projected Energy Demand (kWh/year)
Generic Commercial Building of Comparable Size	41,800	21.25	888,250

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Mixed-Light Cultivation (greenhouses, includes nursery)		110	4,598,000
<b>TOTAL</b>	<b>41,800</b>	<b>-</b>	<b>4,598,000</b>
<b>Percent in Excess of Generic Commercial Building</b>			<b>518%</b>

Based on the California Energy Commission Report, a typical non-cannabis commercial building of 41,800 sf would use 888,250 kWh per year (21.25 kWh/sf x 41,800 sf). Based on the energy consumption rates above, the proposed project's cultivation activities would use 518% more energy than a generic non-cannabis commercial building of the same size. This amount of energy use would potentially be wasteful and inefficient when compared to similar sized buildings implementing energy efficiency measures and would require mitigation.

**Fuel Use.** Construction activities will result in fuel use for worker and delivery trips and the operation of construction equipment. Ongoing operation of the project will result in fuel use associated with employee motor vehicle trips and deliveries. The project would employ up to 20 employees. All vehicles used by employees and deliveries during operation would be subject to applicable state and federal fuel economy standards. Based on adherence to applicable state and federal fuel efficiency 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.

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

**Table 9. Project's Projected Operational GHG Emissions (CO<sub>2</sub>e)**

Project Component	Size (sf)	Rate (MT/year-sf)	Projected GHG Emissions (MT/CO <sub>2</sub> e/year)
Mixed-Light Cultivation (greenhouses, includes nursery)	41,800	0.058 <sup>1</sup>	2,424. 4 <sup>2</sup>
<b>TOTAL</b>	<b>41,800</b>	<b>-</b>	<b>2,424.4</b>

Notes:

1. Source: CalEEMOD 2016
2. Includes GHG emissions associated with energy use and fuel consumption.

Based on this information, the proposed project would exceed the SLOAPCD's Bright Line Threshold of 1,150 MTCO<sub>2</sub>e. To mitigate this potential operational impact, the example project would be required to implement a package of measures that would reduce or offset the project's energy demand to within 20% of the energy demand of a similarly sized generic non-cannabis commercial building (1,065,900 kWh) and offset GHG emissions to achieve the 1,150 MTCO<sub>2</sub>e Bright Line Threshold. **Mitigation Measure ENG-1 through ENG-3** would reduce the example project's environmental impact from wasteful and inefficient energy use to *less than significant with mitigation*.

Potential impacts would be *less than significant with mitigation*.

### 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. Potential impacts related to energy would be less than significant with mitigation.



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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.*

Compliance with the provisions of Code of Regulations together with recommended mitigation measures **ENG-1**, **ENG-2**, and **ENG-3** will reduce potential impacts to less than significant.

### 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 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. 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.

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- ENG-2. Prior to issuance of building permits**, the applicant shall provide to the Department of Planning and Building for review and approval, a program for reducing or offsetting project-related greenhouse gas emissions below the 1,150 MTCO<sub>2</sub>e Bright Line threshold. Such a program (or programs) may include, but is not limited to, the following:
- Purchase of greenhouse gas offset credits from any of the following recognized and reputable voluntary carbon registries:
    - American Carbon Registry;
    - Climate Action Reserve;
    - Verified Carbon Standard.
    - Offsets purchased from any other source are subject to verification and approval by the Department of Planning and Building.
  - Installation of battery storage to offset nighttime energy use. Batteries may only be charged during daylight hours with a renewable energy source and shall be used as the sole energy supply during non-daylight hours.
  - Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of project GHG emissions below the 1,150 Bright Line Threshold.
- ENG-3. 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).

### Sources

Refer to Exhibit A.

## 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:				
(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 checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Strong seismic ground shaking?	<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
(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"/>
(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 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 that are currently zoned under the Alquist-Priolo Act: the San Andreas, the Hosgri-San Simeon, and the Los Osos. The San Andreas Fault zone is located along the eastern border of San Luis Obispo County and has a length of over 600 miles. The Hosgri-San Simeon fault system generally consists of two fault zones: the Hosgri fault zone that is mapped off of the San Luis Obispo County coast; and the San Simeon fault zone, which appears to be associated with the Hosgri, and comes onshore near San Simeon Point. Lastly, the Los Osos Fault zone has been mapped generally in an east/west orientation along the northern flank of the Irish Hills.

The County Safety Element also identifies 17 other faults that are considered potentially active or have uncertain fault activity in the County. The Safety Element establishes policies that require new development to be located away from active and potentially active faults. The element also requires that the County enforce applicable building codes relating to seismic design of structures and require design professionals to evaluate the potential for liquefaction or seismic settlement to impact structures in accordance with the Uniform Building Code. The nearest potentially active fault is located 2.27 miles to the northeast.

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. Groundshaking can endanger life and safety due to damage or collapse of structures or lifeline facilities. The

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California Building Code includes requirements that structures be designed to resist a certain minimum seismic force resulting from ground motion.

Liquefaction is the sudden loss of soil strength due to a rapid increase in soil pore water pressures resulting from groundshaking during an earthquake. Liquefaction potential increases with earthquake magnitude and groundshaking duration. Low-lying areas adjacent to creeks, rivers, beaches, and estuaries underlain by unconsolidated alluvial soil are most likely to be vulnerable to liquefaction. The CBC requires the assessment of liquefaction in the design of all structures. Per the County's Land Use View Mapping Application, the project is located in an area with low to moderate potential for liquefaction.

Landslides and slope instability can occur as a result of wet weather, weak soils, improper grading, improper drainage, steep slopes, adverse geologic structure, earthquakes, or a combination of these factors. Despite current codes and policies that discourage development in areas of known landslide activity or high risk of landslide, there is a considerable amount of development that is impacted by landslide activity in the County each year. The County Safety Element identifies several policies to reduce risk from landslides and slope instability. These policies include the requirement for slope stability evaluations for development in areas of moderate or high landslide risk, and restrictions on new development in areas of known landslide activity unless development plans indicate that the hazard can be reduced to a less than significant level prior to beginning development. Per the County's Land Use View Mapping Application, the project is located in an area with low to high potential for landslide risk.

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

The County LUO identifies a Geologic Study Area (GSA) combining designation for areas where geologic and soil conditions could present new developments and/or their occupants with potential hazards to life and property. All land use permit applicants located within a GSA are required to include a report prepared by a certified engineering geologist and/or registered civil/soils engineer as appropriate, with the exception of construction of one single-story single family residence, agricultural uses not involving a building, agricultural accessory structures, and alterations or additions to any structure which does not exceed 50 percent of the assessed value of the structure. In addition, all uses within a GSA are subject to special standards regarding grading and distance from an active fault within an Earthquake Fault Zone (LUO 22.14.070).

Paleontological resources are fossilized remains of ancient environments, including fossilized bone, shell, and plant parts; impressions of plant, insect, or animal parts preserved in stone; and preserved tracks of insects and animals. Paleontological resources are considered nonrenewable resources under state and federal law. Paleontological sensitivity is defined as the potential for a geologic unit to produce scientifically significant fossils, as determined by rock type, past history of the rock unit in producing fossil materials, and fossil sites that have been recorded in the unit. Paleontological resources are generally found below ground surface in sedimentary rock units. The boundaries of the sedimentary rock unit are used to define the limits of paleontological sensitivity in a given region.

In the county, the Coastal Franciscan domain generally lies along the mountains and hills associated with the Santa Lucia Range. Fossils recorded from the Coastal Franciscan formation include trace fossils (preserved tracks or other signs of the behaviors of animals), mollusks, and marine reptiles. Nonmarine or continental deposits are more likely to contain vertebrate fossil sites. Occasionally vertebrate marine fossils such as whale, porpoise, seal, or sea lion can be found in marine rock units such as the Miocene Monterey Formation and the Pliocene Sisquoc Formations known to occur throughout Central and Southern California. Vertebrate fossils of continental material are usually rare, sporadic, and localized.

The County COSE identifies a policy for the protection of paleontological resources from the effects of development by avoiding disturbance where feasible. Where substantial subsurface disturbance is proposed in paleontologically sensitive units, Implementation Strategy CR 4.5.1 (Paleontological Studies) requires a paleontological resource assessment and mitigation plan be prepared, to identify the extent and potential significance of resources that may exist within the proposed development and provide mitigation measures to reduce potential impacts to paleontological resources.

See Section II. Agricultural Resources for a list of soils in the project area.



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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.*

The project site is not located within an Alquist-Priolo Fault Hazard Zone and is not located within 1 mile of a known active or potentially active fault; however, there is a potentially capable unnamed fault from the Los Osos Fault Zone adjacent to the site (DOC 2018). This fault is from the Late Quaternary fault displacement age and has not seen activity in the last 700,000 years. All proposed structures would follow the California Building Code and thereby be compliant with earthquake standards. Therefore, the project would not have the potential to result in substantial adverse effects involving rupture of a known earthquake fault and impacts would be *less than significant*.

(a-ii) *Strong seismic ground shaking?*

Based on the County Safety Element Fault Hazards Map, the project site is not located within 1 mile of a known active or potentially active fault, but there is a potentially capable unnamed fault from the Los Osos Fault Zone adjacent to the site (DOC 2018). San Luis Obispo County is located in a seismically active region and there is always a potential for seismic ground shaking. The project would be required to comply with the California Building Code (CBC) 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*.

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

Based on the County Safety Element Liquefaction Hazards Map, the project site is located in an area with low to moderate potential for liquefaction. In addition, the project would be required to comply with CBC seismic requirements to address the site's potential for seismic-related ground failure including liquefaction; therefore, the potential impacts would be *less than significant*.

(a-iv) *Landslides?*

The project site has relatively flat topography and based on the County Safety Element Landslide Hazards Map is located in an area with low potential for landslide risk. All proposed structures would be designed and constructed in compliance with CBC requirements to minimize safety hazards associated with unstable earth conditions. Therefore, the project would not result in significant adverse effects associated with landslides and impacts would be *less than significant*.

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

The project would result in the disturbance of approximately 5.5 acres, including less than 50 cubic yards of earthwork. During the minimal grading activities there would be a potential for erosion and sedimentation to occur. A sedimentation and erosion control plan is required for all construction and grading projects (LUO Section 22.52.120) to minimize potential impacts related to erosion and sedimentation, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation. 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 onsite sedimentation and erosion. Upon implementation of the above control measures, as recommended by the county, impacts related to soil erosion and sedimentation would be reduced to less than

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significant. Therefore, project impacts related to soil erosion, topographic changes, loss of topsoil would be *less than significant*.

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

Landslides typically occur in areas with steep slopes or in areas containing escarpments. Based on the Landslide Hazards Map provided in the County Safety Element, the project area is located in an area with low potential for landslide.

The project would be required to comply with CBC seismic requirements to address potential seismic-related ground failure including lateral spread. Based on the County Safety Element and USGS data, the project is not located in an area of historical or current land subsidence (USGS 2019). Based on the County Safety Element Liquefaction Hazards Map, the project site is located in an area with low-moderate potential for liquefaction risk and the project is not located within the GSA combining designation. Therefore, impacts related to on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse would be *less than significant*.

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

Based on the Soil Survey of San Luis Obispo County and Web Soil Survey, the project site is not located within an area known to contain expansive soils as defined in the Uniform Building Code. All future development would be required to comply with the most recent CBC requirements, which have been developed to properly safeguard structures and occupants from land stability hazards, such as expansive soils. Therefore, potential impacts related to 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?*

Percolation testing and soil borings would be performed prior to issuance of construction permits for Phase 2 improvements by a qualified engineer, per the 2019 CBC and County Title 19 requirements. Percolation rates and depth to groundwater must be adequate for installation of a septic tank for permits to be granted by the Central Coast RWQCB. The proposed treatment system expansion is expected to meet all Tier 1 permitting requirements, such as maximum daily flow volume and minimum distance required from buildings, property lines, wells, large trees, etc. In the event that the system expansion does not meet all Tier 1 permitting criteria, the applicant would then be required to pursue permit approval of the system through the Central Coast RWQCB. The proposed septic system would not be located on soils incapable of adequately supporting the use of septic tanks. The Elder sandy loam, 2-5% slopes, has few limitations for development and therefore implementation of the proposed project would have a less than significant impact on septic implementation.

Prior to building permit issuance, the proposed wastewater treatment system installation would be required to be designed in compliance with the Central Coast Basin Plan and the CPC; therefore, based on site suitability and required compliance with state and local design criteria, impacts related to waste discharge requirements and quality of surface and groundwater would be *less than significant*.

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

No paleontological resources are known to exist in the project area and the project site does not contain any unique geologic features. The project does not include substantial grading or earthwork that would disturb the underlying geologic formation in which paleontological resources may occur. Therefore, potential impacts on paleontological resources would be *less than significant*.

### Conclusion

The project site is not within the GSA combining designation or an area of high risk of liquefaction, landslide, subsidence, or other unstable geologic conditions. The project would be required to comply with CBC and standard LUO requirements

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which have been developed to properly safeguard against seismic and geologic hazards. Therefore, potential impacts related to geology and soils would be less than significant and no mitigation measures are necessary.

### Mitigation

Not necessary.

### Sources

Refer to Exhibit A.

## 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 gases (GHG) are any gases that absorb infrared radiation in the atmosphere, and are different from the criteria pollutants discussed in Section III, Air Quality, above. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide (CO<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 is the most abundant GHG and is estimated to represent approximately 80-90% of the principal GHGs that are currently affecting the earth's climate. According to the ARB, transportation (vehicle exhaust) and electricity generation are the main sources of GHGs in the state.

In March 2012, the SLOAPCD approved thresholds for Greenhouse Gas (GHG) emission impacts, and these thresholds have been incorporated into the CEQA Air Quality Handbook. The Bright-Line Threshold of 1,150 Metric Tons CO<sub>2</sub>/year (MT CO<sub>2</sub>e/yr) is the most applicable GHG threshold for most projects. Table 1-1 in the SLOAPCD CEQA Air Quality Handbook provides a list of general land uses and the estimated sizes or capacity of those uses expected to exceed the GHG Bright Line Threshold of 1,150 Metric Tons of carbon dioxide per year (MT CO<sub>2</sub>/yr). Projects that exceed the criteria or are within ten percent of exceeding the criteria presented in Table 1-1 are required to conduct a more detailed analysis of air quality impacts.

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

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

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Senate Bill (SB) 32 and Executive Order (EO) S-3-05 extended the State's GHG reduction goals and require ARB to regulate sources of GHGs to meet a state goal of reducing GHG emissions to 1990 levels by 2020, 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050. The initial Scoping Plan was first approved by ARB on December 11, 2008 and is updated every five years. The first update of the Scoping Plan was approved by the ARB on May 22, 2014, which looked past 2020 to set mid-term goals (2030-2035) toward reaching the 2050 goals. The most recent update released by ARB is the 2017 Climate Change Scoping Plan, which was released in November 2017. The 2017 Climate Change Scoping Plan incorporates strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05.

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

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

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

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

### 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) As discussed in Section VI, the project would result in inefficient or wasteful energy use which would contribute to higher greenhouse GHG emissions and by nature is in conflict with state and local plans for the reduction of GHG emissions, including the policies of the COSE, the EWP goals, and the 2001 SLOAPCD CAP. As shown in Table 9 (see Energy), the project would exceed the SLOAPCD bright-line threshold of 1,150 MT



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CO<sub>2</sub>e/year. Mitigation is required to reduce or offset the project's GHG emissions. Potential impacts 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 Code of Regulations together with recommended mitigation measures **ENG-1, ENG-2, and ENG-3** will reduce potential impacts to less than significant. Potential impacts related to GHG emissions would be less than significant with mitigation.

### Mitigation

Implement ENG-1 through ENG-3.

### Sources

Refer to Exhibit A.

## 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 type="checkbox"/>	<input checked="" 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"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Setting

The Hazardous Waste and Substances Site (Cortese) List is a planning document used by the State, local agencies, and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. Government Code section 65962.5 requires the California EPA to develop at least annually an updated Cortese List. Various state and local government agencies are required to track and document hazardous material release information for the Cortese List. The California Department of Toxic Substance Control's (DTSC's) EnviroStor database tracks DTSC cleanup, permitting, enforcement, and investigation efforts at hazardous waste facilities and sites with known contamination, such as federal superfund sites, state response sites, voluntary cleanup sites, school cleanup sites, school investigation sites, and military evaluation sites. The State Water Resources Control Board's (SWRCB's) GeoTracker database contains records for sites that impact, or have the potential to impact, water in California, such as Leaking Underground Storage Tank (LUST) sites, Department of Defense sites, and Cleanup Program Sites. The remaining data regarding facilities or sites identified as meeting the "Cortese List" requirements can be located on the CalEPA website: <https://calepa.ca.gov/sitecleanup/corteselist/>. The project is not on or near a site listed on the "Cortese List".

The California Health and Safety Code provides regulations pertaining to the abatement of fire related hazards and requires that local jurisdictions enforce the California Building Code, which provides standards for fire resistive building and roofing materials, and other fire-related construction methods. The County Safety Element provides a Fire Hazard Zones Map that indicates unincorporated areas in the County within moderate, high, and very high fire hazard severity zones. The project would be located within the State Responsibility Area in a High Fire Hazard Severity Zone. According to a referral response from County Fire/Cal Fire, it would take approximately 16 minutes or more to respond to a call regarding fire or life safety. For more information about fire-related hazards and risk assessment, see Section XX. Wildfire.

The County also 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 nearest airstrip in proximity to the project site is the Oceano County Airport in Oceano, located approximately 7.15 miles southwest of the site. The project is not located within an Airport Review designation or within close proximity of a private airstrip.

### Discussion

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

The project does not propose the routine transport, use or disposal of hazardous substances. Any commonly used hazardous substances within the project site (e.g., cleaners, solvents, oils, paints, etc.) would be transported, stored, and used according to regulatory requirements and existing procedures for the handling of hazardous materials. Impacts associated with the routine transport 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?*

The project does not propose the handling or use of hazardous materials or volatile substances that would result in a significant risk of upset or accidental release conditions. Construction of the proposed project is anticipated to require use of limited quantities of hazardous substances, including gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc. Construction contractors would be required to comply with applicable federal and state

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environmental and workplace safety laws for the handling of hazardous materials, including response and clean-up requirements for any minor spills. Therefore, potential impacts would be *less than significant*.

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

The closest school facility is located approximately 1.35 miles west of the project site. The project site is not located within 0.25 mile of an existing or proposed school facility; therefore, *no impacts would occur*.

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

Based on a search of the California Department of Toxic Substance Control's EnviroStar database, the State Water Resources Control Board's Geotracker database, and CalEPA's Cortese List website, there are no hazardous waste cleanup sites within the project site, and the nearest Cortese List site is a Cleanup Program Site located 6.89 miles southeast of the project site. Therefore, *no impacts would occur*.

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

The project site is not located within 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 would be located on an existing parcel and would not alter or prohibit access to the local circulation system. By following the recommendations laid out in the County Fire/Cal Fire referral response, explained in more detail in Section XX Wildfire, the proposed project would be able to accommodate emergency vehicles and would not conflict with any emergency response plans or emergency evacuation plans. Therefore, impacts would be less than significant. Implementation of the proposed project would not result in a significant temporary or permanent impact on any adopted emergency response plans or emergency evacuation plans. No breaks in utility service or road closures would occur as a result of project implementation. Any construction-related detours would include proper signage and notification and would be short-term and limited in nature and duration. Therefore, potential impacts would be *less than significant*.

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

The project is located within the High Fire Hazard Severity Zone and is located on a parcel with moderately dense native vegetation and limited access. The site is located within a State Responsibility Area and, based on the County Fire/Cal Fire response time map, it would take approximately 16 minutes to respond to a call regarding fire or life safety. 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 a water storage tank for fire protection. County Fire /Cal Fire prepared a Fire Safety Plan letter for the project, and the applicant will be required to comply with the requirements of the plan for the life of the project; therefore, potential impacts would be *less than significant*.

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### Conclusion

The project does not propose the routine transport, use, handling, or disposal of hazardous substances. It is not located within proximity to any known contaminated sites and is not within close proximity to populations that could be substantially affected by upset or release of hazardous substances. Project implementation would not subject people or structures to substantial risks associated with wildland fires and would not impair implementation or interfere with any adopted emergency response or evacuation plan. Therefore, potential impacts related to hazards and hazardous materials would be less than significant and no mitigation measures are necessary.

### Mitigation

None necessary.

### Sources

Refer to Exhibit A.

## 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:				
(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"/>

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		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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"/>

### Setting

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

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

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

The property is within the Tar Spring Creek Watershed, and a portion of the property is located within the Santa Maria River Valley – Arroyo Grande 3-012.02 Groundwater Basin (split in 2019 from the Santa Maria Valley Groundwater Basin), which is not currently listed as an impacted (Level of Severity III) basin. The remainder of the property is not within a defined groundwater basin.

The County 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 County 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 Public Works Department is responsible for ensuring that new construction sites implement best management practices during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1.0 acre or more must obtain coverage under the SWRCB’s Construction General Permit. The Construction General Permit requires the preparation of a Stormwater Pollution



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Prevention Plan (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 1.0 acre must implement all required elements within the site's erosion and sediment control plan as required by the San Luis Obispo County LUO.

For planning purposes, the flood event most often used to delineate areas subject to flooding is the 100-year flood. The County Safety Element establishes policies to reduce flood hazards and reduce flood damage, including but not limited to prohibition of development in areas of high flood hazard potential, discouragement of single road access into remote areas that could be closed during floods, and review of plans for construction in low-lying areas. All development located in a 100-year flood zone is subject to Federal Emergency Management Act (FEMA) regulations. The County Land Use Ordinance designates a Flood Hazard (FH) combining designation for areas of the County that could be subject to inundation by a 100-year flood or within coastal high hazard areas. Development projects within this combining designation are subject to FH permit and processing requirements, including, but not limited to, the preparation of a drainage plan, implementation of additional construction standards, and additional materials storage and processing requirements for substances that could be injurious to human, animal or plant life in the event of flooding. A portion of the project area is located within a Flood Hazard combining designation, adjacent to the onsite drainage.

The project would result in approximately 5.5 acres of site disturbance and the movement of less than 50 cubic yards of material. Because the project would result in the disturbance of more than 1 acre, the applicant would be required to prepare a SWPPP, which would be implemented during construction. The project area is located less than 100 feet from the closest creek or surface water body and is partially within a 100-year Flood Hazard designation.

### Discussion

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

The project proposes to establish new cultivation sites and associated facilities in an area that contains gently sloping topography and partially within the 100-year Flood Hazard designation. The nearest streams include an unnamed drainage located 50 feet west of the proposed development area. The project would be required to comply with all National Pollution Discharge Elimination System (NPDES) requirements and prepare a SWPPP that incorporate Best Management Practices (BMPs) during construction. Water quality protection measures would include protection of stockpiles, slopes, all disturbed areas, and access roads, as well as perimeter containment measures. Therefore, impacts related to violation of water quality standards, quality of groundwater, stormwater system capacity, amount of runoff, and location of activities within the flood zone are *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?*

The project is not located within a groundwater basin designated as Level of Severity III per the County's Resource Management System or in an Area of Severe Decline by the Sustainable Groundwater Management Act (SGMA). The project would attain its water supply from an existing well located on-site. Based on information from the applicant, the on-site well produces 140 gallons per minute (gpm) with a 10-minute recovery time (Farm Supply 2007).

The project is partially located within the Santa Maria River Valley – Arroyo Grande 3-012.02 Groundwater Basin (split in 2019 from the Santa Maria Valley Groundwater Basin), which is not categorized as being in a state of critical overdraft. Current water use at the project site is used for the onsite residences and irrigation of approximately 4 acres of row crop. Based on information provided by the applicant, the row crops use an estimate 7.2 to 11.2 acre-feet per year (AFY) of water.

A water demand analysis prepared by the applicant estimates that the total water demand for the proposed project would be 3.47 AFY, which is 3.73 to 7.73 AFY less than existing conditions. The well pump test and water quality analysis from 2007 conclude that the well produces sufficient water to meet the project's water demand. The project would not increase water demand, deplete groundwater supplies, or interfere substantially with

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groundwater recharge; therefore, the project would not interfere with sustainable management of the groundwater basin. Potential impacts associated with groundwater supplies would be *less than significant*.

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

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

The project proposes to establish new cultivation sites and associated facilities in an area that contains gently sloping topography that is partially within the 100-year Flood Hazard designation. The nearest streams include unnamed drainages located 50 feet west of the proposed development area. The project would be required to comply with all National Pollution Discharge Elimination System (NPDES) requirements and prepare a SWPPP that incorporate Best Management Practices (BMPs) during construction. Water quality protection measures would include protection of stockpiles, slopes, all disturbed areas, and access roads, as well as perimeter containment measures.

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

The project would not substantially increase the amount of impervious surface area or the rate and volume of surface runoff in a manner that could result in flooding on- or off-site. Based on the nature and size of the project, changes in surface hydrology would be negligible. Therefore, potential impacts related to increased surface runoff resulting in flooding would be *less than significant*.

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

The project would not substantially increase the amount of impervious surface area or the rate and volume of surface runoff in a manner that could exceed the capacity of existing stormwater or drainage systems. Based on the nature and size of the project, changes in surface hydrology would be negligible. Therefore, potential impacts related to increased surface runoff exceeding stormwater capacity would be *less than significant*.

- (c-iv) *Impede or redirect flood flows?*

Based on the County Flood Hazard Map, a portion of the project site, including a portion of a proposed greenhouse, is located partially within a 100-year flood zone. The project will be conditioned to comply with County requirements for flood hazards, drainage, sedimentation, and erosion control for construction and operation. Therefore, *impacts would be less than significant*.

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

Based on the County Safety Element, the project site is partially located within a 100-year flood zone and is not within an area that would be inundated if dam failure were to occur. 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 (DOC 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 impacts would be *less than significant*.

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

The project is not located within a groundwater basin designated as Level of Severity III per the County's Resource Management System or in severe decline by SGMA. The project would not substantially increase water demand, deplete groundwater supplies, or interfere substantially with groundwater recharge. The project would not conflict with the Central Coastal Basin Plan, SGMA, or other local or regional plans or policies intended to manage water quality or groundwater supplies; therefore, impacts would be *less than significant*.

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### Conclusion

The project would not result in potentially significant impacts associated with water quantity or water quality; therefore, impacts would be less than significant, and no mitigation is necessary.

### Mitigation

None necessary.

### Sources

Refer to Exhibit A.

## 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Setting

The LUO was established to guide and manage the future growth in the County in accordance with the General Plan, to regulate land use in a manner that will encourage and support orderly development and beneficial use of lands, to minimize adverse effects on the public resulting from inappropriate creation, location, use or design of buildings or land uses, and to 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 County General Plan.

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

The inland LUE also contains the area plans of each of the four inland planning areas: Carrizo, North County, San Luis Obispo, and South County. The area plans establish policies and programs for land use, circulation, public facilities, services, and resources that apply "areawide", in rural areas, and in unincorporated urban areas within each planning area. Part three of the LUE contains each of the 13 inland community and village plans, which contain goals, policies, programs, and related background information for the County's unincorporated inland urban and village areas. The project is in the North County Area Plan, Las Pilitas Sub Area and is not subject to any community or village plans.

### Discussion

#### (a) Physically divide an established community?

The project does not propose project elements or components that would physically divide the site from surrounding areas and uses. The project would be consistent with the general level of development within the

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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) *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 site is not located within or adjacent to a Sensitive Resource Area (SRA) designation.

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

### Conclusion

The project would be consistent with local and regional land use designations, plans, and policies and would not divide an established community. Potential impacts related to land use and planning would be less than significant with mitigation measures related to aesthetic resources, air quality, biological resources, and energy resources.

### Mitigation

Implement Mitigation Measures AES-1 through AES-6, AG-1, AG-2, AQ-1, AQ-2, BIO-1 through BIO-3, ENG-1 through ENG-3.

### Sources

Refer to Exhibit A.

## 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 (Public Resources Code 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 2011a):

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

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

The purpose of this combining designation is to protect significant resource extraction and energy production areas identified by the 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.

### 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 located within an area that has been evaluated for mineral resources concrete aggregate but is not located in close proximity to an active mine; active mines are located in the Salinas riverbed, which is 9.77 miles northwest from the project site (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?*

There are no known or mapped mineral resources in the project area and the likelihood of future mining of important resources within the project area is very low. Therefore, *impacts would be less than significant.*

### Conclusion

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

### Mitigation

None necessary.

### Sources

Refer to 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 San Luis Obispo County Noise Element of the 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, specialized education and training
- Health care services (e.g., hospitals, clinics, etc.)
- Nursing and personal care
- Churches
- Public assembly and entertainment
- Libraries and museums
- Hotels and motels
- Bed and breakfast facilities
- Outdoor sports and recreation
- Offices

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

The existing ambient noise environment is characterized by marginal traffic on River Road and connecting roadways, as well as agricultural equipment from surrounding properties. The nearest existing noise-sensitive land use is a rural residence located approximately 580 feet east of the project site.

### Discussion

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

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

**Table 10. Maximum allowable exterior noise level standards<sup>(1)</sup>**

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

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

(2) Applies only to uses that operate or are occupied during nighttime hours

For reference, 45 dB is approximately equivalent to background noise in a quiet office and 70 dB is similar to a toilet flushing.

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.

The project proposes the use of an HVAC system 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 nursery building would be expected to generate noise levels of approximately 65 dBA at distance of 25 feet from the source. Noise attenuates (diminishes) at a rate of 6 dB per doubling of distance. Therefore, project related noise sources producing 65 dB at 25 feet will be perceived to produce about 41 dB at the nearest property line, assuming a distance of 400 feet from the proposed greenhouses. Therefore, the resulting noise is not anticipated to exceed the maximum allowable nighttime level (65 dB) or the hourly average equivalent noise level (45 dB).

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Ambient noise levels at the project site and in surrounding areas after project implementation would not be significantly different than existing levels. Therefore, potential operational noise impacts would be less than significant.

Based on the limited nature of construction activities, and the consistency of the proposed use with existing and surrounding uses, impacts associated with the generation of a substantial temporary or permanent increase in ambient noise levels 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 the Oceano County in Oceano, located approximately 7.15 miles southwest of the site. 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 County LUO standards. No long-term operational noise or ground vibration would occur as a result of the project. Therefore, potential impacts related to noise would be less than significant and no mitigation measures are necessary.

### Mitigation

None necessary.

### Sources

Refer to Exhibit A.

## 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"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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 County of San Luis Obispo General Plan Housing Element 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 provides limited financing to projects relating to affordable housing throughout the county.

The project site is currently developed with a single-family residence, 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 20 full-time and part-time/temporary 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 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 impacts to population and housing would occur and no mitigation measures are necessary.

### Mitigation

None necessary.

### Sources

Refer to 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:				
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 checked="" type="checkbox"/>	<input type="checkbox"/>

#### Setting

Fire protection services in unincorporated San Luis Obispo County are provided by the California Department of Forestry and Fire Protection (CAL FIRE), which has been under contract with the County of San Luis Obispo to provide full-service fire protection since 1930. Approximately 180 full-time state employees operate the County Fire Department, supplemented by as many as 100 state seasonal fire fighters, 300 County paid-call and reserve fire fighters, and 120 state inmate fire fighters. CAL FIRE responds to emergencies and other requests for assistance, plans for and takes action to prevent emergencies and to reduce their impact, coordinates regional emergency response efforts, and provides public education and training in local communities. CAL FIRE has 24 fire stations located throughout the county. The nearest fire station is City of Pismo Beach Fire Station #64, located approximately 9.3 vehicle miles to the northwest, and the nearest County Fire/Cal Fire Station is Mesa Station #22 located in Arroyo Grande, approximately, 11 vehicle miles northwest of the project site. The response time from the County Fire/Cal Fire station to the project site is approximately 16 minutes.

Police protection and emergency services in the unincorporated portions of the county are provided by the San Luis Obispo County Sheriff's Office. The Sheriff's Office Patrol Division responds to calls for service, conducts proactive law enforcement activities, and performs initial investigations of crimes. Patrol personnel are deployed from three stations throughout the county, the Coast Station in Los Osos, the North Station in Templeton, and the South Station in Oceano. The nearest Sheriff's station is the South Station, which is approximately 8.8 vehicle miles southwest.

San Luis Obispo County has a total of 12 school districts that currently enroll approximately 34,000 students in over 75 schools. The project site is located within the Lucia Mar School District, which includes eleven elementary schools, three middle schools, three comprehensive high schools, one continuation high school, and one adult education program. Based on the County's 2016-2018 Resource Summary Report, schools within the Lucia Mar School District are currently operating at acceptable capacities and levels, with the exception of elementary schools, which are at capacity.



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Within the County's unincorporated areas, there are currently 23 parks, three golf courses, four trails/staging areas, and eight Special Areas that include natural areas, coastal access, and historic facilities currently operated and maintained by the County. The project site is located 3.9 miles east of Strother Park, a City-maintained day use park.

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

### Discussion

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

#### *Fire protection?*

The project would be required to comply with all fire safety rules and regulations including the California Fire Code and Public Resources Code prior to issuance of building permits. Based on the limited nature of development proposed, the project would not result in a significant increase in demand for fire protection services that would require the construction. The project would be served by existing fire protection services and would not result in the need for new or altered fire protection services or facilities. 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*.

#### *Police protection?*

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

#### *Schools?*

As discussed in Section XIV. Population and Housing, the project would not induce a substantial increase in population growth and would not result in the need for additional school services or facilities to serve new student populations. Therefore, potential impacts would be *less than significant*.

#### *Parks?*

As discussed in Section XIV. Population and Housing, the project would not induce a substantial increase in population growth and would not result in the need for additional parks or recreational services or facilities to serve new populations. Therefore, potential impacts would be *less than significant*.

#### *Other public facilities?*

As discussed above, the proposed project would be subject to applicable fees to offset negligible increased demands on public facilities; therefore, impacts related to other public facilities would be *less than significant*.

### Conclusion

The project does not propose development that would substantially increase demands on public services and would not induce population growth that would substantially increase demands on public services. The project would be subject to payment of development impact fees to reduce the project's negligible contribution to increased demands on public

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services and facilities. Therefore, potential impacts related to public services would be less than significant and no mitigation measures are necessary.

### Mitigation

None necessary.

### Sources

Refer to Exhibit A.

## XVI. RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<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 County of San Luis Obispo Parks and Recreation Element (Recreation Element) establishes goals, policies, and implementation measures for the management, renovation, and expansion of existing, and the development of new, parks and recreation facilities in order to meet existing and projected needs and to assure an equitable distribution of parks throughout the county.

Public facilities fees, Quimby fees, and developer conditions are several ways the County currently funds public parks and recreational facilities. Public facility fees are collected upon construction of new residential units and currently provide funding for new community-serving recreation facilities. Quimby Fees are collected when new residential lots are created and can be used to expand, acquire, rehabilitate, or develop community-serving parks. Finally, a discretionary permit issued by the County may condition a project to provide land, amenities, or facilities consistent with the Recreation Element.

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

The project is not located in an area identified for a future trail corridor. The nearest trail corridor is approximately 2 miles west along Arroyo Grande Creek.

### Discussion

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

The project proposes cannabis activities within a rural area and would employ up to 20 full-time and part-time/temporary employees. Workers would likely be sourced from the local labor pool and would not result in increased demand on existing or planned recreational facilities in the county. The project is not proposed in a

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location that would affect any existing trail, park, recreational facility, coastal access, and/or natural area. The project would not result in a substantial growth within the area and would not substantially increase demand on any proximate existing neighborhood or regional park or other recreational facilities. Payment of standard development impact fees would ensure any incremental increase in use of existing parks and recreational facilities would be reduced to *less than significant*.

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

The project does not include the construction of new recreational facilities and would not result in a substantial increase in demand or use of parks and recreational facilities. Implementation of the project would not require the construction or expansion of recreational facilities; therefore, impacts would be *less than significant*.

### Conclusion

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

### Mitigation

None necessary.

### Sources

Refer to Exhibit A.

## 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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.

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The project site is located in a suburban/rural transition area and is accessed by Huasna Road in Arroyo Grande. Huasna Road is accessed from Highway 227 which connects to Branch Street in Arroyo Grande or Broad Street in San Luis Obispo. Based on the South County Area Plan, several roads within the general vicinity have been identified as having congestion concerns or needing improvements including Highway 227, Lopez Drive, and Huasna Road (County of San Luis Obispo 2014). A project referral package was sent to the County Public Works Department. The Public Works Department identified that the site has multiple unpermitted connections to Huasna Road, several of which have existing sight-distance issues.

In 2013, Senate Bill 743 was signed into law with the intent to “more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions” and required the Governor’s Office of Planning and Research (OPR) to identify new metrics for identifying and mitigating transportation impacts within CEQA. As a result, in December 2018, the California Natural Resources Agency certified and adopted updates to the State CEQA Guidelines. The revisions included new requirements related to the implementation of Senate Bill 743 and identified vehicle miles traveled (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 San Luis Obispo Council of Governments (SLOCOG) holds several key roles in transportation planning within the county. As the Regional Transportation Planning Agency (RTPA), SLOCOG is responsible for conducting a comprehensive, coordinated transportation program, preparation of a Regional Transportation Plan (RTP), programming of state funds for transportation projects, and the administration and allocation of transportation development act funds required by state statutes. As the Metropolitan Planning Organization (MPO), SLOCOG is also responsible for all transportation planning and programming activities required under federal law. This includes development of long-range transportation plans and funding programs, and the approval of transportation projects using federal funds.

The 2019 RTP, adopted June 5, 2019, is a long-term blueprint of San Luis Obispo County’s transportation system. The plan identifies and analyzes transportation needs of the region and creates a framework for project priorities. SLOCOG represents and works with the County of San Luis Obispo as well as the Cities within the county in facilitating the development of the RTP.

The County Department of Public Works establishes bicycle paths and lanes in coordination with the RTP, which outlines how the region can establish an extensive bikeway network. County bikeway facilities are funded by state grants, local general funds, and developer contributions. The RTP also establishes goals and recommendations to develop, promote, and invest in the public transit systems, rail systems, air services, harbor improvements, and commodity movements within the county in order to meet the needs of transit-dependent individuals and encourage the increasing use of alternative modes by all travelers that choose public transportation. Local transit systems are presently in operation in the cities of Morro Bay and San Luis Obispo, and South County services are offered to Grover Beach, Arroyo Grande, Pismo Beach, and Oceano. Dial-a-ride systems provide intra-community transit in Morro Bay, Atascadero, and Los Osos. Inter-urban systems operate between the City of San Luis Obispo and South County, Los Osos, and the North Coast.

The County’s Framework for Planning (Inland), includes the Land Use and Circulation Elements of the County’s 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. There are no public transit facilities to the project site.

### Discussion

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

The project does not propose the substantial temporary or long-term alteration of any proximate transportation facilities. According to the traffic report prepared by Orosz Engineering Group (OEG), Inc. (April 2019), the project is estimated to generate approximately 33 trips per day, including 1.4 trips during the PM peak hour of 4:00 p.m. to 6:00 p.m. The majority of these trips would use Huasna Road to U.S. 101. Projected trip generation from the project would be generally consistent with surrounding rural residential land uses and would not have a significant

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impact on area roadway operations. 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. 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. Therefore, potential impacts would be *less than significant*.

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

The County of San Luis Obispo has not yet identified an appropriate model or method to estimate vehicle miles traveled for proposed land use development projects. Section 15064.3, subdivision (b) states that if existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively.

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)?**

Currently the project site contains several driveways off Huasna Road that do not satisfy sight distance requirements. Inadequate sight distance can result in hazardous conditions for both drivers entering or existing the project site, and to existing drivers traveling along Huasna Road. The traffic report sight distance analysis utilized the County's Standard Construction Detail A-5 to evaluate the sight distance for the project's access. As proposed, the project would relocate an existing driveway connection (3<sup>rd</sup> from west to east) approximately 75 feet westerly of the existing driveway, which would satisfy the County's sight distance requirements. The Department of Public Works has also requested that the driveway connection leading to the existing easterly residence (4<sup>th</sup> driveway from west to east) be eliminated as it poses significant site distance issues. Additionally, the Department of Public Works would require the project to another existing driveway connection (2<sup>nd</sup> driveway from west to east), which would reduce potential roadway hazards. Mitigation Measure TR-1 requires that the site's 2<sup>nd</sup> and 4<sup>th</sup> driveway connections (from west to east) be removed. The 2<sup>nd</sup> driveway connection is extraneous and would not need to be replaced to provide adequate access to the site. The 4<sup>th</sup> driveway connection provides access to an existing residence and would need to be replaced to maintain access. Preliminarily, the applicant has indicated that new access to the residence would take place from the existing access road leading past the equestrian facilities to the cannabis operation. Another existing dirt road takes access just north of the equestrian facilities and leads up to the existing easterly residence and eastern property boundary and transmission line tower. Because this is an existing road and is regularly used by the property residents and by utility company for transmission line maintenance, any improvements to provide adequate access to the easterly residence would be minimal. With implementation of the driveway relocation detailed in **Mitigation Measure TR-1**, and compliance with Public Works conditions, impacts would be *less than significant*.

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

The project site's access roads range from 15 to 20 feet wide on a nearly level surface which is sufficient room to accommodate farm equipment, construction vehicles, and emergency vehicles. The proposed project would not block or alter local circulation routes or egress routes for the existing onsite residents. 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*.



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### Conclusion

The project would not alter existing transportation facilities or result in the generation of substantial additional trips or vehicle miles traveled. Payment of standard development fees and compliance with existing regulations would ensure potential impacts were reduced to less than significant. Existing driveway connections have sight-distance issues which could result in roadway hazards to project site occupants and existing drivers along Huasna Road. The project is proposing to relocate one of the existing driveway connections and **Mitigation Measure TR-1** would require removal of two other driveway connections. Therefore, potential impacts related to transportation would be less than significant with mitigation.

### Mitigation

**TR-1. Prior to establishment of the use**, the driveway connection relocation (as shown on Site Plan dated 3/26/19) shall be completed. All other driveway connections, except for the relocated driveway connection and the driveway connection to the westerly residence shall be removed, scarified, revegetated, and fenced (or otherwise blocked) to prohibit access. The adjacent shoulder shall be restored to County road standards.

### Sources

Refer to Exhibit A.

## XVIII. TRIBAL CULTURAL RESOURCES

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

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- 1) Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
  - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources; or
  - b. Included in a local register of historical resources as defined in subdivision (k) of California Public Resources Code 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 in subdivision (c) of California Public Resources Code Section 5024.1. 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 numerous Native American tribes has been conducted: Santa Ynez Band of Chumash Indians, Barbareno/Ventureno Band of Mission Indians, Salinan Tribe of Monterey and San Luis Obispo Counties, Xolon Salinan, yak tit'yu tit'yu yak tiłhini Northern Chumash, Coastal Chumash, and Northern Chumash Tribal Council. No comments were received regarding significant known resources in the area.

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

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### Conclusion

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

### Mitigation

None necessary.

### Sources

Refer to Exhibit A.

## 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 Public Works Department provides water and wastewater services for specific County Service Areas (CSAs) that are managed through issuance of water/wastewater "will serve" letters. The 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 onsite wastewater treatment systems are provided by the Water

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Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (California OWTS Policy).

Per the County's Stormwater Program, the Public Works Department is responsible for ensuring that new construction sites implement best management practices during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1.0 acre or more must obtain coverage under the SWRCB's Construction General Permit. Pacific Gas & Electric Company (PG&E) is the primary electricity provider and both PG&E and Southern California Gas Company provide natural gas services for urban and rural communities within the County of San Luis Obispo. The project would be served by a domestic well for water and a new 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 South County Sanitary Services (via Waste Connections) and the Cold Canyon Landfill.

### Discussion

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

The proposed project would not result in the necessity of new or expanded water, electric, natural gas, or telecommunications connections or facilities. Power is currently provided on site through an existing PG&E connection and water would be supplied from an existing well on site. The proposed project would require the installation of a new septic system for a proposed restroom. Based on the proposed uses and location, the new septic system would meet Tier 1 minimum horizontal setbacks including distance from parcel property lines and structures, distance from existing wells unstable land masses and surface water bodies. In order to demonstrate full compliance with Tier 1 minimum site evaluation and siting standards, the proposed septic system location would need to be evaluated by a qualified professional to perform all necessary soil and site evaluations including soil depth, level of groundwater, and percolation rates. This would be required through the building permit process and would ensure the new system would not result in any significant environmental effects. *Therefore, the project would result in a less than significant impact.*

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

A water demand analysis prepared by the applicant estimates that the total water demand for the proposed project would be 3.47 AFY, which is 3.73 to 7.73 AFY less than existing conditions. The well pump test and water quality analysis from 2007 conclude that the well produces sufficient water to meet the project's water demand. The project would be consistent with existing and planned levels and types of development in the project area and would not create new or expanded water supply entitlements. Short-term construction activities would require minimal amounts of water, which would be met through available existing supplies. Operational water demands would be less than existing demands. Therefore, potential impacts on water supplies would be *less than significant*.

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

The project would not substantially increase demands on existing wastewater collection, treatment, and disposal facilities. The project does not include new connections to wastewater treatment facilities; therefore, *no impact would occur*.

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

Construction activities would result in the generation of minimal solid waste materials; no significant long-term increase in solid waste would occur. Local landfills have adequate permit capacity to serve the project and the project does not propose to generate solid waste in excess of State or local standards or otherwise impair the attainment of solid waste reduction goals. Therefore, potential impacts would be *less than significant*.

- (e) *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

The project would not result in significant increased demands on water, wastewater, or stormwater infrastructure and facilities. No substantial increase in solid waste generation would occur. Therefore, potential impacts to utilities and service systems would be less than significant and no mitigation measures are necessary.

### Mitigation

None necessary.

### Sources

Refer to Exhibit A.

## 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"/>



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### 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 the California Department of Forestry and Fire Protection (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 Moderate Hazard designation does not mean the area cannot experience a damaging fire; rather, it indicates that the probability is reduced, generally because the number of days a year that the area has "fire weather" is less than in high or very high fire severity zones. *Identify the appropriate fire hazard severity zone based on the County Land Use View mapping tool.*

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

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

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

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

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 has prepared an Emergency Operations Plan (EOP) to outline the emergency measures that are essential for protecting the public health and safety. These measures include, but are not limited to, public alert and notifications, emergency public information, and protective actions. The EOP also addresses policy and coordination related to emergency management.

### 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

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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.

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.

Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Potential impacts would be *less than significant*.

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

The project is located within the High Fire Hazard Severity Zone and is located on a parcel with moderately dense native vegetation. The site is located within a State Responsibility Area and, based on the County's fire response time map, it would take 15–20 minutes to respond to a call regarding fire or life safety. 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 a water storage tank for fire protection. The County Fire Department/California Department of Forestry and Fire Protection (CAL FIRE) prepared a Fire Safety Plan letter for the project, and the applicant will be required to comply with the requirements of the plan for the life of the project.

The cannabis activities would be located on gentle slopes. Winds in the area vary from 7-8 miles per hour and primarily come from the north (October-April) and west (April-October). As described in Section 6, Geology and Soils, the potential for landslides in the project area is low and would not be conducive to the formation of debris flows in the nearby existing channels.

Therefore, potential impacts would be *less than significant*.

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

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 a water storage tank 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 fairly level slopes. Winds in the area vary from 7-8 miles per hour and primarily come from the north (October-April) and west (April-October). As described in Section 6, Geology and Soils, the potential for landslides in the project area is low, 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*.

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### 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

None necessary.

### Sources

Refer to Exhibit A.

## XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

### Setting

Refer to setting information provided above.

### 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?*

Based on the nature and scale of proposed development, the project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community,

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substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Potential impacts would be *less than significant*.

- (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 11 provides a summary of the total number of cannabis activities for which the County has either approved or has received an application as of the date of this initial study. As shown on Table 6, the County has received applications for a total of 115 cultivation sites (including indoor and outdoor) with a total potential cannabis 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 sf (0.5 acres) of indoor canopy. Therefore, if 141 cultivation sites are ultimately approved, the maximum total cannabis canopy allowable in the unincorporated county will be 493 acres (141 sites x 3.5 acres of canopy per site = 493 acres).

**Table 11. Summary of Cannabis Activities for Unincorporated San Luis Obispo County<sup>1</sup>**

Project Type	Total Number of Cannabis Activities <sup>2</sup>	Canopy (acres)	Approved
Indoor Cultivation	115	89	10
Outdoor Cultivation		241	10

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Total Cultivation:	115	330	20
Nursery	43	--	3
Processing	9	--	0
Manufacturing	25	--	6
Non-Storefront Dispensary	30	--	6
Distribution	7	--	0
Transport Only	4	--	0
Laboratory	1	--	1
<b>Total:</b>	<b>234</b>	<b>330</b>	<b>36</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.

There are five approved or proposed cannabis activities within five miles of the proposed project.

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

- All 115 cultivation sites will be approved and developed;
- Each cultivation site will be developed as follows:
  - 3 acres of outdoor cultivation;
  - 0.5 acres of indoor cultivation;
  - 19,000 sf 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 six full-time employees;
  - A total of six average daily motor vehicle trips;
  - All sites will be served by a well and septic leach field;

### *Aesthetic and Visual Resources*

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

### *Agricultural Resources*

The analysis provided in Section II. Agricultural Resources indicates that the project will result in the permanent conversion of Prime and Unique farmland. The FMMP shows that between 2008 and 2016 (the most recent data year), the amount of agricultural land in San Luis Obispo County has decreased by 7,233 acres, approximately 0.005% over the 8-year period. During this same period, the amount of Important Farmland (Prime, Unique, Statewide Importance) decreased by 13,349 acres, approximately 3.25% over an 8-year period.

Considered cumulatively with all 115 cannabis cultivation applications, there is potential for up to 400 acres of impact to Farmland from cannabis projects. The actual number of acres of Farmland will likely be considerably less,



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given that sites often have multiple soil types with different qualities of Farmland, however this represents a worst-case scenario.

The contribution of the subject project to potential impacts to important farmland is considered cumulatively considerable because the proposed project would result in the permanent conversion of approximately 1.68 acres of Prime Farmland for construction of the greenhouse, nursery, processing, and other ancillary use areas (approximately 0.004% of the total amount of Prime Farmland in the county), and an additional 3.75 acres of Prime Farmland would be semi-permanently converted for outdoor cannabis cultivation. Farmland is a non-renewable resource, so this contribution to a cumulatively larger loss is considered potentially significant and mitigation to conserve remaining farmland is required (see **Mitigation Measure AG-2**, below).

### *Air Quality*

The analysis provided in Section III, Air Quality, concludes that the project's potential construction-related and operational emissions will fall below APCD thresholds of significance for both project-related and cumulative impacts. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to potential impacts to air quality are considered less than cumulatively considerable.

### *Biological Resources*

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

### *Energy Use*

Cannabis cultivation typically uses an insignificant amount of natural gas. Accordingly, this assessment of cumulative impacts is based on demand for electricity. The analysis provided in Section VI., Energy, states that the project could increase the demand for electricity by 4,598,000 kWh per year.

Table 12 provides a summary of potential electricity demand associated with development of all 115 previous approved and currently active cannabis cultivation projects. The summary was derived using the CalEEMOD computer model used by the California Air Resources Board and assumes all 115 sites are developed with the maximum allowable canopies: 3 acres for outdoor cultivation and 22,000 for indoor cultivation.

**Table 12. Projected Demand for Electricity from Approved and Reasonably Foreseeable Cannabis Cultivation Projects**

Land Use	Total Electricity Demand from Current Cannabis Cultivation Projects <sup>1</sup> (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 Cannabis Cultivation (Gigawatt Hours/Year)	Percent Increase Over 2018 Demand
Outdoor Cultivation	184			
Indoor Cultivation	620			
<b>Total:</b>	<b>804</b>	<b>1,765.9</b>	<b>2,569</b>	<b>45%</b>

Notes:

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

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Table 12 indicates that electricity demand in San Luis Obispo County could increase by as much 45% if all 115 cultivation projects are approved and constructed without mitigation.

Table 13 shows the percent increase in the projected 2030 demand throughout PG&E's service area for electricity, assuming all 115 cultivation projects are approved and implemented.

**Table 13. Projected Demand for Electricity from Approved and Reasonably Foreseeable Cannabis Cultivation Projects Compared with Projected 2030 Demand**

Increased Electricity Consumption in San Luis Obispo County With 115 Cannabis Cultivation Projects <sup>1</sup> (Gigawatt Hours)	804
Projected 2030 Demand <sup>2</sup>	33,784
<b>Percent Increase in 2030 Demand with Cannabis Cultivation</b>	<b>2.4%</b>

Notes:

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

The project's contribution to the increased demand for electricity, when considered with the growth of demand in other parts of the PG&E service area for electricity, would be considered wasteful and inefficient and cumulatively considerable. Mitigation ENG-1, ENG-2 and ENG-3 requires the applicant to provide an Energy Conservation Plan demonstrating strategies to reduce or offset for cannabis related electricity demand and greenhouse gas emissions. With implementation of these measures cumulative impacts associated with energy use will be less than cumulatively considerable.

### *Greenhouse Gas (GHG) Emissions*

As discussed in Section VII., the project is expected to generate 2,424.4 metric tons of GHG emissions per year. Accordingly, using the GHG threshold information described in the Setting section, the project is expected to exceed than the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the project's potential direct and cumulative GHG emissions are considered significant and cumulatively considerable. Mitigation ENG-1, ENG-2 and ENG-3 requires the applicant to provide an Energy Conservation Plan demonstrating a 100% offset for cannabis related electricity demand and greenhouse gas emissions. With implementation of these measures cumulative impacts associated with greenhouse gas emissions will be less than cumulatively considerable.

### *Hydrology/Water Demand*

The project site's well does not lay over a designated groundwater basin, and therefore will not cumulatively adversely impact a groundwater basin.

### *Noise*

As discussed in Section XIII, noise associated with HVAC and odor management systems are considered less than significant. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to potential noise impacts 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.

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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 in the County 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

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

### Transportation

The Department of Public Works has derived trip generation rates for cannabis cultivation from traffic reports and through the trip generation rates published by the Institute of Traffic Engineers. Table 14 provides an estimate of total ADT and vehicle miles traveled associated with buildout of the 115 approved and active cannabis cultivation projects.

**Table 14. 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 sf	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 of 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 applicable 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.

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

Based on the nature and scale of the project, the project would not result in a substantial adverse direct or indirect effect on human beings.

### *Conclusion*

Potential impacts would be less than significant, and no mitigation measures are necessary.

### *Mitigation*

**AG-2** Prior to issuance of construction permits, or establishment of the use, whichever occurs first, the applicant shall identify and place in a conservation easement the remaining agricultural land designated Prime Farmland, Unique Farmland, or Farmland of Local Potential that will not be permanently impacted by the construction of structures related to this project (approximately 6.3 acres).

### *Sources*

Refer to Exhibit A.

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

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

Contacted	Agency	Response
<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 checked="" type="checkbox"/>	Air Pollution Control District	None
<input checked="" type="checkbox"/>	County Sheriff's Department	None
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	None
<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 type="checkbox"/>	Community Services District	Not Applicable
<input checked="" type="checkbox"/>	Other _____	In File**
<input type="checkbox"/>	Other _____	Not Applicable

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



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

Barros, Ana M.G., Jose M.C. Pereira, Max A. Moritz, and Scott L. Stephens. 2013. Spatial Characterization of Wildfire Orientation Patterns in California. *Forests* 2013, 4; Pp 197-217.” 2013.

CAL FIRE. 2007. “Draft Fire Hazard Severity Zones in Local Responsibility Areas.” Available at <[http://frap.fire.ca.gov/webdata/maps/san\\_luis\\_obispo/fhszl06\\_1\\_map.40.pdf](http://frap.fire.ca.gov/webdata/maps/san_luis_obispo/fhszl06_1_map.40.pdf)>

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California Department of Toxic Substances Control (DTSC). 2019. EnviroStor. Available at: <<https://www.envirostor.dtsc.ca.gov/public/>>

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California State Water Resources Control Board. 2012. Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems. June 19<sup>th</sup>, 2012.

\_\_\_\_\_. 2015. Geotracker. Available at: <<http://geotracker.waterboards.ca.gov/>>

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\_\_\_\_\_. 2016. 2015/2016 County Bikeways Plan. July 6<sup>th</sup>, 2016.

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County of Santa Barbara Department of Planning and Development. 2017. Final Environmental Impact Report (EIR) for the Cannabis Land Use Ordinance and Licensing Program. Available at: <[http://cannabis.countyofsb.org/uploadedFiles/cannabis/Documents/Final\\_PEIR/Santa%20Barbara%20\\_Cannabis%20FEIR-Volume%201.pdf](http://cannabis.countyofsb.org/uploadedFiles/cannabis/Documents/Final_PEIR/Santa%20Barbara%20_Cannabis%20FEIR-Volume%201.pdf)>

Department of Conservation (DOC). 2019. San Luis Obispo County Tsunami Inundation Maps. Available at: <<https://www.conservation.ca.gov/cgs/tsunami/maps/San-Luis-Obispo>>

Kevin Merk Associates. April 11, 2019. Biological Resources Assessment for Proposed Cannabis Cultivation at 3919 Huasna Road, Arroyo Grande, San Luis Obispo County, California.

Orosz Engineering Group, Inc. April 3, 2019. Cannabis Cultivation Traffic Generation and Access Report for 3919 Huasna Road, Arroyo Grande, San Luis Obispo County, APN 047-091-005

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Pacific Gas and Electric (PG&E). 2019. Delivering Low-Emission Energy. Available at: <[https://www.pge.com/en\\_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page](https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page)>

San Luis Obispo Council of Governments (SLOCOG). 2019. Responsibilities. Available at: <<https://slocog.org/about/responsibilities>>

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## Initial Study – Environmental Checklist

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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.

- AES-1**      **At the time of application for construction permits, or prior to establishment of the use, whichever occurs first,** the applicant shall submit a landscape plan to provide adequate vegetative screening along the southern and eastern boundaries of the project area to the County Department of Planning and Building for review and approval. If it is determined that the success criteria would not be met by the proposed landscape plan, the applicant shall submit a supplemental landscape screening plan with additional recommendations to achieve the required screening. The landscape plan shall be prepared in accordance with Water Efficient Landscape Methods and Landscape Plan Content requirements as described in LUO Section 22.16. The plans shall be developed and signed by a licensed landscape architect and include the following:
- The screen plants shall be strategically located along the southern and eastern fence lines of the project and southern and eastern boundaries of the property (see Figure 3). Placement of various tree types and understory vegetation (e.g., varying height, growth rate) shall be placed to create a more natural setting around the proposed fencing. Plantings shall screen 50% of the proposed fencing, greenhouses, and processing building as seen from Huasna Road, upon maturity or 5 years, whichever occurs first.
  - Screen planting shall include evergreen trees capable of growing to a minimum height of 8 feet tall. Trees shall be planted from a minimum 15-gallon container size. Shrubs from 5-gallon containers shall be planted among the screen trees. All landscaping plants shall be native to the area and utilize plants identified in the County's Approved Plant List. At least 80% of the proposed vegetation shall have either an F1 or F2 fire resistance designation, as noted within the County's Approved Plant List.
  - The landscape screening plan shall be designed to meet the required 50% screening criteria while accommodating for typical establishment success ratios and possible plant mortality.
  - All vegetation planting with a maturity height of 10 feet or greater shall be located at least 50 feet from existing powerlines.
  - If possible, planting during the warmest, driest months (June through September) shall be avoided.
- AES-2**      **Prior to final inspection/occupancy, or establishment of the use, whichever occurs first,** the approved landscape plan shall be implemented, and the applicant shall provide a letter to the County Department of Planning and Building for approval demonstrating that the applicant has entered into a contract with a qualified landscape architect for the purpose of monitoring the success of the screen planting area. The monitoring contract shall include a requirement that the monitor conduct, at a minimum, an annual site visit and assessment of the planting success for 5 years and an annual submittal of a monitoring report to the County Department of Planning and Building.
- AES-3**      **Prior to final inspection or occupancy, whichever occurs first,** the applicant shall post a bond for the cost of implementing the landscape screening plan with the County Department of Planning and Building. The licensed landscape architect shall include a cost estimate for the implementation of the landscape plan. **At the end of the 5-year monitoring period,** the monitoring report (as described in measure AES-2) shall be submitted to the County Department of Planning and Building for review:
- If the monitoring report demonstrates that the landscaping plan has been successfully implemented and meets the required screening criteria (as described in measure AES-1), the bond shall be returned to the applicant in full; or

## Initial Study – Environmental Checklist

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- b. If the monitoring report demonstrates that the landscaping plan does not meet the required screening criteria, the applicant shall submit a revised landscape plan prepared by a licensed landscape architect in accordance with the standards set forth in measure AES-1 for review and approval by the County Planning Department. Upon approval of the revised landscape plan, the applicant shall implement the revised landscape plan and submit an annual monitoring report (consistent with the standards set forth in AES-2) for two years.

If the revised landscape plan does not meet the required screening criteria after five years, the County Planning Department shall use the bond to hire a licensed landscape architect to implement and maintain the revised landscape screening plan. If the monitoring report demonstrates the landscaping plan successfully meets the required screening criteria, the bond shall be returned to the applicant in full.

- AES-4**      **For the life of the project**, all plantings associated with the landscape plan described in AES-1 shall be maintained until successfully established. This shall include protection (e.g., tree shelters, exclusionary fencing) from animals (e.g., deer, rodents), regular weeding (minimum of once during early fall and once during early spring) of at least a 3-foot radius surrounding each tree/plant, and adequate watering (e.g., drip irrigation system) as described in the approved landscape plan.
- AES-5**      **Architectural Design.** Prior to issuance of construction permits, the applicant shall submit elevations and color samples for all proposed project structures, including the greenhouse, nursery, trailers, office, delivery service office, water tanks (new and relocated), and restroom. The structures shall be in earth tone colors with Munsell chroma values of 6 or less.
- AES-6**      **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 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. Any exterior lighting shall be “warm-white” or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions; 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.
- AG-1**      **Within 60 days of permanent cessation of outdoor cannabis cultivation**, the applicant shall remove all fencing installed as part of the project that are located on Prime Farmland or Unique Farmland, including all concrete footings.
- AG-2**      **Prior to issuance of construction permits, or establishment of the use, whichever occurs first**, the applicant shall identify and place in a conservation easement the remaining agricultural land designated Prime Farmland, Unique Farmland, or Farmland of Local Potential that will not be permanently impacted by the construction of structures related to this project (approximately 6.3 acres).
- AIR-1**      Upon application for construction and/or encroachment permits, all required PM10 measures shall be shown on applicable grading or construction plans and made applicable during grading and construction activities, as described below.

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- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60-minute period shall be implemented. Increased watering frequency shall be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water shall be used whenever possible;
- c. All dirt stock pile areas shall be sprayed daily or covered with tarps or other dust barriers, as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil-disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than 1 month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the San Luis Obispo County Air Pollution Control District;
- g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;
- j. Installation of wheel washers or other devices to control tracking of mud and dirt onto adjacent roadways where vehicles enter and exit unpaved roads onto streets shall be implemented, or trucks and equipment shall be washed prior to leaving the site;
- k. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
- l. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60-minute period, and to prevent transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the San Luis Obispo County Air Pollution Control District Engineering & Compliance Division prior to the start of any grading, earthwork, or demolition.

### AIR-2

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:



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### Construction Equipment

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel-powered equipment with California Air Resources Board-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- c. Use diesel construction equipment meeting the California Air Resources Board's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
- d. Use on-road heavy-duty trucks that meet the California Air Resources Board's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- e. 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 oxides of nitrogen exempt area fleets) may be eligible by proving alternative compliance;
- f. 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;
- g. Diesel idling shall be avoided to the greatest extent feasible throughout the duration of construction activities. No idling in excess of 5 minutes shall be permitted as described above;
- h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors whenever possible;
- i. Electrify equipment when feasible;
- j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.

**BIO-1. Nesting Birds and Raptors.** Site preparation, ground disturbance, and construction activities including any tree trimming and vegetation removal shall be conducted outside of the migratory bird nesting season (February 15 through October 31). If such activities cannot be avoided during this period, a County-approved qualified biologist shall conduct a preconstruction nesting bird survey no sooner than 1–4 weeks prior to tree removal activities and shall verify whether migratory birds are nesting in the site. If nesting activity is detected, the following measures shall be implemented:

- a. The project shall be modified via the use of protective buffers, delaying construction activities, or other methods designated by the qualified biologist to avoid direct take of identified nests, eggs, and/or young protected under the Migratory Bird Treaty Act and/or California Fish and Game Code.
- b. The qualified biologist shall monitor the nests within the vicinity of project-related disturbances and determine if construction activities are causing behavioral changes or affecting nesting activities. Monitoring results shall then be utilized to develop an appropriate buffer around the nest site to minimize disturbance. Construction activities within the buffer zone shall be prohibited until the young have fledged the nest and achieved independence.

## Initial Study – Environmental Checklist

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- c. The qualified biologist shall document all active nests and submit a letter report to the County documenting project compliance with the Migratory Bird Treaty Act, California Fish and Game Code, and applicable project mitigation measures within 14 days of survey completion.

**BIO-2. Roosting Bats.** Site preparation, ground disturbance, and construction activities including any tree trimming and/or vegetation removal shall be conducted outside of the typical bat maternity roosting and pupping season (from February 1st to August 31st), if feasible. If site disturbance activities are to occur within this season, the applicant shall retain a County-qualified biologist to conduct a preconstruction survey within 14 days prior to commencement of proposed site disturbance activities. If any roosting bats are found during preconstruction surveys, no work activities shall occur within 100 feet of active roosts until bats have left the roosts. The County-qualified biologist shall prepare a report after each survey and a copy of the report shall be provided to the County within 14 days of completion of each survey. If no bat roosting activities are detected within the proposed work area, site disturbance and noise-producing construction activities may proceed, and no further mitigation is required.

**BIO-3. Impacts to Native Oaks.** Development of the project may result in impacts to native oak trees. The number of oak tree impacts shall be determined prior to permit issuance and clearly shown on the project plans.

Oak Tree impacts shall be minimized during grading, road improvement activities, fire clearance work, passage of large equipment, and other project activities, by implementing the following measures:

- a. No oak trees are authorized to be removed.
- b. Trees impacted but not removed will be mitigated in-kind at a 2:1 ratio. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available and grading activities are complete in proposed replanting areas). Replant areas shall be located either in native topsoil or areas where native topsoil has been reapplied. If located in areas where native topsoil has been reapplied, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted. The layer of reapplied topsoil shall be a minimum of 6 to 12 inches deep.
- c. Seed stock shall be collected onsite or in the immediately surrounding area.
- d. Location of newly planted trees and/or vegetation/seeds shall adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines).
- e. Newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, exclusionary fencing) from animals (e.g., deer, rodents), regular weeding (minimum of once during early Fall and once during early Spring) of at least a 3-foot radius surrounding the tree/plant and adequate watering (e.g., drip-irrigation system). Watering shall be controlled so only enough is used to initially establish the tree/plant, gradually reducing to zero water over a 3-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.
- f. Following planting of replacement oak trees, to guarantee the success of the new trees, the County shall monitor the new trees' survivability and vigor until the trees are successfully established and prepare monitoring reports on an annual basis for a minimum of 7 years. The first monitoring report shall be submitted to the County Environmental Coordinator 1 year after the completion of replacement planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the initially-required vegetation is successfully established. Additional monitoring would be necessary if initially-required vegetation is not considered successfully established. Success criteria for revegetation is 80% survivability within 5 years upon initial planting efforts.

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The County shall maintain compliance with the following measures related to weed removal around newly planted vegetation: 1) no herbicides shall be used; and 2) either installation of a securely staked “weed mat” (covering at least a 3-foot radius from center of plant), or hand-removal of weeds (covering at least a three-foot radius from center of plant) shall be completed for each new plant (hand-removal weeding shall be maintained on a regular basis [at least once in late spring (April) and once in early winter (December)] until plant is 3 feet tall or for 7 years, whichever occurs first. Use of weed-free mulch (at least 3 inches deep) with regular replenishment may be substituted for the weed mat.

- 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. 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:
      - 10. Participating in an annual energy audit.
      - 11. Upgrading and maintaining efficient heating/ cooling/ dehumidification systems.
      - 12. Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
      - 13. Implementing automated lighting systems.
      - 14. Utilizing natural light when possible.
      - 15. Utilizing an efficient circulation system.
      - 16. Ensuring that energy use is below or in-line with industry benchmarks.
      - 17. Implementing phase-out plans for the replacement of inefficient equipment.
      - 18. 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. Prior to issuance of building permits**, the applicant shall provide to the Department of Planning and Building for review and approval, a program for reducing or offsetting project-related greenhouse gas emissions below the 1,150 MTCO<sub>2</sub>e Bright Line threshold. Such a program (or programs) may include, but is not limited to, the following:

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- a. Purchase of greenhouse gas offset credits from any of the following recognized and reputable voluntary carbon registries:
  - i. American Carbon Registry;
  - ii. Climate Action Reserve;
  - iii. Verified Carbon Standard.
  - iv. Offsets purchased from any other source are subject to verification and approval by the Department of Planning and Building.
- b. Installation of battery storage to offset nighttime energy use. Batteries may only be charged during daylight hours with a renewable energy source and shall be used as the sole energy supply during non-daylight hours.
- c. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of project GHG emissions below the 1,150 Bright Line Threshold.

**ENG-3. 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).

**TR-1. Prior to establishment of the use,** the driveway connection relocation (as shown on Site Plan dated 3/26/19) shall be completed. All other driveway connections, except for the relocated driveway connection and the driveway connection to the westerly residence shall be removed, scarified, revegetated, and fenced (or otherwise blocked) to prohibit access. The adjacent shoulder shall be restored to County road standards.

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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:
  - (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

## Initial Study – Environmental Checklist

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department shall not issue new licenses or increase the total number of plant identifiers within that watershed or area while the moratorium is in effect.

### *Section 8304 – General Environmental Protection Measures*

- (a) Compliance with section 13149 of the Water Code as implemented by the State Water Resources Control Board, Regional Water Quality Control Boards, or California Department of Fish and Wildlife;
- (b) Compliance with any conditions requested by the California Department of Fish and Wildlife or the State Water Resources Control Board under section 26060.1(b)(1) of the Business and Professions Code;
- (c) All outdoor lighting used for security purposes shall be shielded and downward facing;
- (d) Immediately halt cultivation activities and implement section 7050.5 of the Health and Safety Code if human remains are discovered;
- (e) Requirements for generators pursuant to section 8306 of this chapter;
- (f) Compliance with pesticide laws and regulations pursuant to section 8307 of this chapter;
- (g) Mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare.

### *Section 8305 – Renewable Energy Requirements*

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

### *Section 8306 -- Generator Requirements*

### *Section 8307 – Pesticide Use Requirements*

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

### *Section 8308 – Cannabis Waste Management*

#### Bureau of Cannabis Control

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

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

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

#### California Department of Fish and Wildlife (CDFW)

Lake or Streambed 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



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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 KOENIG CONDITIONAL USE PERMIT  
(DRC2018-00155)**

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)**

- AES-1**      **At the time of application for construction permits, or prior to establishment of the use, whichever occurs first,** the applicant shall submit a landscape plan to provide adequate vegetative screening along the southern and eastern boundaries of the project area to the County Department of Planning and Building for review and approval. If it is determined that the success criteria would not be met by the proposed landscape plan, the applicant shall submit a supplemental landscape screening plan with additional recommendations to achieve the required screening. The landscape plan shall be prepared in accordance with Water Efficient Landscape Methods and Landscape Plan Content requirements as described in LUO Section 22.16. The plans shall be developed and signed by a licensed landscape architect and include the following:
- a. The screen plants shall be strategically located along the southern and eastern fence lines of the project and southern and eastern boundaries of the property (see Figure 3). Placement of various tree types and understory vegetation (e.g., varying height, growth rate) shall be placed to create a more natural setting around the proposed fencing. Plantings shall screen 50% of the proposed fencing, greenhouses, and processing building as seen from Huasna Road, upon maturity or 5 years, whichever occurs first.
  - b. Screen planting shall include evergreen trees capable of growing to a minimum height of 8 feet tall. Trees shall be planted from a minimum 15-gallon container size. Shrubs from 5-gallon containers shall be planted among the screen trees. All landscaping plants shall be native to the area and utilize plants identified in the County's Approved Plant

April 6, 2020

List. At least 80% of the proposed vegetation shall have either an F1 or F2 fire resistance designation, as noted within the County's Approved Plant List.

- c. The landscape screening plan shall be designed to meet the required 50% screening criteria while accommodating for typical establishment success ratios and possible plant mortality.
- d. All vegetation planting with a maturity height of 10 feet or greater shall be located at least 50 feet from existing powerlines.
- e. If possible, planting during the warmest, driest months (June through September) shall be avoided.

**AES-2**      **Prior to final inspection/occupancy, or establishment of the use, whichever occurs first,** the approved landscape plan shall be implemented, and the applicant shall provide a letter to the County Department of Planning and Building for approval demonstrating that the applicant has entered into a contract with a qualified landscape architect for the purpose of monitoring the success of the screen planting area. The monitoring contract shall include a requirement that the monitor conduct, at a minimum, an annual site visit and assessment of the planting success for 5 years and an annual submittal of a monitoring report to the County Department of Planning and Building.

**AES-3**      **Prior to final inspection or occupancy, whichever occurs first,** the applicant shall post a bond for the cost of implementing the landscape screening plan with the County Department of Planning and Building. The licensed landscape architect shall include a cost estimate for the implementation of the landscape plan. **At the end of the 5-year monitoring period,** the monitoring report (as described in measure AES-2) shall be submitted to the County Department of Planning and Building for review:

- a. If the monitoring report demonstrates that the landscaping plan has been successfully implemented and meets the required screening criteria (as described in measure AES-1), the bond shall be returned to the applicant in full; or
- b. If the monitoring report demonstrates that the landscaping plan does not meet the required screening criteria, the applicant shall submit a revised landscape plan prepared by a licensed landscape architect in accordance with the standards set forth in measure AES-1 for review and approval by the County Planning Department. Upon approval of the revised landscape plan, the applicant shall implement the revised landscape plan and submit an annual monitoring report (consistent with the standards set forth in AES-2) for two years.

If the revised landscape plan does not meet the required screening criteria after five years, the County Planning Department shall use the bond to hire a licensed landscape architect to implement and maintain the revised landscape screening plan. If the monitoring report demonstrates the landscaping plan successfully meets the required screening criteria, the bond shall be returned to the applicant in full.

**AES-4**      **For the life of the project,** all plantings associated with the landscape plan described in AES-1 shall be maintained until successfully established. This

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shall include protection (e.g., tree shelters, exclusionary fencing) from animals (e.g., deer, rodents), regular weeding (minimum of once during early fall and once during early spring) of at least a 3-foot radius surrounding each tree/plant, and adequate watering (e.g., drip irrigation system) as described in the approved landscape plan.

**Monitoring:** Required with construction permits, or prior to establishment of any use, whichever occurs first. Must be maintained for the life of the project. Compliance will be verified by the County Department of Planning and Building.

**AES-5 Architectural Design.** Prior to issuance of construction permits, the applicant shall submit elevations and color samples for all proposed project structures, including the greenhouse, nursery, trailers, office, delivery service office, water tanks (new and relocated), and restroom. The structures shall be in earth tone colors with Munsell chroma values of 6 or less.

**Monitoring:** Required with construction permits. Must be maintained for the life of the project. Compliance will be verified by the County Department of Planning and Building.

**AES-6 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 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. Any exterior lighting shall be "warm-white" or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions; 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:** Required with construction permits. Must be maintained for the life of the project. Compliance will be verified by the County Department of Planning and Building.

### **AGRICULTURE (AG)**

- AG-1** Within 60 days of permanent cessation of outdoor cannabis cultivation, the applicant shall remove all fencing installed as part of the project that are located on Prime Farmland or Unique Farmland, including all concrete footings.

**Monitoring:** Required after cessation of the use. Compliance will be verified by the County Department of Planning and Building.

- AG-2** Prior to issuance of construction permits, or establishment of the use, whichever occurs first, the applicant shall identify and place in a conservation easement the remaining agricultural land designated Prime Farmland, Unique Farmland, or Farmland of Local Potential that will not be permanently impacted by the construction of structures related to this project (approximately 6.3 acres).

**Monitoring:** Required prior to establishment of the use or with construction permits. Must be maintained for the life of the project. Compliance will be verified by the County Department of Planning and Building.

### **AIR QUALITY (AQ)**

- AIR-1** Upon application for construction and/or encroachment permits, all required PM10 measures shall be shown on applicable grading or construction plans and made applicable during grading and construction activities, as described below.

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60-minute period shall be implemented. Increased watering frequency shall be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water shall be used whenever possible;
- c. All dirt stock pile areas shall be sprayed daily or covered with tarps or other dust barriers, as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil-disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than 1 month after initial grading shall be sown with a fast

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germinating, non-invasive grass seed and watered until vegetation is established;

- f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the San Luis Obispo County Air Pollution Control District;
- g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;
- j. Installation of wheel washers or other devices to control tracking of mud and dirt onto adjacent roadways where vehicles enter and exit unpaved roads onto streets shall be implemented, or trucks and equipment shall be washed prior to leaving the site;
- k. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
- l. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60-minute period, and to prevent transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the San Luis Obispo County Air Pollution Control District Engineering & Compliance Division prior to the start of any grading, earthwork, or demolition.

## **AIR-2**

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:

### Construction Equipment

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



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- b. Fuel all off-road and portable diesel-powered equipment with California Air Resources Board-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- c. Use diesel construction equipment meeting the California Air Resources Board's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
- d. Use on-road heavy-duty trucks that meet the California Air Resources Board's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- e. 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 oxides of nitrogen exempt area fleets) may be eligible by proving alternative compliance;
- f. 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;
- g. Diesel idling shall be avoided to the greatest extent feasible throughout the duration of construction activities. No idling in excess of 5 minutes shall be permitted as described above;
- h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors whenever possible;
- i. Electrify equipment when feasible;
- j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.

**Monitoring:** Required at time of application for construction permits and during construction of the project. Compliance will be verified by the County Department of Planning and Building and San Luis Obispo County Air Pollution Control District.

## **BIOLOGICAL RESOURCES (BIO)**

**BIO-1 Nesting Birds and Raptors.** Site preparation, ground disturbance, and construction activities including any tree trimming and vegetation removal shall be conducted outside of the migratory bird nesting season (February 15 through October 31). If such activities cannot be avoided during this period, a County-approved qualified biologist shall conduct a preconstruction nesting

bird survey no sooner than 1–4 weeks prior to tree removal activities and shall verify whether migratory birds are nesting in the site. If nesting activity is detected, the following measures shall be implemented:

- a. The project shall be modified via the use of protective buffers, delaying construction activities, or other methods designated by the qualified biologist to avoid direct take of identified nests, eggs, and/or young protected under the Migratory Bird Treaty Act and/or California Fish and Game Code.
- b. The qualified biologist shall monitor the nests within the vicinity of project-related disturbances and determine if construction activities are causing behavioral changes or affecting nesting activities. Monitoring results shall then be utilized to develop an appropriate buffer around the next site to minimize disturbance. Construction activities within the buffer zone shall be prohibited until the young have fledged the nest and achieved independence.
- c. The qualified biologist shall document all active nests and submit a letter report to the County documenting project compliance with the Migratory Bird Treaty Act, California Fish and Game Code, and applicable project mitigation measures within 14 days of survey completion.

**BIO-2      Roosting Bats.** Site preparation, ground disturbance, and construction activities including any tree trimming and/or vegetation removal shall be conducted outside of the typical bat maternity roosting and pupping season (from February 1st to August 31st), if feasible. If site disturbance activities are to occur within this season, the applicant shall retain a County-qualified biologist to conduct a preconstruction survey within 14 days prior to commencement of proposed site disturbance activities. If any roosting bats are found during preconstruction surveys, no work activities shall occur within 100 feet of active roosts until bats have left the roosts. The County-qualified biologist shall prepare a report after each survey and a copy of the report shall be provided to the County within 14 days of completion of each survey. If no bat roosting activities are detected within the proposed work area, site disturbance and noise-producing construction activities may proceed, and no further mitigation is required.

**BIO-3      Impacts to Native Oaks.** Development of the project may result in impacts to native oak trees. The number of oak tree impacts shall be determined prior to permit issuance and clearly shown on the project plans.

Oak Tree impacts shall be minimized during grading, road improvement activities, fire clearance work, passage of large equipment, and other project activities, by implementing the following measures:

- a. No oak trees are authorized to be removed.
- b. Trees impacted but not removed will be mitigated in-kind at a 2:1 ratio. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available and grading activities are complete in proposed

replanting areas). Replant areas shall be located either in native topsoil or areas where native topsoil has been reapplied. If located in areas where native topsoil has been reapplied, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted. The layer of reapplied topsoil shall be a minimum of 6 to 12 inches deep.

- c. Seed stock shall be collected onsite or in the immediately surrounding area.
- d. Location of newly planted trees and/or vegetation/seeds shall adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines).
- e. Newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, exclusionary fencing) from animals (e.g., deer, rodents), regular weeding (minimum of once during early Fall and once during early Spring) of at least a 3-foot radius surrounding the tree/plant and adequate watering (e.g., drip-irrigation system). Watering shall be controlled so only enough is used to initially establish the tree/plant, gradually reducing to zero water over a 3-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.
- f. Following planting of replacement oak trees, to guarantee the success of the new trees, the County shall monitor the new trees' survivability and vigor until the trees are successfully established and prepare monitoring reports on an annual basis for a minimum of 7 years. The first monitoring report shall be submitted to the County Environmental Coordinator 1 year after the completion of replacement planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the initially-required vegetation is successfully established. Additional monitoring would be necessary if initially-required vegetation is not considered successfully established. Success criteria for revegetation is 80% survivability within 5 years upon initial planting efforts.

The County shall maintain compliance with the following measures related to weed removal around newly planted vegetation: 1) no herbicides shall be used; and 2) either installation of a securely staked "weed mat" (covering at least a 3-foot radius from center of plant), or hand-removal of weeds (covering at least a three-foot radius from center of plant) shall be completed for each new plant (hand-removal weeding shall be maintained on a regular basis [at least once in late spring (April) and once in early winter (December)] until plant is 3 feet tall or for 7 years,

whichever occurs first. Use of weed-free mulch (at least 3 inches deep) with regular replenishment may be substituted for the weed mat.

**Monitoring:** Required during construction activities. Compliance will be verified by the County Department of Planning and Building.

## **ENERGY/GREENHOUSE GAS EMISSIONS (ENG)**

**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. 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**

**Prior to issuance of building permits**, the applicant shall provide to the Department of Planning and Building for review and approval, a program for reducing or offsetting project-related greenhouse gas emissions below the 1,150 MTCO<sub>2</sub>e Bright Line threshold. Such a program (or programs) may include, but is not limited to, the following:

- a. Purchase of greenhouse gas offset credits from any of the following recognized and reputable voluntary carbon registries:
  - i. American Carbon Registry;
  - ii. Climate Action Reserve;
  - iii. Verified Carbon Standard.
- iv. Offsets purchased from any other source are subject to verification and approval by the Department of Planning and Building.
- b. Installation of battery storage to offset nighttime energy use. Batteries may only be charged during daylight hours with a renewable energy source and shall be used as the sole energy supply during non-daylight hours.
- c. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of project GHG emissions below the 1,150 Bright Line Threshold.

**ENG-3**

**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

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showing continuous enrollment in the Solar Choice program or Regional Renewable Choice program).

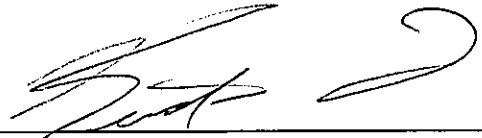
**Monitoring:** Required at the time of application for construction permits. Implementation required prior to building permit issuance. Compliance will be verified by the County Department of Planning and Building.

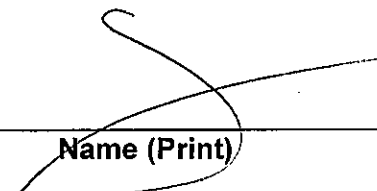
**TRANSPORTATION (TR)**

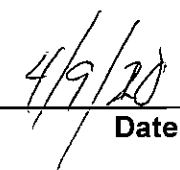
**TR-1** Prior to establishment of the use, the driveway connection relocation (as shown on Site Plan dated 3/26/19) shall be completed. All other driveway connections, except for the relocated driveway connection and the driveway connection to the westerly residence shall be removed, scarified, revegetated, and fenced (or otherwise blocked) to prohibit access. The adjacent shoulder shall be restored to County road standards.

**Monitoring:** Required prior to establishment of the use. Compliance will be verified by the County Department of Planning and Building and Department of Public Works.

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

  
Signature of Applicant

  
Name (Print)

  
Date