Summary of Water Consumption for GREENHOUSE Cannabis Cultivation @
CALIFORNIA PRODUCTION SERVICES
1480 PENMAN SPRINGS RD., PASA ROBLES
Permit No DRC2019-00180
Exceptions to Applicants Environmental Submittals Water Management
Water Demand Analysis and Summary

Sirs:

Based on the applicants **STATED DEMAND TOTAL OF 4.98 acre-feet/year** (see attached pg 51) of water, we hereby take exception to the demand factors this applicant has provided for this project as follows:

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

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

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

3) Here is our project water demand analysis for a STATED 109,120 sq-ft canopy (see pg 2):

   109,120 sq-ft (Total Area) ÷ 16 sq-ft (per plant area) = 6,820 plants

   6,820 (plants) x 2 gal/day water = 13,640 gal/day water

   13,640 (gal/day) ÷ 325,851 (gal) = 0.041 acre-feet/day

ACTUAL GREENHOUSE DEMAND: 0.041 X 365 days = 15.27 acre-feet/year
This project represents a potential **101%** difference between STATED and ACTUAL water use.

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

Concerned Citizens

Initial Study Summary – Environmental Checklist

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

(ver 5.10)Using Form

Project Title & No. California Production Services / Choboian Conditional Use Permit, ED 19-131; DRC2019-00180 (Formerly Guitierrez MUP DRC2018-00103)

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

☐ Aesthetics	☐ Geology and Soils	☐ Recreation
☐ Agricultural Resources	☐ Hazards/Hazardous Materials	☐ Transportation/Circulation
☒ Air Quality	☐ Noise	☐ Wastewater
☒ Biological Resources	☐ Population/Housing	☒ Water /Hydrology
☐ Cultural Resources	☒ Public Services/ Utilities/ Energy	☐ Land Use

DETERMINATION: (To be completed by the Lead Agency)

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

☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Steve Conner — January 17, 2020

Prepared by (Print) | Signature | Date

Eric Hughes — (for) Xzandrea Fowler, Environmental Coordinator — January 21, 2020

Reviewed by (Print) | Signature | Date

Project Environmental Analysis

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

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

A. PROJECT

DESCRIPTION: The proposed project is a request by **California Production Services** for a Conditional Use Permit DRC2019-00180 (Formerly Guitierrez MUP DRC2018-00103) for up to 22,000 square feet of indoor cannabis cultivation and up to two acres of outdoor cannabis cultivation. Project development would result in a 2.7 acre area of disturbance and will include eight greenhouses totaling 22,000 square feet, 87,120 total square feet of hoop structures, and a 3,000-square foot steel building for processing activities ancillary to cannabis cultivation (drying, trimming, packaging, and labeling). The project would employ up to four people and would operate seven days per week between the hours of 6:00 AM and 3:30 PM. The project site is located in the Agriculture land use category on a 20.13-acre property at 1480 Penman Springs Road in the El Pomar-Estrella Sub Area of the North County Planning Area (Figure 1).

The project was previously analyzed in a Mitigated Negative Declaration and this document is being recirculated in response to comments received from the California Department of Fish and Wildlife (CDFW) and California Department of Food and Agriculture (CDFA). The original Mitigated Negative Declaration document was received by the State Clearing House at the California Governor's Office of Planning and Research on September 11, 2019 (SCH#2019099030). This recirculated document contains an amended Biological Resource section which now contains additional analysis and mitigations in response to CDFW's comments on Special Status Wildlife. The recirculated document also contains amendments to the Air Quality, Noise, Public Services/Utilities/Energy Usage, Water/Hydrology, and Mandatory Findings of Significance sections in response to comments received from CDFA. The project was also changed to remove the installation of two 160 square foot temporary processing trailers. Changes to the document are reflected in underline and strikethrough edits.

An aerial of the project site is shown in Figure 2. An existing outdoor cannabis cultivation operation has been on site and was registered as Cooperative/Collective registration CCM2016-00394 under Urgency Ordinance 3334. The operation did not have a valid State license and was recently removed but consisted of one acre of disturbed area with a total canopy of less than one acre. Due to this code violation, the project was elevated from a Minor Use Permit to a Conditional Use Permit as required by County Land Use Ordinance (LUO) Section 22.40.040. Other existing development on site includes two single-family residences (one to remain and one to be demolished) and a barn.

As shown in Figure 3 and summarized in Table 1, project construction and implementation would occur in two phases. All outdoor/hoop-house cultivation and three of the indoor/greenhouse cultivation areas would be established in Phase One, along with an 80-square foot metal office building, an 80-square foot metal safe room, and a 320-square foot storage unit. ~~Two temporary structures would also be~~

~~installed for the ancillary processing activities in this phase.~~ Phase Two would consist of developing the remaining greenhouses and the permanent 3,000-square foot building for ancillary processing activities. All greenhouses would be up to 14 feet in height. Indoor cultivation would involve planting in the soil rather than using benches or bays since the proposed greenhouses would consist of permitted structures placed on the soil without a floor or foundation. Overall, the cannabis operation would cover approximately 2.7 acres of area.

Table 1 – Project Components by Phase

Project Component	Structure Size (sf)	Count	Footprint (sf)	Canopy (sf)
Phase One				
Hoop Houses	2,200	38	83,600	83,600
	1,100	2	2,200	2,200
	1,320	1	1,320	1,320
Greenhouses D, E, F	2,880	3	8,640	8,640
~~Temporary Drying Room~~	~~160~~	~~1~~	~~160~~	~~n/a~~
~~Temporary Packaging Room~~	~~160~~	~~1~~	~~160~~	~~n/a~~
Office	80	1	80	n/a
Safe room	80	1	80	n/a
Secure Storage	320	1	320	n/a
Sub-Total of Phase One			***96,~~560~~240***	***95,760***
Phase Two				
Greenhouses A, B, C, H	2,880	4	11,520	11,520
Greenhouse G	1,840	1	1,840	1,840
Processing Building -- Drying	3,000	1	~~3,000~~1,500	n/a
Processing Building -- Packaging			1,500	n/a
Sub-Total of Phase Two			***16,360***	***13,360***
Total			**112,~~920~~600**	**109,120**

The project would include installation of five 7.75-foot tall water tanks. Each tank would hold 5,000 gallons and would be centrally located to the cultivation for irrigation purposes. In addition, California Department of Forestry and Fire Protection (Cal Fire) requires the installation of one 10,000- gallon steal water tank that is accessible to emergency responders. This tank would be 13.5-feet tall and would be located on the hillside above the cultivation. All proposed water tanks would be green or brown in color to blend into the surrounding landscape.

Access to the site would be via Penman Springs Road. No road improvements would be required. Earthwork for project development would require 1,000 cubic yards of cut and fill to be balanced on site. On-site parking would include 22 standard spaces and two ADA-compliant spaces.

All cannabis operations would be fully enclosed within a six-foot high deer fence with an opaque black screen. A chain-link security rolling gate would be installed at the entrance of the cultivation site.

An odor management plan has been prepared in accordance with the County's application requirements. For the proposed indoor cultivation, each greenhouse would be equipped with an exhaust air filtration system with carbon filters that prevent internal odors from being emitted externally. The carbon air filters would "scrub" the odor from the air before it is exhausted out of the greenhouse. For outdoor cultivation, the hoop houses are sited at least 600 feet from any offsite residences and would be enclosed within the proposed fencing.

Outdoor security lighting is proposed that would use four LED solar lights on 12-foot poles in the interior of the fenced operation. The lighting would be motion-activated only, facing downward and shielded. The project will also be conditioned such that indoor lighting would be screened so as not be visible from offsite.

The project site is served by an existing well that would be sufficient to serve the proposed project. The site is located within the Paso Robles Groundwater Basin which has been assigned a Level of Severity III by the Resource Management System. This particular location is also in an area of severe decline. The project would use approximately 2.49 acre feet of water per year after implementation of Phase Two. To comply with the Countywide Water Conservation Program, the applicant would be required to offset the project's water use at a ratio of 2:1.

The project's energy demand would be supplied by Pacific Gas and Electric Company (PG&E). ~~According to the application materials, the project's annual estimated energy consumption is 7,200 kilowatt hours.~~

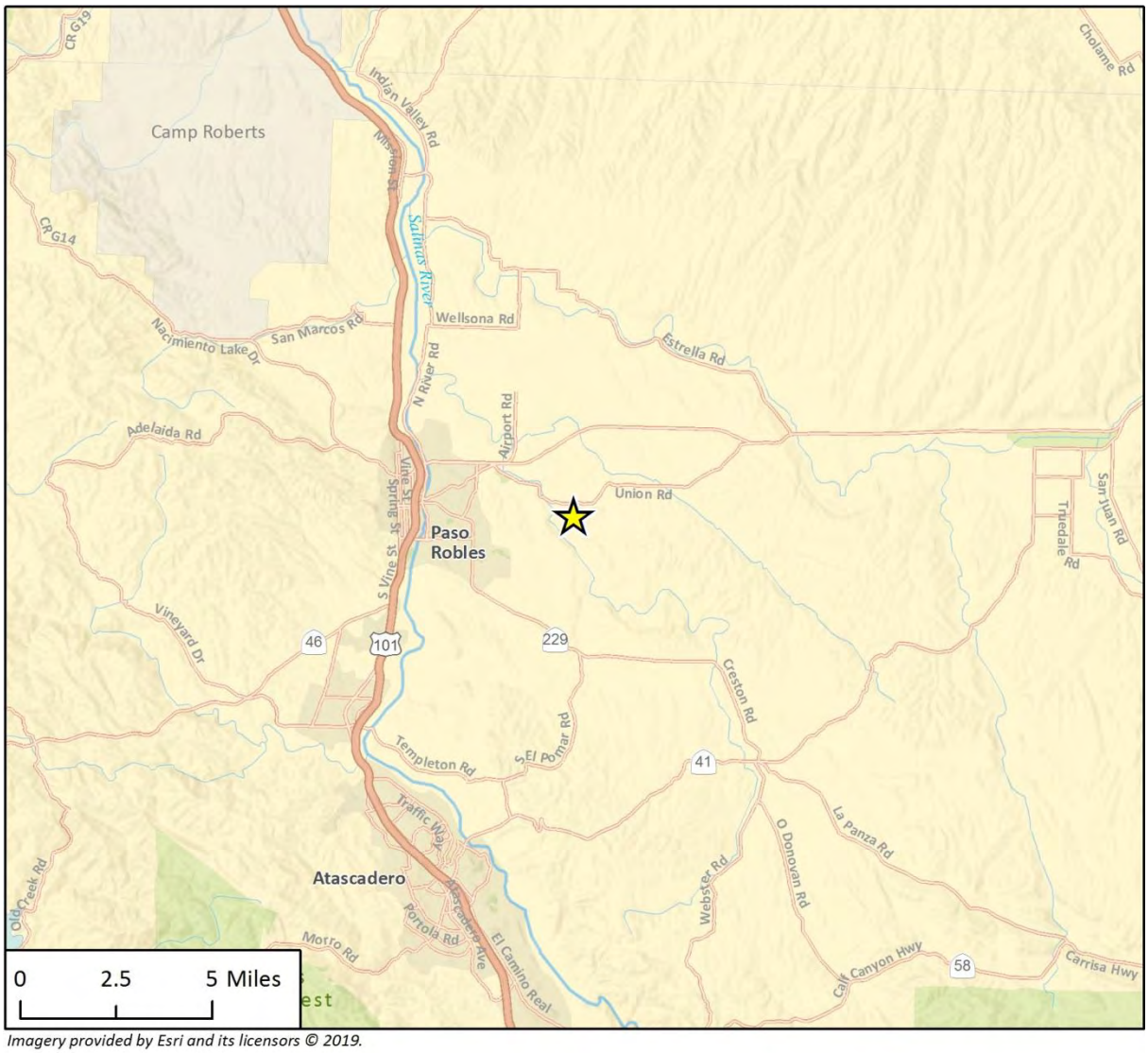
Portable ADA-compliant restrooms and a wash station are proposed. Non-cannabis solid waste consisting of general refuse would be stored in an eight-foot by 16-foot dump trailer located near the outdoor cultivation area. It would be towed by a waste management company as needed. All cannabis waste created from the cultivation operations would be composted onsite. The composting areas would be located inside the secure fenced area.

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

- Using the setback as an odor mitigation tactic is unnecessary in this instance as the nearest residence is 1,000 feet away from any of the proposed cultivation areas on site, and odor would not be detected at that distance.
- The cultivation areas on site would be enclosed within an opaque screened deer fence, thereby creating a barrier for nuisance odors and visibility.
- To further reduce the potential for nuisance odors, the applicant proposes to
    - Establish a 24-hour phone line to respond to any odor complaints.
    - Plant lavender around the outdoor cultivation areas.

The project ~~request~~ also includes a request for a modification from the parking provisions set forth in Section 22.18.050.C.1 of the County LUO. The type of use that best matches the proposed cannabis cultivation is "Nursery Specialties" with a parking requirement of one parking space per 500 square feet of floor area. The proposed greenhouses and processing building would total 25,000 square feet which would require the applicant to provide 50 parking spaces. The project proposes 24 parking spaces. Up to 4 employees may be on site at various times during the day. Therefore, 24 spaces are proposed as sufficient to meet the parking demands of the project.

Figure 1 – Regional Location



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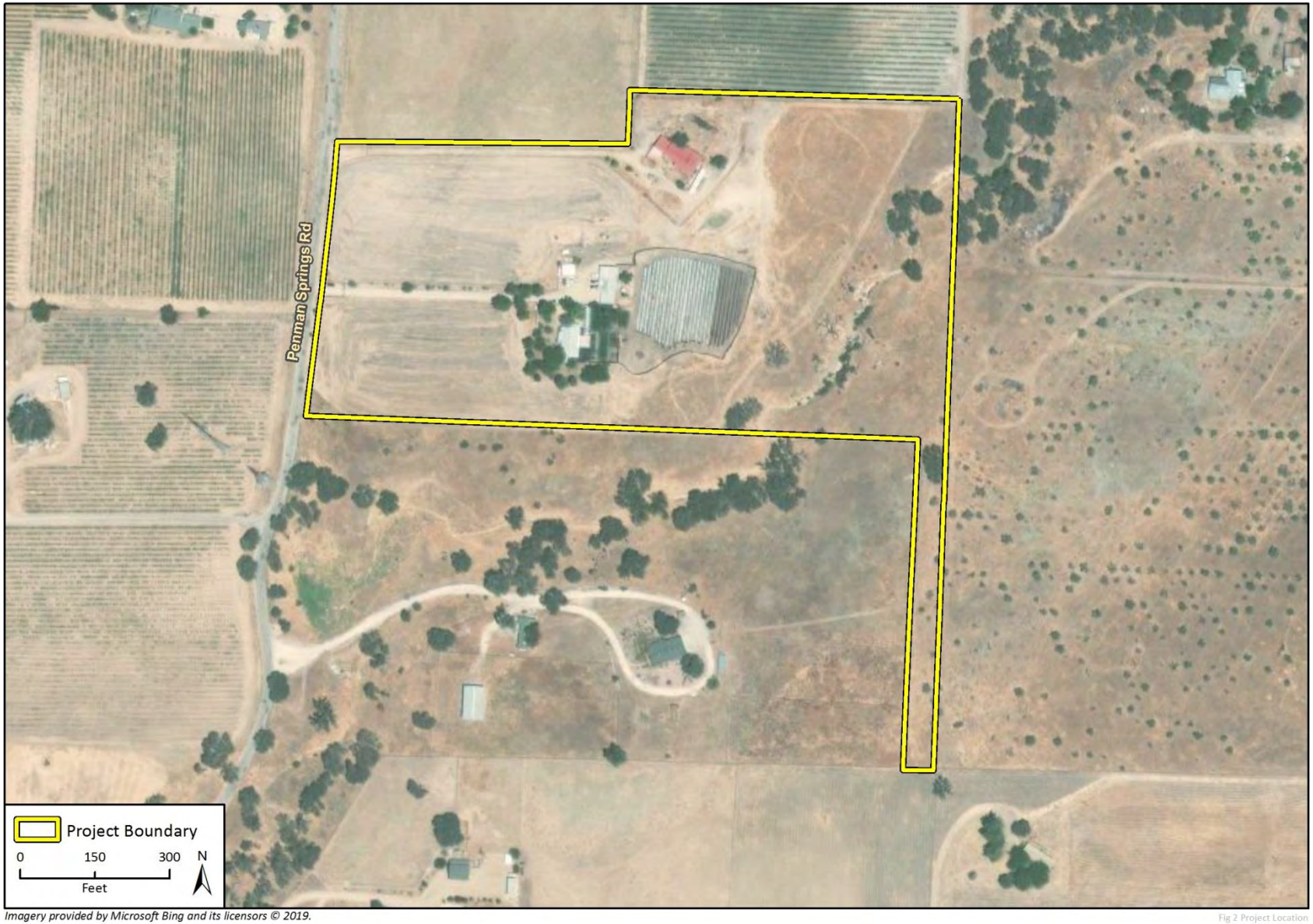
☆ Project Location

N

Figure 2 – Project Site Aerial



Imagery provided by Microsoft Bing and its licensors © 2019.

Fig 2 Project Location

Figure 3 – Site Plan

SITE PLAN

Scale: 1" = 60'-0"

Project Componet	Canopy (sf)	Structure (sf)
Phase One		
Greenhouse D, E, F	(3) @ 2,880 = 8,640	(3) @ 2,880 = 8,640
Hoop House Cultivation	(38) @ 2,200 = 83,600	(38) @ 2,200 = 83,600
	(2) @ 1,100 = 2,200	(2) @ 1,100 = 2,200
	(1) @ 1,330	(1) @ 1,330
Sub-Total of Phase One	95,760	95,760
Phase Two		
Greenhouse A, B, C, H	(4) @ 2,880 = 11,520	(4) @ 2,880 = 11,520
Greenhouse G	(1) @ 1,640	(1) @ 1,640
Processing Building: Drying Area	N/A	1,500
Processing Building: Packaging Area	N/A	1,500
Sub-Total of Phase Two	13,360	16,360
Total Full Build-Out	**109,120**	**112,120**
Total Greenhouse	**22,080**	**22,080**
Total Hoophouse	**87,120**	**87,120**

BUILDING INFORMATION

BUILDING 62
Occupancy: B (Office)
Occupant Load: 80 s.f./ 100 = 0.8 Occ.
Exits Required: 1
Construction Type: Type VB

BUILDING 53
Occupancy: U (Ag Storage)
Occupant Load: 80 s.f./ 500 = 0.16 Occ.
Exits Required: 1
Construction Type: Type VB

BUILDING 55
Occupancy: U (Ag Storage)
Occupant Load: 320 s.f./ 500 = 0.64 Occ.
Exits Required: 1
Construction Type: Type VB

BUILDING 59
Occupancy: U (Hoophouses)
Occupant Load: 2288 s.f. / 300 (Agricultural Building) = 7.6 Occ. each = 290 occ.
Exits Required: 1
Construction Type: Type VB

BUILDING 60
Occupancy: U (Greenhouses)
Occupant Load: 2880 s.f./ 300 (Agricultural Building) = 9.6 Occ. each = 72 occ.
Exits Required: 1
Construction Type: Type VB

BUILDING 61
Occupancy: U (Ag Processing)
Occupant Load: 3000 s.f./ 300 (Agricultural Building) = 10 Occ.
Exits Required: 1
Construction Type: Type VB

SHEET INDEX

PROJECT SUMMARY

Project Address: 1480 Penman Springs, Paso Robles, CA 93446
Assessors Parcel No.: 015-053-035
Existing Land Use Zone: AG (Agriculture)
Lot Size: 20.10 Acres

Project Address: 5790 Rocky Canyon Road, Creston, CA 93432
Assessors Parcel No.: 040-211-037
Existing Land Use Zone: AG (Agriculture)
Lot Size: 37.57 Acres

STANDARD	CODE REQUIREMENTS	PROVIDED
Building SF:	N/A	See MUP Area/ This sheet
Building Height:	35 Ft.	14 Ft.
Parking:	1/300 of ag processing + no. of employees in field 3000/300=10 + 10 emp. = 20 spaces	23 Spaces

NEW BUILDING OCCUPANCY

Greenhouses A / B / C / D / E / F / G / H
Occupancy: U (Greenhouse)
Occupant Load: 2880 s.f. / 300 =(Agricultural Building) = 9.6 Occ. ea. greenhouse
Exits Required: 1
Construction Type: Type VB

Production Building
Occupancy: U
Occupant Load: 3,000 SF / 300 (Agricultural Building) = 10 Occ.
Exits Required: 1
Construction Type: Type VB

KEY NOTES

Site
1. 100' Setback Line
2. 3' diam. Stl. Fence
3. (E) 12' wide dirt road
4. Standard 9' x 18' parking spaces
5. Accessible parking and loading
6. 8' x 16' dump trailer for non-cannabis solid waste. To be hauled as needed.
7. Accessible path-of-travel
8. Secure elect. traffic gate with Cal Fire access.
9. (E) 6' high wire fence at property line
10. (N) 6' high covered deer fence around cannabis areas

Fire
20. 16' wide Fire Lane, All Weather Surface
21. 26' wide Fire Lane, All Weather Surface
22. Hammer-head turnaround per Cal Fire Stds.
23. (N) 10,000 gal. stl. fire water storage tank w/ FDC
24. Fire Dept. Connection (FDC)

Utilities
30. (E) Well, refer to Well Report
31. (E) Water storage tanks (5) 5,000 gal.)
32. (E) Power pole with Elect. Panel
33. (E) Power pole with Transformer
34. (E) Existing septic tank and leach field
35. Not Used
36. LED Solar Light on pole at 12', See SD-3 (Dark sky compliant)
37. Emergency Generator. See SD-3

Building and Structure
50. (N) Accessible portable ADA Unisex restroom and wash station, See SD-2 for more information
51. Not Used
52. (N) Office, mtl shipping container (8' x 10'). See SD-2 for more information. To be permitted
53. (N) Safe Room, mtl shipping container (8' x 10'). See SD-3 for more information.
54. (E) Metal carport to be removed, 200 s.f. (Unpermitted)
55. (N) Secure storage container for production. Until building 61 is completed. See SD-2 for more information. 8' x 40' (To be permitted).
56. Not Used
57. (E) Residence to remain, 2384 s.f.
58. (E) Ag Exempt Building to remain, 2132 s.f. Permitted PMT-00889 To be used for chemical storage.
59. (N) Hoop Houses (22' x 100') unless noted otherwise
60. (N) Greenhouses (30' x 96') unless noted otherwise (to be permitted)
61. (E) Residence to be demolished and replaced with (N) Stl. Ag. processing building. Demolition and New bldg. to be permitted
62. (E) 6' Wd. Fence
63. (N) Greenhouse (30' x 81'-4") (to be permitted)

Operation Information
70. (N) Fenced Compost Area, 1,500 s.f.
71. Pickup and Delivery Area

DIRECTORY

Owner: Manya Choboian
2275 Flora Street, San Luis Obispo, Ca 93401
559.280.9516

Applicant: California Production Services, LLC, Justin Borba
justin_borba@yahoo.com
805.773.9377

Architect: Hamrick Associates, Inc. (HAI), Warren Hamrick
1606 Costa Brave, Shell Beach, CA 93449
805.773.9377

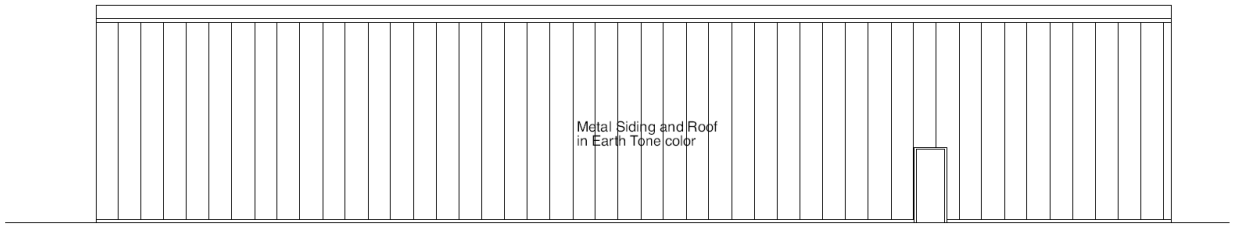
VICINITY MAP (Scale 1:10000)


Existing 4'-6" Ht. Metal Pipe Fence at Driveway entrance

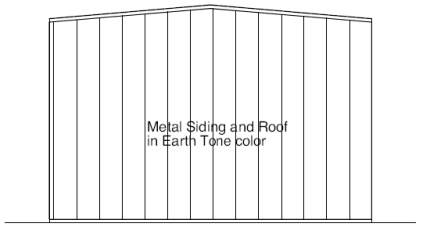

Existing 6'-0" Ht. Fence Along Property Boundary


Existing and New 6'-0" Ht. Covered Deer Fence Surrounding Cannabis Cultivation Areas

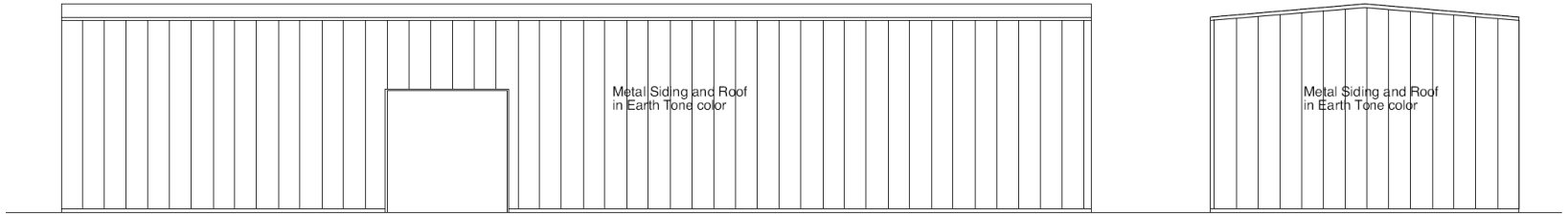
Figure 4 – Building Elevations



Side Elevation
Scale: 3/16" = 1'-0"

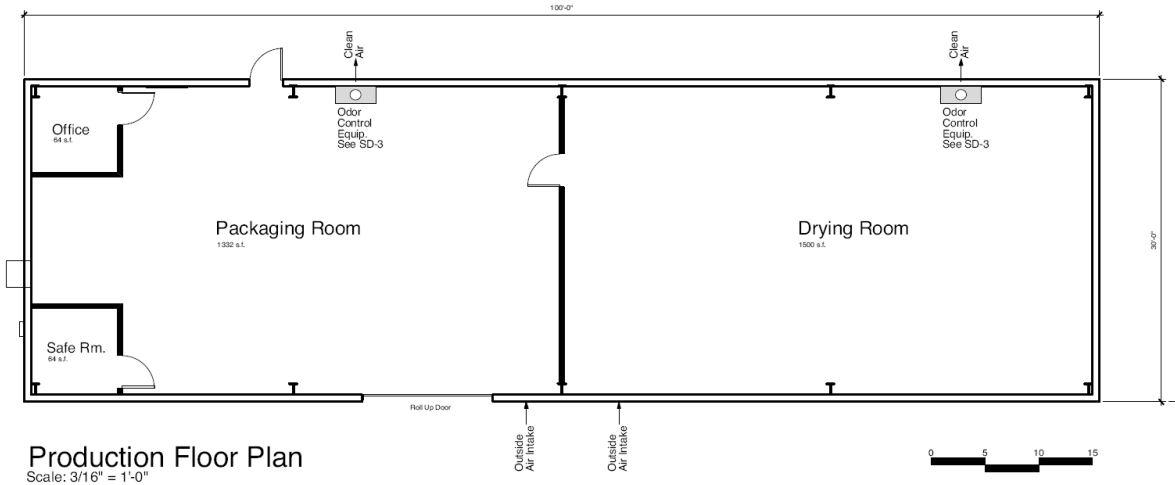


End Elevation
Scale: 3/16" = 1'-0"

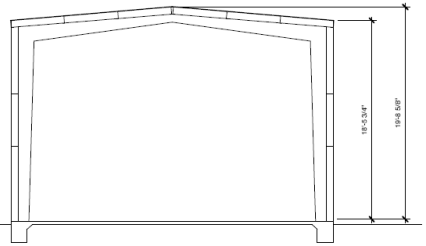


Side Elevation
Scale: 3/16" = 1'-0"

End Elevation
Scale: 3/16" = 1'-0"



Production Floor Plan
Scale: 3/16" = 1'-0"



Production Section
Scale: 3/16" = 1'-0"

ASSESSOR PARCEL NUMBER(S): 015-053-035

Latitude: 35.62523 degrees N Longitude: 120.61270 degrees W **SUPERVISORIAL DISTRICT** # 5

Other Public Agencies Whose Approval is Required

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

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

B. EXISTING SETTING

PLAN AREA: North County **SUB**: El Pomar/Estrella **COMM:**

LAND USE CATEGORY: Agriculture

COMB. DESIGNATION: None

PARCEL SIZE: 20.1 acres

TOPOGRAPHY: Nearly level to gently rolling

VEGETATION: Grasses Blue Oak; Ruderal

EXISTING USES: Agricultural uses

SURROUNDING LAND USE CATEGORIES AND USES:

North: Agriculture agricultural uses	*East:* Agriculture agriculture
South: Agriculture agriculture	*West:* Agriculture agricultural uses

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, at least one issue was identified as having a potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST

1. AESTHETICS *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Create an aesthetically incompatible site open to public view?	☐	☐	☒	☐
b) Introduce a use within a scenic view open to public view?	☐	☐	☒	☐
c) Change the visual character of an area?	☐	☐	☒	☐
d) Create glare or night lighting, which may affect surrounding areas?	☐	☐	☒	☐
e) Impact unique geological or physical features?	☐	☐	☐	☒
f) Other: _____	☐	☐	☐	☒

Aesthetics

Setting. The project site is located along Penman Springs Road and is accessed by an existing driveway. ~~It currently supports an abated outdoor cannabis operation.~~ The site has relatively flat to gently sloping topography. The majority of the property is undeveloped, with two single family residences, a small dry stock pond feature, a metal workshop, and pole-barn shade structures located in the central portion of the site. Blue oak woodland trees are located on the southeastern portion of the site. The project site is not located in a designated scenic area, and there are no unique geological or physical features located on site. Lastly, Table VR-2 of the Conservation and Open Space Element provides a list of Suggested Scenic Corridors; none of the roadways in the vicinity of the project site are listed in Table VR-2.

Impact. The project site is not visible from a Designated State Scenic Highway. In addition, the project site is not located in a designated scenic view open to the public. The site does not include unique geological or physical features.

The project involves the installation of 22,000 square feet of greenhouse structures, 87,129 square feet of hoop house structures, and a 3,000-square foot processing building within a predominantly agricultural area. The greenhouses would be up to 14 feet in height and would be located on the interior

of the site. The project would also include the installation of five 7.75-foot tall water tanks plus a single 10,000-gallon water tank (13.5 feet) on the hillside. The proposed buildings would be of similar size and scale as the existing residences and would be set back from Penman Springs Road such that they would only be partially visible from it. In compliance with LUO Section 22.40.050 D. 6, cannabis plants associated with cultivation would not be easily visible from offsite. Indoor cannabis related activities would occur within secure buildings where the plants would not be visible. In addition, the outdoor cultivation area would be enclosed within six-foot deer fencing with shade cloth to minimize visibility. The project would be compatible with adjacent uses and the surrounding visual character (agricultural and rural residential uses).

Motion-activated security lighting would be placed on 12-foot poles throughout the interior of the fenced operation. The lighting, equipped with downward positioned shields, would illuminate the ground plane and would not direct light into the sky. Each security lighting fixture would not exceed 1,000 total lumens, and would be directed downwards to reduce spillover. While this lighting could be visible from adjacent properties, compliance with California Title 24 outdoor lighting energy efficiency requirements would reduce this impact to a less than significant level. The introduction of eight greenhouse structures and new vehicles on-site would generate additional glare on the site. The majority of the lighting associated with the project would be in the greenhouse area. The project will be conditioned such that no indoor/greenhouse lighting shall be visible from offsite. Due to the siting of new structures towards the center of the property, the screening provided by the terrain and existing vegetation, the distance to the nearest offsite residence, and the relatively large size (20 acres) of the site, impacts from new sources of lighting and glare would be less than significant.

In addition, State law sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8304 (c) states: All outdoor lighting used for security purposes shall be shielded and downward facing. Section 8304 (g) states: mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare.

Mitigation/Conclusion. Project design combined with regulatory compliance would ensure that any visual impacts are less than significant. No mitigation measures are necessary.

2. AGRICULTURAL RESOURCES *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Convert prime agricultural land, per NRCS soil classification, to non-agricultural use?	☐	☐	☒	☐
b) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?	☐	☐	☒	☐
c) Impair agricultural use of other property or result in conversion to other uses?	☐	☐	☒	☐
d) Conflict with existing zoning for agricultural use, or Williamson Act program?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☒

Agricultural Resources

Setting. Project Elements. The following area-specific elements relate to the property's importance for agricultural production:

Land Use Category: Agriculture

State Classification: Not Prime Farmland

Historic/Existing Commercial Crops: Grazing

In Agricultural Preserve? No

Under Williamson Act contract? No

The developed and undeveloped portions of the project site are relatively flat. The average slope of the parcel is under five (5) percent.

Table SL-2 of the Conservation/Open Space Element lists the important agricultural soils of San Luis Obispo County. Soils on the project site and total acreages are shown here in Table 2 and then described in detail below.

Table 2 – Classifications and Acreages of Soils On-site

Soil	Classification	Acres
Nacimiento-Los Osos complex (9-30 % slope)	Other Productive Soils	15.8 acres
Arbuckle-Positas complex (50-75 % slope)	N/A	2.8 acres
Arbuckle-Positas complex (9-15% slope)	Prime Farmland Other Productive Soils	1.5 acres
Source: Classifications based on Table SL-2 of the County General Plan's Conservation/Open Space Element		

Based on the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) and the San Luis Obispo County Important Farmland Map (FMMP 2016), the project site is mapped as Farmland of Local Importance. In addition, Table SL-2 of the General Plan Conservation /Open Space Element lists these soils as Prime and Other Productive.

The soil type(s) and characteristics on the subject property include:

Nacimiento-Los Osos Complex (9-30 % slope) +/- 15.8 acres

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

Arbuckle-Positas Complex *(*50-75 % slope) +/- 2.8 acres

The parent material of this soil type is alluvium derived from mixed-rock sources. The drainage class of this unit is well drained, and it is composed mostly of sandy loam and clay loam. This soil type tends to occur on terraces at elevations between 600 and 1,500 feet. This soil has high runoff potential and moderate wind erodibility potential.

Arbuckle-Positas Complex *(*9-15 % slope) +/- 1.5 acres

The parent material of this soil type is alluvium derived from mixed-rock sources. The drainage class of this unit is well drained, and it is composed mostly of sandy loam and clay loam. This soil type tends to occur on terraces at elevations between 600 and 1,500 feet. This soil has medium runoff potential and moderate wind erodibility potential. This soil type is considered prime farmland if irrigated.

Impact. The project site is in a predominantly rural and agricultural area. As discussed in the Setting, the project site is not under Williamson Act Contract nor in an Agricultural Preserve.

The project site is located within the Agriculture (AG) land use category and would continue to support agricultural uses. Prime Farmland would be not be affected due to the siting of structures on soils that are not designated Prime Farmland.

Per the memorandum from Lynda Auchinachie dated July 23, 2018, the County Agriculture Department has reviewed the project for ordinance and policy consistency as well as potential impacts to on and offsite agricultural resources and operations. The Department recommends the following standard conditions of approval:

- Prior to commencing permitted cultivation activities, the applicant shall consult with the Department of Agriculture regarding potential licensing and/or permitting requirements and to determine if an Operator Identification Number (OIN) is needed. An OIN must be obtained prior to any pesticides being used in conjunction with the commercial cultivation of cannabis; “pesticide” is a broad term, which includes insecticides, herbicides, fungicides, rodenticides, etc., as well as organically approved pesticides.

- Cannabis cultivation grading activities shall be consistent with the conservation practices and standards contained in the USDA Natural Resources Conservation Service (NRCS) Field Office Technical Guise. Practices shall not adversely affect slope stability or groundwater recharge and shall prevent offsite drainage and erosion and sedimentation impacts. Erosion and sedimentation control activities shall adhere to the standards in Section 22.52.150C of the Land Use Ordinance.

- Parking areas associated with the greenhouses should be minimized to protect farmland for agriculture production and the use of pervious and semi pervious surfaces should be maximized to promote groundwater recharge and minimize erosion and sedimentation.

- Throughout the life of the project, best management water conservation practices shall be maintained.

These conditions will be incorporated in the Use Permit approval to avoid and minimize potential adverse effects to agricultural resources.

Although the site contains Prime Farmland, the proposed greenhouses would not have floors/foundations but would have footings to allow the operator to plant the cannabis in the soil. These

design features, combined with the conditions of approval from the Agriculture Department, would ensure that impacts to agricultural resources are less than significant.

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

3. AIR QUALITY *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	☐	☒	☐	☐
b) Expose any sensitive receptor to substantial air pollutant concentrations?	☐	☒	☐	☐
c) Create or subject individuals to objectionable odors?	☐	☐	☒	☐
d) Be inconsistent with the District's Clean Air Plan?	☐	☐	☒	☐
e) Result in a cumulatively considerable net increase of any criteria pollutant either considered in non-attainment under applicable state or federal ambient air quality standards that are due to increased energy use or traffic generation, or intensified land use change?	☐	☐	☒	☐
GREENHOUSE GASES				
f) ***Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?***	☐	☒	☒	☐
g) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☒	☐	☐
h) Other: _____	☐	☐	☐	☒

Air Quality

Setting. The project site is located in the South Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (APCD). The APCD is in non-attainment for the 24-hour state standard for particulate matter (PM10) and the eight-hour state standard for ozone (O3) (APCD 2015). The APCD adopted the 2001 Clean Air Plan in 2002, which sets forth strategies for achieving and maintaining Federal and State air pollution standards. The APCD identifies significant impacts related to consistency with the 2001 Clean Air Plan by determining whether a project would exceed the population projections used in the Clean Air Plan for the same area, whether the vehicle

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

Thresholds of Significance for Construction Activities. The APCD's CEQA Handbook establishes thresholds of significance for construction activities (Table 3). According to the Handbook, a project with grading in excess of 4.0 acres and/or a project that will move 1,200 cubic yards of earth per day can exceed the construction threshold for respirable particulate matter (PM_{10}). In addition, a project with the potential to generate 137 lbs per day of ozone precursors (ROG + NOx) or diesel particulates in excess of 7 lbs per day can result in a significant impact.

Table 3 – Thresholds of Significance for Construction

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

Source: SLO County APCD CEQA Air Quality Handbook, page 2-2.
Notes:
1. Daily and quarterly emission thresholds are based on the California Health & Safety Code and the 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 PM10 quarterly threshold.

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

The APCD has also estimated the number of vehicular round trips on an unpaved roadway necessary to exceed the 25 lbs/day threshold of significance for the emission of particulate matter (PM10). According to the APCD estimates, an unpaved roadway of one mile in length carrying 6.0 round trips would likely exceed the 25 lbs/day PM10 threshold.

The nearest sensitive receptor to the site is a single-family residence located approximately 600 feet south of the proposed greenhouses.

Greenhouse Gas (GHG) Emissions

Greenhouse gases (GHG) are any gases that absorb infrared radiation in the atmosphere, and are different from the criteria pollutants discussed in Section III, Air Quality, above. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide (CO_2), methane

(CH_4), nitrous oxide (N_2O), and fluorinated gases. These are most commonly emitted through the burning of fossil fuels (oil, natural gas, and coal), agricultural practices, decay of organic waste in landfills, and a variety of other chemical reactions and industrial processes (e.g., the manufacturing of cement).

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

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

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

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

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

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

- Encourage new development to exceed minimum Cal Green requirements;
- Require a minimum of 75% of nonhazardous construction and demolition debris generated on site to be recycled or salvaged;
- Continue to implement strategic growth strategies that direct the county's future growth into existing communities and to provide complete services to meet local needs;

- Continue to increase the amount of affordable housing in the County, allowing lower-income families to live closer to jobs and activity centers, and providing residents with greater access to transit and alternative modes of transportation;
- Reduce potable water use by 20% in all newly constructed buildings by using the performance methods provided in the California Green Building Code;
- Require use of energy-efficient equipment in all new development;
- Minimize the use of dark materials on roofs by requiring roofs to achieve a minimum solar reflectivity index of 10 for high-slope roofs and 68 for low-slope roofs; and
- Use light-colored aggregate in new road construction and repaving projects adjacent to existing cities.

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

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

~~are said to result in an increase in the earth's average surface temperature. This is commonly referred to as global warming. The rise in global temperature is associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth's climate system. This is also known as climate change. These changes are now thought to be broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.~~

~~In 2006, the State of California passed the Global Warming Solutions Act of 2006, commonly referred to as Assembly Bill (AB) 32, which set the GHG emissions reduction goal for the State into law. The law requires that by 2020, State emissions must be reduced to 1990 levels by reducing GHG emissions from significant sources via regulation, market mechanisms, and other actions. Senate Bill (SB) 32, passed in 2016, set a statewide GHG reduction target of 40 percent below 1990 levels by 2030.~~

~~In March 2012, the San Luis Obispo County Air Pollution Control District (APCD) approved thresholds for GHG emission impacts, and these thresholds have been incorporated the APCD's CEQA Air Quality Handbook. APCD determined that a tiered process for residential / commercial land use projects was the most appropriate and effective approach for assessing the GHG emission impacts. The tiered approach includes three methods, any of which can be used for any given project:~~

~~Qualitative GHG Reduction Strategies (e.g. Climate Action Plans): A qualitative threshold that is consistent with AB 32 Scoping Plan measures and goals; or,~~

~~Bright-Line Threshold: Numerical value to determine the significance of a project's annual GHG emissions; or,~~

~~Efficiency-Based Threshold: Assesses the GHG impacts of a project on an emissions per capita basis.~~

~~For most projects the Bright-Line Threshold of 1,150 Metric Tons CO_2/year (MT CO_2e/yr) will be the most applicable threshold. In addition to the residential/commercial threshold options proposed above, a bright-line numerical value threshold of 10,000 MT CO_2e/yr was adopted for stationary source (industrial) projects.~~

~~It should be noted that projects that generate less than the above mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the California Air Resources Board (or other regulatory agencies) and will be "regulated" either by CARB, the Federal Government, or other entities. For example, new vehicles will be subject to increased fuel~~

~~economy standards and emission reductions, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio standards and the Clean Car standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.~~

~~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.~~

Impact.

Construction Activities: As proposed, the project would result in the disturbance of approximately 2.7 acres to allow for the construction of the new greenhouses, ancillary buildings, and water tanks. This would result in the creation of dust during the construction phase, as well as short- and long-term vehicle emissions. The project would move less than 1,200 cubic yards/day of material and would disturb less than four acres of area, and as such, would be below the thresholds triggering construction-related mitigation.

Sensitive receptors are people or other organisms that may have a significantly increased sensitivity or exposure to air pollution by virtue of their age and health (e.g. schools, day care centers, hospitals, nursing homes), regulatory status (e.g. federal or state listing as a sensitive or endangered species), or proximity to the source. The project is within 1,000 feet of sensitive receptors and the SCCAB is in non-attainment for PM_{10}; therefore, the project would result in a potentially significant impact and standard mitigation measures apply.

To address potential construction impacts per the SLOPACD CEQA Air Quality Handbook, the project would be required to reduce diesel particulate matter emissions. Adherence to Standard Control Measures for Construction Equipment would ensure impacts to sensitive receptors would be less than significant. These measures include but are not limited to: maintaining all equipment in proper tune according to manufacturer's specifications, use of diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, restricting vehicle idling time, staging and queuing areas located 1,000 feet away from sensitive receptors, and using electric equipment when feasible. With implementation of mitigation measures AQ-1 and AQ-2 construction related impacts would be less than significant.

Operational Activities: From an operational standpoint, based on Table 1-1 of the CEQA Air Quality Handbook (2012), the project would not exceed operational thresholds triggering mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. No significant air quality impacts are expected to occur.

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

As discussed in Section 10, 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.

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. CalEEMod can be used to determine GHG emissions from a "typical" amount of indoor or mixed light cultivation:

Table 4 – Project Related Projected Operational GHG Emissions (CO_2e)

Project Component	Size (sf)	Rate (MT/year-sf)	Projected GHG Emissions (MT/CO2e/year)
Indoor Cultivation (greenhouses, includes ancillary nursery)	22,000	0.058[1]	1,276[2]

Notes:

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

As shown in Table ____, the project would exceed the SLOAPCD bright-line threshold of 1,150 MT CO_2e/year. Mitigation is required to reduce or offset the project's GHG emissions. Potential impacts would be less than significant with mitigation. To mitigate this potential operational impact, the project will be required to implement a package of measures that would reduce or offset the project's energy demand to within 20% of the energy demand of a similarly sized generic non-cannabis commercial building (467,500 kWh) and offset GHG emissions to achieve the 1,150 MTCO_2e 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*.

~~No land use for cannabis cultivation/operations exists in the CEQA Air Quality Handbook, so for the purpose of estimating operational GHG emissions, this project may be considered an Industrial Project (sub-category: General Light Industry). Using the GHG threshold information described in the Setting section, the project is expected to generate less than the Bright-Line Threshold stationary source (industrial) projects of 10,000 metric tons of GHG emissions. Therefore, the project's potential direct and cumulative GHG emissions are found to be less than significant and would not be a cumulatively considerable contribution to GHG emissions. Section 15064(h)(2) of the CEQA Guidelines provides guidance on how to evaluate cumulative impacts. If it is shown that an incremental contribution to a cumulative impact, such as global climate change, is not "cumulatively considerable," no mitigation is required. Because this project's emissions fall under the threshold, no mitigation is required.~~

Cannabis cultivation operations have the potential to produce objectionable odors. Section 22.40.050 of the LUO mandates the following:

> All cannabis cultivation shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite. All structures utilized for indoor cannabis cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.

To comply with the above ordinance provisions, the indoor cannabis mixed-light greenhouses would be

equipped with ventilation controls with mitigation measures such as carbon scrubbers or other methods capable of eliminating nuisance odor from being detected on site. Odors from outdoor cultivation would be addressed with the proposed setbacks and the project design. The following considerations factor into odor management:

- The topography and layout of the property would not allow for an efficient cultivation operation under the current ordinance setback standards.
- Using the setback as an odor mitigation tactic is unnecessary in this instance as the nearest residence is 1,000 feet away from any of the proposed cultivation areas on site, and odor would not be detected at that distance.
- The cultivation areas on site will be enclosed within an opaque screened deer fence, thereby creating a barrier for nuisance odors and visibility.

Furthermore, the project will be conditioned to participate in an ongoing compliance monitoring program through which compliance with the odor management standards of LUO Section 22.40.050 would be assessed and verified. Any verified nuisance odor violation would require corrective action. As such, objectionable odor impacts would be less than significant.

Mitigation/Conclusion. Implementation of MM AQ-1 and AQ-2 which specify~~ies~~ control measures for respirable particulates, diesel particulates and standard control measures for construction equipment is required to reduce construction-related air quality emissions to a less than significant level (Exhibit B). Project design combined with regulatory compliance would ensure that any operational impacts are less than significant. In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. 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 AQ-1, AQ-2, ENG-1, ENG-2, and ENG-3 will reduce potential impacts to less than significant.

4. BIOLOGICAL RESOURCES *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a loss of unique or special status species* or their habitats?	☐	☒	☐	☐
b) Reduce the extent, diversity or quality of native or other important vegetation?	☐	☐	☒	☐
c) Impact wetland or riparian habitat?	☐	☒	☐	☐
d) Interfere with the movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?	☐	☐	☒	☐
e) Conflict with any regional plans or policies to protect sensitive species, or regulations of the California Department of Fish & Wildlife or U.S. Fish & Wildlife Service?	☐	☐	☒	☐
f) Other: _____	☐	☐	☐	☒

* **Species – as defined in Section15380 of the CEQA Guidelines, which includes all plant and wildlife species that fall under the category of rare, threatened or endangered, as described in this section.**

Biological Resources

Setting.

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

On-site Vegetation: Grassland, blue oak, ruderal vegetation.

Name and distance from blue line creek(s): One unnamed USGS blue line drainage feature crosses the southeastern portion of the property, approximately 50 feet from the project footprint.

Habitat(s): Annual grassland, blue oak woodland, and ruderal/anthropogenic.

Site's tree canopy coverage: Approximately 5%

A Biological Resources Assessment (BRA) dated December 31, 2018, was prepared by Althouse and Meade, Inc. for the proposed project. The study included a reconnaissance level survey conducted on October 30, 2018, and a follow-up survey conducted on December 7, 2018. The study area includes the entirety of the parcel, with emphasis placed on the project footprint and surrounding areas. An addendum was prepared on November 21, 2019 in response to comments provided by the California Department of Fish and Wildlife (CDFW).

Habitat types on site include: 1) Annual grassland, 2) Blue oak woodland, and 3) Ruderal/Anthropogenic. These are shown in Figure 4 below. A natural drainage feature crosses the southeastern corner of the property and a dry stock pond is located north of the existing/abated grow area.

The project vicinity is known to support special-status plant and animal species in a variety of microhabitats (CNDDB 2018). One special-status plant species, shining navarretia (*Navarretia nigelliformis* subsp. Radians), has potential to occur in suitable open grassland habitat on the property.

The site is located within federally designated critical habitat for vernal pool fairy shrimp (*Branchinecta*

lynchi); however, vernal pools were not observed on the property. A second survey was conducted on December 7, 2018 to assess water retention of the existing dry stock pond located north of the existing grow area. The survey was conducted following a week-long rain event. The stock pond remained dry throughout its base and wetland indicators were not present. As such, vernal pool fairy shrimp are not expected to occur in the stock pond due to the lack of potential for standing water.

While the project's regional location is known to support numerous special-status wildlife species, two special-status wildlife species have the potential to occur on the project site. These include the San Joaquin Kit Fox (*Vulpes macrotis mutica*) and American badger (*Taxidea taxus*).

The County has established procedures for the mitigation of potential impacts to San Joaquin kit fox (*Vulpes macrotis)*. If the project site lies within the kit fox habitat area (Figure 5), and the site is less than 40 acres in size, the pre-determined standard mitigation ratio of land to be conserved for each acre of kit fox habitat impacted ~~for~~ by the project ~~area~~ is applied. The standard mitigation ratio is based on the results of previous kit fox habitat evaluations and determines the amount of mitigation acreage based on the total area of disturbance from project activities. Mitigation for the loss of kit fox habitat may be provided by one of the following:

1. Establishing a conservation easement on-site or offsite in a suitable San Luis Obispo County location and provide a non-wasting endowment for management and monitoring of the property in perpetuity;
2. Depositing funds into an approved in-lieu fee program; or,
3. Purchasing credits in an approved conservation bank in San Luis Obispo County.

Comments provided by CDFW conclude that, according to the Natural Diversity Database, the project site may also provide suitable habitat for golden eagle (*Aquila chrysaetos*), tricolored blackbird (*Agelaius tricolor*), western spadefoot toad (*Spea hammondii*), and northern California legless lizard (*Anniella pulchra*).

Golden eagle (GOEA) is designated a Fully Protected species by CDFW and is federally protected by the Bald and Golden Eagle Protection Act. The species range extends throughout much of North America and in California is found in broadleaved upland and montane coniferous forests, cismontane, pinon and juniper woodlands, coastal prairie, great basin scrub and great basin, valley and foothill grassland habitat types (CDFW 2019). Most golden eagles in California are residents year-round, but in the winter months this population will be augmented with individuals from other nearby western states. The breeding season in California is generally from late January through August. The golden eagle prefers open habitat and in California it extensively utilizes grazed grasslands and open shrublands for preying on its main food source of hares or rabbits and marmots or ground squirrels (Hunt 1995; Watson 2010). Studies have shown that both the golden eagle's reproduction rate and success declines with a decrease in prey abundance. The golden eagle will even refrain from egg laying when prey numbers are low (Driscoll 2010). In California, the golden eagle nests almost exclusively in trees (82% trees in central California) but in montane regions it also has a preference for cliffs and will avoid nesting in densely forested habitat (Hunt 1995; Pagel et al. 2010). The golden eagle is highly sensitive to anthropogenic presences and will avoid nesting near urban areas (Pagel et al. 2010). Golden eagles will even abandon nests when human activity and development increases in their territory (Driscoll 2010).

The closest reported occurrence of nesting golden eagles is located approximately three miles northwest from the Project (CNDDB #122). This record was reported by Althouse and Meade, Inc. biologists in 2006 while conducting surveys for a proposed RV park (Althouse and Meade, Inc. 2006). Two nests were observed in close proximity in blue oak (*Quercus douglasii*) trees located on the west side of Huerhuero Creek, north of Highway 46 between Golden Hill Road and Airport Road in Paso Robles. One of these nests was active in 2006, while the other appeared to not have been used in recent years. The habitat at that time was a remote wooded hillside overlooking Huerhuero Creek with

lots of surrounding rangeland. Development in this area since 2006 has been significant and the current status of this nesting territory is unknown. A historic golden eagle nest is known from a tall eucalyptus tree at Santa Ysabel Ranch, approximately 4.2 miles southwest of the Project. This nest was active in 2001 at the time the ranch was developed. The current status of this nest is unknown.

Tricolored blackbird (TRBL) is a California Species of Special Concern (nesting colonies) and is also a candidate for listing as endangered under the California Endangered Species Act. Tricolored blackbird occurs predominately in the Central Valley of California and in smaller disjunctive nesting colonies southwest of the Cascade Sierra axis and at higher elevations only in northwestern California (Shuford and Gardali 2008). Within its restricted range, the tricolored blackbird will migrate during the breeding season, moving north after the first nesting efforts, and in winter moving to lower elevations (Shuford and Gardali 2008). The breeding season is generally from April to July, but in the Central Valley there has been active breeding reported in October and November (CDFW 2014). Historically, the tricolored blackbird nested in emergent wetlands, marshes and swamps making their nests in tall, dense cattails, tules, tall herbs, thickets of willows and blackberries. The species also requires foraging space with an abundance of insect prey that can sustain the nesting colony (Weintraub et al. 2016). In a recent study, it was found that the tricolored blackbird had a higher breeding success nesting in non-native invasive vegetation like the Himalayan blackberry (*Rubus discolor*) over the native cattail (*Typha* spp.) (Cook and Toft 2005).

The closest reported occurrence of a tricolored blackbird nesting colony is approximately three miles southwest from the Study Area along Creston Road (CNDDB #998). This location is reported from 1997 through 2014, with nesting material being carried by birds in 2008 and no birds observed in 2014. Another record at a private pond along Creston Road approximately 4 miles southeast of the Study Area is also reported (CNDDB #881). Wintering birds are known to be present periodically throughout the interior areas of San Luis Obispo County where they forage in grasslands and croplands.

Western spadefoot toad has a Global Rank of G3 (Vulnerable) and a State Rank of S3 (Vulnerable). It is a Species of Special Concern (CDFW 2018) that is known to occur in grassland habitats throughout the Central Valley and adjacent foothills. It is also found along the Coast Ranges from Point Conception in Santa Barbara County south to the Mexican border (CDFW 2014, CNDDB 2017). Western spadefoot toad is primarily an inland species, occurring in grassland habitats with friable soils and seasonal rain pools (CNDDB 2019). Spadefoot toads remain underground for most of the year, emerging to breed in seasonal wetland pools during the rainy season and if enough rain occurs, they can be found above ground from October through April. Typical breeding season is from December to March. Development of the larvae from egg to metamorphosis can be very quick (3-11 weeks), depending upon water temperature and food resources. Recruitment will most often fail if breeding ponds are habited by predators such as bullfrogs (*Lithobates catesbeiana*) and crayfishes (CDFW 2014, Jennings and Hayes 1994).

Northern California legless lizard is a California Species of Special Concern that occurs from Contra Costa to Santa Barbara County. It has a Global Rank of G3 and a State Rank of S3, both of which indicate that this species is considered Vulnerable. This species includes the subspecies formerly treated as *A. pulchra nigra* and *A. pulchra pulchra* which was shown to be an invalid designation (Pearse and Pogson 2000). Northern California legless lizard inhabits friable soils in a variety of habitats from coastal dunes to oak woodlands and chaparral. Adapted to subterranean life, the legless lizard thrives near native coastal shrubs that produce an abundance of leaf litter and have strong roots systems (Kuhnz et al. 2005). Areas of exotic vegetation and open grassland do not provide suitable habitat for the silvery legless lizard since these plant communities support smaller populations of insect prey and offer little protection from higher ground temperatures and soil desiccation (Slobodchikoff and Doyen 1977; Jennings and Hayes 1994).

Impact. As discussed above, impacts to vernal pools and vernal species are not expected to occur due

to the lack of indicators on site. Since the project site may support rare plants as well as foraging and nesting habitat for special-status wildlife species, new construction for the proposed greenhouses could adversely affect special-status species such as shining navarretia, American badger, San Joaquin kit fox, and migratory birds. In addition, a jurisdictional drainage feature is located on the southeastern corner of the property which could be indirectly impacted by sediment or pollutants.

Special Status Plants

Shining navarretia or other rare plants may occur in the on-site grasslands. To ensure that project impacts are avoided or reduced to below a significant level, mitigation measures are required (see MM BIO-1 and MM BIO-2).

Special Status Wildlife

American Badger. American badgers are highly mobile and could be present anywhere in the region where suitable prey base is found and could occur on the project site periodically at any time of year. Mitigation measures are required to reduce potential impacts to this species to below significant (see MM BIO-1 and MM BIO-3).

San Joaquin Kit Fox. The project is located within the designated habitat area for San Joaquin kit fox. The County Standard Mitigation Ratio Map (Figure 5) was referenced to identify San Joaquin kit fox habitat areas, documented sightings, and County-assigned mitigation ratios as it relates to the project area. The project is located within the 3:1 standard mitigation ratio area.

A Kit Fox Habitat Evaluation form was prepared for the project on May 21, 2018 by Daniel Meade. The evaluation resulted in a score of 76 out of 100. Therefore, impacts should be mitigated at a ratio of three acres conserved for each acre impacted (3:1), consistent with the Mitigation Ratio Map. The project operations would encompass approximately 2.7 acres. Therefore, the standard mitigation requirement for the project is: 2.7 acres X [3:1] = 8.1 acres. Mitigation measures are required to ensure compliance with the County's Kit Fox mitigation requirements (see MM BIO-1, MM BIO-4, MM BIO-5, and MM BIO-6).

Golden Eagle. The Study Area at 1480 Penman Springs consists of annual grassland habitat. No trees suitable for nesting golden eagles are present in the Study Area. Blue oak and valley oak (*Quercus lobata*) trees are present in the seasonal drainage located on the property to the east and south of the Study Area. No golden eagle or other large stick nests were observed during surveys of the Study Area in 2018. Aerial imagery shows ground disturbance at the site (through grading and/or tilling) dating back to 2003. The disturbed grassland habitat in the Study Area does not provide nesting habitat for golden eagles and nesting golden eagles have no potential to occur onsite. The disturbed grassland could provide low-quality foraging habitat, but it is unlikely that golden eagles would utilize the site for foraging due to the proximity to residences and active agriculture.

Per CDFW (2019), a minimum half a mile no disturbance buffer should be implemented around an active nest during the nesting season (January through August). Based on the biological consultant's review of aerial imagery and a reconnaissance site visit in November 2019, golden eagle nesting territories are not expected to be within one half mile of the Study Area. The surrounding landscape within a half mile of the Study Area is fragmented by vineyards and rural residential parcels, with few if any suitable large trees that have sufficient surrounding open rangeland for hunting. About three-quarters of a mile south and west of the Study Area is a wooded slope associated with Huerhuero Creek that likely is the closest potential nesting habitat for golden eagle. The hillside was scanned from Penman Springs Road in November 2019 and no obvious large stick nests were observed.

CDFW (2019) recommends surveys for golden eagle be conducted in accordance with the USFWS 2010 protocols if construction of the Project must take place during the breeding season. CDFW Senior Environmental Scientist Kelley Aubushon indicateds that ground-based surveys of the Study Area with a 0.5-mile buffer would be sufficient for the scale of this project. In the biological consultant's

professional judgement, construction of the proposed Project is not likely to affect nesting golden eagles and they would not recommend further surveys as part of the Project CEQA evaluation. Mitigation measure BR-10 is recommended as a preconstruction survey measure to reduce potential impacts to golden eagle.

Tri-colored Blackbird. Nesting habitat consisting of aquatic features with emergent tules and cattails does not occur in the Study Area or surrounding areas on the Property. An old agricultural pond in the Study Area did not hold water in December 2018 and does not have any wetland emergent vegetation. Review of aerial imagery indicates there are no agricultural ponds within 300 feet of the Study Area that would be potential nesting habitat for tricolored blackbirds. Potential foraging habitat is present in the Study Area. The ephemeral drainage to the east and south of the Study Area consists of oak woodland with an understory of grasses. No tricolored blackbirds or their nests were observed on the Property in 2018. In the biological consultant's professional judgement, nesting tricolored blackbirds have no potential to occur in or near the Study Area.

CDFW (2019) recommended preconstruction surveys be conducted no more than 10 days prior to start of Project implementation if work must be conducted during the nesting season (February 1 through September 15). Mitigation measure BR-11 is recommended to address potential impacts to tricolored blackbird.

Western Spadefoot Toad. The closest reported occurrence of the western spadefoot toad is located approximately 2.1 miles northeast of the Study Area (CNDDB #333) in 2005. As part of the preparation of the December 2018 Biological Resource Assessment report the biological consultant~~we~~ evaluated potential for spadefoot toad to occur in the Study Area. They determined that ephemeral aquatic habitats were not present in the Study Area and therefore the Project would not affect spadefoot toad breeding habitat. Spadefoot toads can move overland away from breeding habitats for some distance where they aestivate in burrows or directly buried in soft sandy soils in upland habitats. Potential breeding habitat may be present in the vicinity of the Study Area. However, the biological consultant found the Project site to be disturbed and lacked suitable burrows for use by spadefoot toads, suggesting that upland aestivation in the Project site is unlikely. Ground disturbance for construction of the proposed Project is not likely to affect western spadefoot toad. No mitigation is required.

Northern California Legless Lizard. The closest reported occurrence of the northern California legless lizard is located approximately one mile southeast of the Study Area (CNDDB #156) in 1954. More recent occurrences were reported in 1966 approximately four miles northeast of the Study Area and approximately nine miles northeast in 2007 (CNDDB #155 and #66, respectively). As part of the preparation of the December 2018 Biological Resource Assessment report the biological consultant evaluated potential for legless lizard to occur in the Study Area. The Study Area is composed of silty clay loam soils (Nacimiento – Los Osos complex, 9 to 30 percent slopes) which can be fairly friable when undisturbed; however, years of ground disturbance has compacted the soils in some areas and created overall soil desiccation across the project site. Preferred leaf litter habitat is also not present in the Study Area. Legless lizards can be expected to be present in sandy soils with leaf litter in the vicinity of the Property. However, in the biological consultant's professional judgement, the Project site does not have potential to support legless lizards and no further surveys are recommended. No mitigation is required.

Figure 45 – Habitat Types

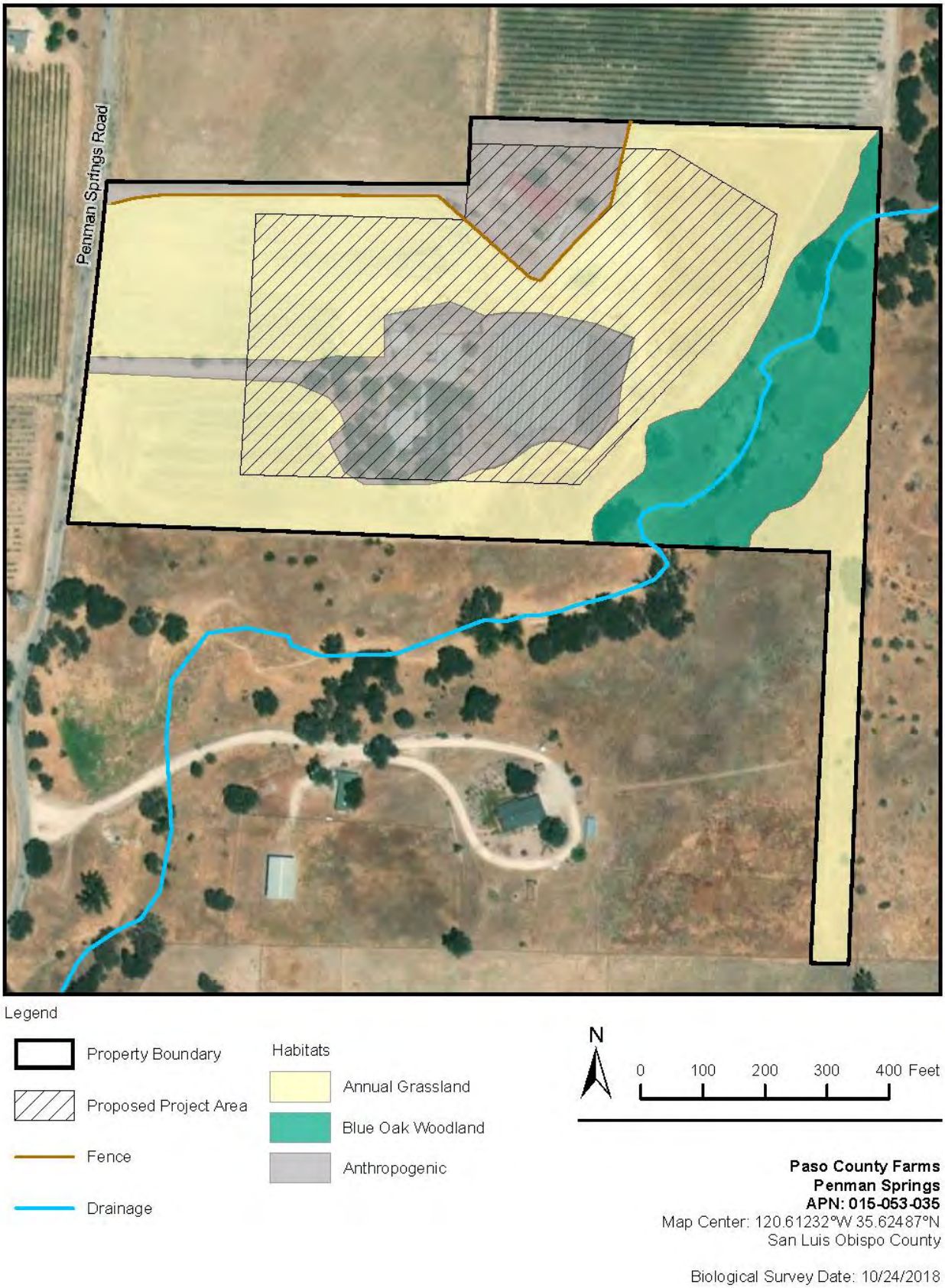
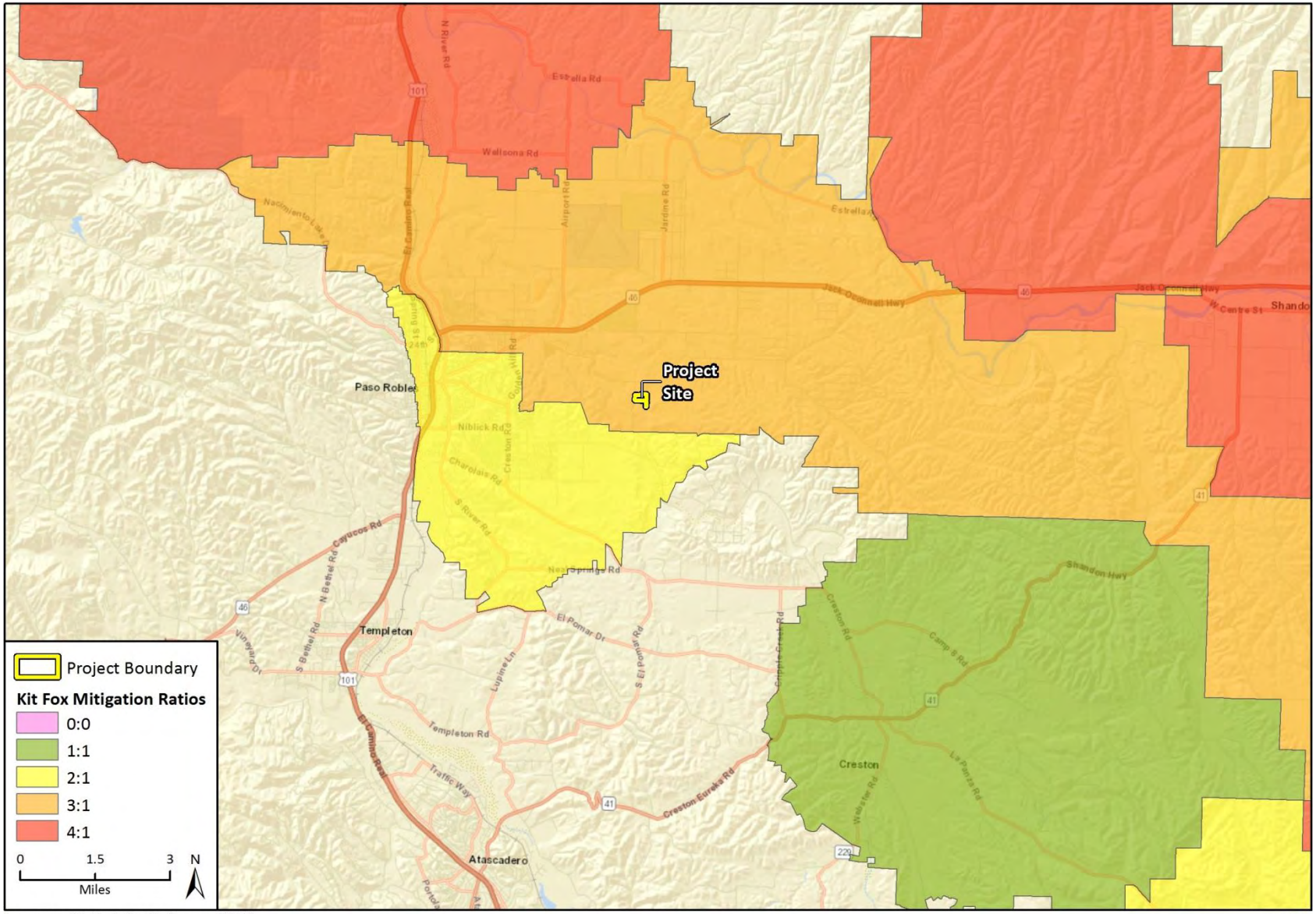


Figure 65 –SJKF Standard Mitigation Ratio Map



Imagery provided by Esri and its licensors © 2019.
Additional data provided by County of San Luis Obispo, 2018.

Fig 4 KFMR

Migratory Birds. Suitable foraging and nesting habitat is present for migratory birds on the subject property. If migratory birds are present at the time of ground disturbing and construction activities, impacts could be significant. Mitigation measures are required to avoid or minimize such impacts (see MM BIO-7).

Wetlands and Riparian Habitat

One drainage feature is located on the subject property, to the east of the proposed project footprint. The drainage feature may be subject to regulation under Fish and Game code 1600, and the U.S. Army Corps of Engineers (Clean Water Act section 404) and the Regional Water Quality Control Board (Clean Water Act section 401). The proposed project would not have any direct impacts to potentially jurisdictional drainages and no permits would be required under Clean Water Act sections 404 or 401. However, best management practices are required to ensure that sediment and pollutants do not enter the drainage area (see MM BIO-1, MM BIO-8, and MM BIO-9)

The California Department of Fish and Wildlife (CDFW) has initiated a cannabis cultivation permitting program that requires all applicants obtaining an Annual License from the California Department of Food and Agriculture to have a Lake and Streambed Alteration Agreement or written verification that one is not needed. If all project components are set outside the Section 1600 jurisdiction, a Self-Certification can be submitted online.

Conservation Plans

There are no habitat conservation plans that apply to the project site. No trees would be removed, trimmed, or relocated, and therefore the project would not conflict with any applicable tree preservation/protection policies. The project would not conflict with the provisions of any applicable habitat or natural community conservation plans and this potential impact would be insignificant.

Mitigation/Conclusion. Potential impacts to biological resources are considered less than significant with incorporation of mitigation measures BIO-1 through BIO-~~9~~12, as described in Exhibit B. These measures require: environmental awareness training, spring botanical survey and report, preconstruction surveys and avoidance measures ~~(if needed)~~ for American badger, ~~and~~ San Joaquin kit fox, implementation of the County's standard mitigation measures for projects in designated San Joaquin kit fox areas, pre-construction surveys for golden eagle and tri-color blackbird, avoidance measures for migratory birds, implementation of best management practices to avoid or minimize erosion/pollutant impacts to the on-site drainage, and site maintenance and operation measures to avoid introduction of contaminants into the environment.

In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Sections 8304 (a) and (b) require cannabis projects to:

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

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

5. CULTURAL RESOURCES

Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Disturb archaeological resources?	☐	☐	☒	☐
b) Disturb historical resources?	☐	☐	☒	☐
c) Disturb paleontological resources?	☐	☐	☒	☐
d) Cause a substantial adverse change to a Tribal Cultural Resource?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☒

Cultural Resources

Setting. The project is located in an area historically occupied by the Obispeno Chumash and Salinan. No historic structures are present and no paleontological resources are known to exist in the area.

In compliance with Assembly Bill (AB) 52 Cultural Resources requirements, outreach to four Native American tribes groups was conducted (Northern Salinan, Xolon Salinan, Yak Tityu ~~Tityu~~ Northern Chumash, and the Northern Chumash Tribal Council). Comments were received from the Northern Chumash Tribal Council on July 11, 2018. In the comment letter, the Northern Chumash Tribal Council requested copies of any archaeological reports and records searches. The report and record search was sent on July 13, 2018. The Northern Chumash Tribal Council had no further comment.

Heritage Discoveries, Inc. (HD, Inc.) conducted and prepared a Phase I Archaeological Study for the project site~~,~~ which included a records and literature search, as well as a field inspection of the site. The literature and records search was conducted in April 2018 at the Central Coast Information Center (CCIC), University of California, Santa Barbara. ~~Padre~~ HD Inc. also consulted the National Register of Historic Places (NRHP) via the National Register Information Service (NRIS), the official online database of the NRHP, the California Inventory of Historic Resources, and the California Historical Landmarks. The aforementioned searches did not reveal any listed environment properties, or archaeological sites within the study area or within a 0.25 mile radius of the project site.

Impact. The records search and field survey did not identify any prehistoric or historic materials located on or near the project site. No tribal cultural resources were identified during AB 52 consultation. Tribal consultation was performed, and no resources were identified. Therefore, significant impacts are not anticipated.

Mitigation/Conclusion. Per County LUO Section 22.10.040, if during any future grading and excavation, buried or isolated cultural materials are unearthed, work in the area shall halt until they can be examined by a qualified archaeologist and appropriate recommendations made. In addition, State law sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8304 (d) requires the project to Immediately halt cultivation activities and implement section 7050.5 of the Health and Safety Code if human remains are discovered.

No significant impacts to cultural resources are expected to occur, and no additional mitigation measures are necessary.

6. GEOLOGY AND SOILS

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?	☐	☐	☒	☐
b) Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone", or other known fault zones*?	☐	☐	☒	☐
c) Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?	☐	☐	☒	☐
d) Include structures located on expansive soils?	☐	☐	☒	☐
e) Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?	☐	☐	☒	☐
f) Preclude the future extraction of valuable mineral resources?	☐	☐	☒	☐
g) Other: _____	☐	☐	☐	☒

* **Per Division of Mines and Geology Special Publication #42**

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

Topography: Nearly level to gently rolling

Within County's Geologic Study Area?: No

Landslide Risk Potential: Low to moderate

Liquefaction Potential: Low

Nearby potentially active faults?: No Distance? Not applicable

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

Shrink/Swell potential of soil: Not known

Other notable geologic features? None

Geology and Soils

The project site is not located within the County's Geologic Study Area designation and is not within a high liquefaction area. The Setting in Section 2, Agricultural Resources, describes the soil types and characteristics on the project site. The site's potential for liquefaction hazards are considered low. The project site is not located in an Alquist Priolo Fault Zone, and no active fault lines cross the project site (California Geological Survey (CGS) 2018). Prior to the issuance of a building permit, the site is subject

to the preparation of a geological report per the County's Land Use Ordinance (LUO section 22.14.070 (c)) to evaluate the area's geological stability.

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

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

Impact. At full buildout, the project would result in the disturbance of approximately 2.7 acres for the construction of greenhouses and additional ancillary structures. Grading would include 1,000 cubic yards of both cut and fill activities. During grading activities, there is a potential for erosion and down-gradient sedimentation to occur. However, the required sedimentation and erosion control plan and SWPPP would minimize these potential impacts.

Based on site location and conditions described above, the project is not expected to be particularly susceptible to landslides, earthquakes, subsidence, or similar hazards.

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

7. HAZARDS (INCLUDING WILDFIRE HAZARDS) & HAZARDOUS MATERIALS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on, or adjacent to, a site which is included on a list of hazardous material/waste sites compiled pursuant to Gov't Code 65962.5 ("Cortese List"), and result in an adverse public health condition?	☐	☐	☒	☐
e) If within the Airport Review designation, or near a private airstrip, result in a safety hazard for people residing or working in the project area?	☐	☐	☒	☐
f) Impair implementation or physically interfere with an adopted emergency response or evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☒	☐
h) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones:				
i) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐

7. HAZARDS (INCLUDING WILDFIRE HAZARDS) & HAZARDOUS MATERIALS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
ii) 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?	☐	☐	☒	☐
iii) 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?	☐	☐	☒	☐
iv) Expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐
k) Other: _____	☐	☐	☐	☒

Hazards and Hazardous Materials

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

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

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

According to Cal Fire's San Luis Obispo County Fire Hazard Severity Zone map, the project site is

within a state responsibility area and a “high” severity risk area for fire. The closest fire station to the project site is San Luis Obispo County Fire Station 52, which is approximately three miles from the site. According to San Luis Obispo General Plan Safety Element Emergency Response Map, average emergency response time to the project site is between 5 and 10 minutes (San Luis Obispo County 1999).

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

Impact.

Construction activities: Construction activities may involve the use of oils, fuels and solvents. In the event of a leak or spill, persons, soil, and vegetation down-slope from the site may be affected. The use, storage, and transport of hazardous materials is regulated by the Department of Toxic Substances Control (DTSC) (22 Cal. Code of Regulations Section 66001, et seq.). The use of hazardous materials on the project site for construction and maintenance is required to be in compliance with local, state, and federal regulations. In addition, compliance with best management practice would also address impacts.

Operational Activities: The project does not propose the routine use of hazardous materials and would not generate hazardous wastes. Project operations would involve the intermittent use of small amounts of hazardous materials such as fertilizer and pesticides that are not expected to be acutely hazardous. In accordance with LUO Section 22.40.050 D. 3. all applications for cannabis cultivation must include a list of all pesticides, fertilizers and any other hazardous materials expected to be used, along with a storage and hazardous response plan. In addition, mitigation measure BIO-12 requires that the use of herbicides, rodenticides, pesticides and fertilizers shall be limited to those approved by the US Environmental Protection Agency and the California Department of Pesticide Regulation.

As discussed in the Setting above, the project site is not found on the ‘Cortese List’ (which is a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5).

The project is located in a “high” severity risk area which could present a significant fire safety risk. Per Cal Fire regulations, a 10,000-gallon steel water tank would be located on the hillside above the cultivation area. In addition, a fire equipment turnaround per Cal Fire Standard 4 would be required and constructed. The property is less than 5 percent slope throughout, therefore only all-weather roads are proposed. As designed, the operation would be entirely located on flat, unvegetated areas and would be required to meet Building Code and County standards for drainage, stormwater, and flood hazards. None of the operations or structures would be located on slopes. Therefore, the project would not expose people or structures to significant risks such as flooding or landslides, as a result of runoff or post-fire instability. The project would not require the installation or maintenance of associated infrastructure that would exacerbate fire risk in the area.

The project is not expected to conflict with any regional emergency response or evacuation plan, as the greenhouses would be set back from Penman Springs Road, and a fire equipment turnaround is proposed for emergency response vehicles to adequately access the greenhouses. The project is not located in an Airport Review area, and would therefore not expose workers to aviation-related hazards.

Mitigation/Conclusion. All requirements would be in accordance with County Ordinances and Cal Fire/San Luis Obispo Fire Department Standards. Compliance with the Fire Safety Plan would reduce fire related impacts to less than significant levels. In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of

the California Code of Regulations. Sections 8304 (f) and 8307 (b) require compliance with Department of Pesticide Regulations.

No significant impacts related to hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

8. NOISE *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Expose people to noise levels that exceed the County Noise Element thresholds?	☐	☐	☒	☐
b) Generate permanent increases in the ambient noise levels in the project vicinity?	☐	☐	☒	☐
c) Cause a temporary or periodic increase in ambient noise in the project vicinity?	☐	☐	☒	☐
d) Expose people to severe noise or vibration?	☐	☐	☒	☐
e) If located within the Airport Review designation or adjacent to a private airstrip, expose people residing or working in the project area to severe noise levels?	☐	☐	☐	☒
f) Other: _____	☐	☐	☐	☒

Noise

Setting. The project is not within close proximity of loud noise sources, as the project site and surrounding area consist of agricultural uses and scattered rural residential homes on agricultural land. The nearest sensitive receptor to the project site includes a single-family residence to the south, located approximately 600 feet away from the proposed greenhouses. The Noise Element of the County's General Plan includes projections for future noise levels from known stationary and vehicle-generated noise sources. Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area.

Impact.

Construction Impacts: Construction activities may involve the use of heavy equipment for grading and for the delivery and movement of materials on the project site. The use of construction machinery would also be a source of noise and vibration. Construction-related noise impacts would be temporary and localized. County regulations (County Code Section 22.10.120.A) limit the hours of construction to daytime hours between 7:00 AM and 9:00 PM weekdays, and from 8:00 AM to 5:00 PM on weekends.

Operational Impacts: The project is not expected to generate loud noises or conflict with the surrounding uses. ~~Noise resulting from use of wall- or roof-mounted HVAC and odor mitigation equipment would be expected to generate noise levels of approximately 53 dBA at 25 feet from the source.~~ With attenuation of noise levels with distance, equipment-related noise levels at the nearest

sensitive receptor would be well below 60 dBA. Noise attenuates (diminishes) at a rate of 6 dB per doubling of distance. Therefore, project related noise sources producing 53 dB at 25 feet will be perceived to produce about 40 dB at the nearest property line, assuming a distance of 105 feet from the proposed greenhouse. The resulting noise is anticipated to be below the maximum allowable nighttime level (65 dB) and below the hourly average equivalent noise level (45 dB).

The project is located within an agricultural area and based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area. Noise generated by vehicular traffic on Penman Springs Road would be comparable to background noise levels generated by surrounding agricultural operations and existing vehicular traffic. Operation of the project would not expose people to significant increased noise levels in the long term.

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

Mitigation/Conclusion. No significant noise impacts are anticipated, and no mitigation measures are necessary.

9. POPULATION/HOUSING *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Induce substantial growth in an area either directly (e.g., construct new homes or businesses) or indirectly (e.g., extension of major infrastructure)?	☐	☐	☒	☐
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	☐	☐	☒	☐
c) Create the need for substantial new housing in the area?	☐	☐	☒	☐
d) Other: _____	☐	☐	☐	☒

Population/Housing

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

Impact. The project site includes two existing single-family residences. One residence would continue to be used as a residential use and would not be used for cannabis activities, while the other residence is currently uninhabited and would be demolished. The proposed project would not result in the removal of any occupied housing, or construction of any housing. The project is expected to employ up to four people. This increase in employment would not result in a substantial increase in the demand for housing in the County. Therefore, the project would not result in a need for a significant amount of new

housing and would not displace existing housing.

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

10. PUBLIC SERVICES / UTILITIES / ENERGY USAGE *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Have an effect upon, or result in the need for new or altered public services in any of the following areas:				
i) Fire protection?	☐	☐	☒	☐
ii) Police protection (e.g., Sheriff, CHP)?	☐	☐	☒	☐
iii) Schools?	☐	☐	☒	☐
iv) Roads?	☐	☐	☒	☐
v) Solid Wastes?	☐	☐	☒	☐
vi) Other public facilities?	☐	☐	☐	☒
b) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☒	☐	☐
c) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☒	☐	☐
d) Other: _____	☐	☐	☐	☒

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

Police: County Sheriff — Location: Templeton (Approximately 6.6 miles to the southwest)

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

Location: Approximately 3 miles to the northeast

School District: Paso Robles Joint Unified School District.

Fire Services

Cal Fire provides mutual and automatic aid supporting the County of San Luis Obispo. The nearest Cal Fire station (Station 52) is located three miles to the northeast at 4050 Branch Drive. According to San

Luis Obispo General Plan Safety Element Emergency Response Map, average emergency response time to the project site is between 5 and 10 minutes (San Luis Obispo County 1999). According to Cal Fire's San Luis Obispo County Fire Hazard Severity Zone map, the project site is within a "high" severity risk area for fire.

Per Cal Fire regulations, a 10,000-gallon steel water tank would be located in the central portion of the site, adjacent to the proposed outdoor cultivation areas. A fire equipment turnaround per Cal Fire Standard 4, Access Roads and Driveways, would be required and constructed. The project's incremental impacts to Fire Department services would be insignificant.

Police Services

The project site is in the existing service range for the County Sheriff Department. Construction on-site would not normally require services from the Sheriff's Department, except in cases of trespassing, theft, and/or vandalism. The project includes a detailed security plan that must be reviewed by the County Sheriff. The plan includes employing trained security personnel for the project. Incorporation of security techniques would serve to reduce the need for police/sheriff enforcement. Since the site is currently in the existing service range, it would not require additional police protection or law enforcement services and would not trigger changes that would affect police protection services. Therefore, this impact would be insignificant.

Schools, Parks, Other Facilities

As discussed in Section 9, *Population/Housing*, the project does not include the construction of any habitable structures and would not increase population. As such, the project would not generate new demand for schooling, park services, or other governmental facilities. Since the project would not generate development or changes in land use intensities that would change or increase existing demand, there would be no impact on schools, parks, or other governmental facilities.

Roads

Access to the project site is provided by an existing driveway from Penman Springs Road. As discussed in Section 12, *Transportation/Circulation*, the proposed project would generate up to four PM peak hour trips per day during harvest periods. This small amount of additional traffic will not result in a significant change to existing road service or traffic safety levels.

Solid Waste

The applicant proposes on-site green-waste composting. Cannabis waste material consisting of organic material discarded from the harvesting of the plant (e.g. twigs, stems, trim waste, stalks, roots, and soil containing roots) would be ground into compostable sized material and stockpiled in an on-site composting yard. Composted material would be mixed together with on-site soil for re-use in future cultivation. The composting area would not allow runoff of water or any waste concentrate, and Best Management Practices (BMP) would be implemented to reduce or eliminate runoff, dust, and odor. In addition, plants that are grown directly in the ground would utilize another form of composting, referred to as tilling. The trimmed waste resulting from pruned plants would be composted directly in the ground. Since the project is not expected to generate a substantial amount of solid waste, impacts are considered insignificant.

Energy Usage

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

PG&E offers two programs through which consumers may purchase electricity from renewable sources: the Solar Choice program and the Regional Renewable Choice program. Under the Solar Choice

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

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

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

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

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

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

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

The County LUO includes a Renewable Energy Area combining designation to encourage and support the development of local renewable energy resources, conserving energy resources and decreasing reliance on environmentally costly energy sources. This designation is intended to identify areas of the county where renewable energy production is favorable and establish procedures to streamline the environmental review and processing of land use permits for solar electric facilities (SEFs). The LUO establishes criteria for project eligibility, required application content for SEFs proposed within this designation, permit requirements, and development standards (LUO 22.14.100). The project site is located in a Renewable Energy Area combining designation.

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 CO2 from fossil fuel combustion, and ventilation and air conditioning to remove waste heat. Reliance on equipment can vary widely as a result of factors such as plant spacing, layout, and the surrounding climate of a given facility (CDFA 2017).

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

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

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

Operational Energy Impacts.

Electricity and Natural Gas. 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.

For purposes of CEWA compliance, the County estimates energy consumption for cannabis activities using 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, storage and drying 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 22,000 sf of indoor cultivation floor area. A preliminary estimate of the project's energy demand, based on the energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form (County of Santa Barbara 2018), is provided in Table 5. No diesel, gasoline, or natural gas is proposed.

Table 5 -- Projected Operational Energy Use

Project Component	Size (sf)	Rate (kWh/year-sf)	Projected Energy (kWh/year)
Generic Commercial Building of Comparable Size	22,000	21.25	467,500
Indoor Cultivation		200	4,400,000
Percent In Excess of Generic Commercial Building			**841%**

Based on the California Energy Commission Report, a generic non-cannabis commercial building of 22,000 sf would use 467,500 kWh per year (21.25 kWh/sf x 22,000 sf). Based on the energy consumption rates above, the proposed project's cultivation activities would use 841% 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. For purposes of determining whether fuel use would be wasteful and inefficient and cumulatively considerable, project-related fuel use will be compared with the total fuel use from motor vehicles in San Luis Obispo County.

Table 6 provides a summary of total sales of gasoline and diesel fuel in San Luis Obispo County in 2018.

Table 6 -- State and County Fuel Consumption in 2018

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

Source: California Energy Commission

Assumptions:

- Daily vehicle miles travelled in San Luis Obispo County in 2020 (estimate from 2014 Regional Transportation Plan): 7,998,615.
- 172 million gallons of fuel consumed per year / 365 days = 471,232 gallons of fuel use per day
- 471,232 gallons of gasoline and diesel fuel consumed per day / 7,998,615 miles travelled per day = 0.058 gallons of fuel consumed per day per mile travelled
- Average Daily Trips (ADT) for Project x 14.7 miles = Daily Vehicle Miles Travelled (VMT)
- Daily VMT x gallons per mile travelled = Daily gallons of fuel use
- Three worker trips and 1 delivery trip per day for construction activities for 10 working days
- 35 Average Daily Trips for operations for 365 days

Construction Fuel Use

4 ADT x 14.7 miles = 58.8 VMT per day

58.8 x 10 days = 588.8 total VMT

588.8 x 0.058 gallons consumed per mile travelled = 34.1 gallons

Operational Fuel Use

35 ADT x 14.7 miles = 514.5 VMT per day

514.5 x 365 days = 18,779 total VMT per year

18,779 x 0.058 gallons consumed per mile travelled = 10,891 gallons per year

Total fuel use associated with construction and operation of the project would be about 2.3% of the total daily fuel consumed in the County in 2018 and would be comparable to, or less than, a conventional commercial business. Accordingly, fuel consumption associated with the project would not be wasteful, inefficient or unnecessary.

~~The project would be served by an existing electrical service provider, Pacific Gas & Electric. The project would involve the use of energy during construction and operation. Energy during the construction phase would be primarily in the form of fuel consumption to operate heavy equipment, light-duty vehicles, machinery, and generators for lighting. Project operation would result in the consumption of approximately 7,200 kilowatt-hours per year. As such, the project would only incrementally increase energy consumption, and would therefore not result in the wasteful or inefficient use of energy resources.~~

Mitigation/Conclusion. Regarding cumulative effects, public facility (County) and school (State Government Code 65995 et seq.) fee programs have been adopted to address the project's contribution to cumulative impacts and will reduce potential cumulative impacts to less than significant levels. In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. All projects are required to comply with the waste management provisions set forth in Section 8308.

The project would result in a potentially significant energy demand and inefficient energy use during long-term operations which will also increase greenhouse gas emissions. Inefficient energy use would potentially conflict with state or local renewable energy or energy efficiency plans. 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.

~~No significant public service impacts are anticipated, and no mitigation measures are necessary.~~

11. RECREATION *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	☐	☐	☒	☐
b) Affect the access to trails, parks or other recreation opportunities?	☐	☐	☒	☐
c) Other _____	☐	☐	☐	☒

Recreation

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

Impact. The proposed project is not a residential project or large-scale employer and would not result in a significant population increase. Construction and operation of the proposed project would not have any adverse effects on existing or planned recreational opportunities in the County. The proposed project would not create a significant need for additional park, Natural Area, and/or recreational resources.

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

12. TRANSPORTATION/CIRCULATION *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase vehicle trips to local or areawide circulation system?	☐	☐	☒	☐
b) Reduce existing "Level of Service" on public roadway(s)?	☐	☐	☒	☐
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	☐	☐	☒	☐
d) Provide for adequate emergency access?	☐	☐	☒	☐
e) Conflict with an established measure of effectiveness for the performance of the circulation system considering all modes of transportation (e.g. LOS, mass transit, etc.)?	☐	☐	☒	☐
f) Conflict with an applicable congestion management program?	☐	☐	☐	☒
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐
h) Result in a change in air traffic patterns that may result in substantial safety risks?	☐	☐	☒	☐
i) Other: _____	☐	☐	☐	☒

Transportation

Setting. The project is located along Penman Springs Road. The County has established the acceptable Level of Service (LOS) on roads for rural areas as "C" or better. Penman Springs Road is a County maintained road. The project site is not located within the County's road improvement fee area.

Impact.

Trip Generation, Levels of Service, Congestion

Per the memo from Glenn Marshall dated July 10, 2018, the Department of Public Works has reviewed the project for expected trip generation, as noted below:

- The proposed project is expected to generate 35 average daily trips with four afternoon peak hour trips.

As such, the small amount of additional traffic will not result in a significant change to the existing road level of service or traffic safety levels. The project does not conflict with adopted policies, plans and programs on transportation.

Access and Hazards
As discussed in the Project Description, a fire equipment turnaround would be constructed adhering to County of San Luis Obispo/Cal Fire design specifications, which would ensure that access to the greenhouses is maintained for emergency response vehicles. The project does not propose any features that would delay, disrupt, or result in unsafe conditions.

Airport Traffic
The nearest airport to the project site is the Paso Robles Municipal Airport, located approximately four miles to the north. The project site is not located in any runway protection/safety or object free zones. There would be no impact regarding aviation related hazards/patterns.

Mitigation/Conclusion. The project would not reduce the level of service of public roadways or significantly increase vehicle trips to the circulation system. The project would also be required to maintain adequate sight distance and emergency access. Therefore, the project's transportation impacts would be less than significant with the applied project design features, and no mitigation measures are necessary.

13. WASTEWATER *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	☐	☐	☒	☐
b) Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?	☐	☐	☒	☐
c) Adversely affect community wastewater service provider?	☐	☐	☐	☒
d) Other: _____	☐	☐	☐	☒

Wastewater

Setting/Impact. Construction and operation-related wastewater would be accommodated by licensed (National Event Services) on-site portable restroom and hand-washing facilities and disposed of in accordance with existing regulations. Since the project would not require subsurface disposal systems, and would not connect to existing sewer lines, the project would not adversely affect wastewater systems, change the quality of surface or groundwater, or violate waste discharge requirements.

Mitigation. No significant impacts to wastewater would occur, and no mitigation measures are required.

14. WATER & HYDROLOGY

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
QUALITY				
a) Violate any water quality standards?	☐	☐	☒	☐
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, sediment, temperature, dissolved oxygen, etc.)?	☐	☐	☒	☐
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	☐	☐	☒	☐
d) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff?	☐	☐	☒	☐
e) Change rates of soil absorption, or amount or direction of surface runoff?	☐	☐	☒	☐
f) Change the drainage patterns where substantial on- or offsite sedimentation/ erosion or flooding may occur?	☐	☐	☒	☐
g) Involve activities within the 100-year flood zone?	☐	☐	☒	☐
QUANTITY				
h) Change the quantity or movement of available surface or ground water?	☐	☐	☒	☐
i) Adversely affect community water service provider?	☐	☐	☒	☐
j) Expose people to a risk of loss, injury or death involving flooding (e.g., dam failure,etc.), or inundation by seiche, tsunami or mudflow?	☐	☐	☒	☐
k) Other: _____	☐	☐	☐	☒

Water

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 project site is in the Paso Robles Groundwater Basin, which has been assigned a Level of Severity III by the 2014-2016 Resource Management System Summary Report. The Board of Supervisors adopted Resolution 2015-288 in 2015 to establish the Countywide Water Conservation Program (CWWCP) in response to the declining water levels in the Nipomo Mesa Water Conservation Area (NMWCA) part of Santa Maria Groundwater Basin), Los Osos Groundwater Basin (LOGWB), and the Paso Robles Groundwater Basin (PRGWB). A key strategy of the CWWCP is to ensure all new construction and new or expanded agriculture will offset its predicted water use by reducing existing water use on other properties within the same water basin. In addition, LUO Section 22.040.050 5. requires all cannabis cultivation sites located within a groundwater basin with a Level of Severity III to provide an estimate of water use associated with cultivation activities, and a description of how the new water use will be offset. All water demand within a groundwater basin with LOS III is required to offset at a minimum 1:1 ratio unless a greater offset is required through the land use permit approval process. In addition, all water demand within an identified Area of Severe Decline shall offset at a ratio of 2:1.

Offset clearance is obtained by ~~the purchase of water use offset credits through a County-approved conservation program for the particular groundwater basin~~implementing a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by LUO Sections 22.40.050.D.5, 22.40.060 D.5, and 22.94.025.F. and Building Ordinance Section 19.07.042 (4). If the average water use reported in the previous four quarterly water use reports is greater than the water use offset credits associated with the permitted use(s), the permittee will be required to ~~either: 1)~~ identify specific measures (and a timeframe for implementation) to reduce the metered water demand to be equal to, or less than, the water use offset credits associated with the project~~;. or 2) purchase additional water use offset credits from the approved water conservation program for the particular groundwater basin to offset the increased use documented by the water use reports.~~ The project is located within an Area of Severe Decline. Therefore, a water use offset at a ratio of 2:1 will be required for the project.

The topography of the project is nearly level. There is a drainage that crosses the southeast corner of

the site.

Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. When work is done in the rainy season, the County's Land Use Ordinance requires that temporary erosion and sedimentation measures to be installed.

The following relates to the project's drainage aspects:

Within the 100-year Flood Hazard designation? No

Closest creek? Unnamed Distance? 50 feet

Soil drainage characteristics: Well drained

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

Soil type, area of disturbance, and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the project's soil erodibility is as follows:

Soil erodibility: Low

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120, CZLUO Sec. 23.05.036) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

Impact – Water Quality/Hydrology

With regards to project impacts on water quality the following conditions apply:

- ✓ Approximately 2.7 acres of site disturbance is proposed;
- ✓ The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- ✓ The project will be disturbing over one acre and will be required to prepare a SWPPP, which will be implemented during construction;
- ✓ The project is not on highly erodible soils, nor on moderate to steep slopes;
- ✓ The project is not within a 100-year Flood Hazard designation;
- ✓ All disturbed areas will be permanently stabilized with impermeable surfaces and landscaping;
- ✓ Stockpiles will be properly managed during construction to avoid material loss due to erosion;
- ✓ The project is subject to the County's Plumbing Code (Chapter 7 of the Building and Construction Ordinance [Title 19]), and the "Water Quality Control Plan, Central Coast Basin" for its wastewater requirements, where wastewater impacts to the groundwater basin will be less than significant;
- ✓ All hazardous materials and/or wastes will be properly stored on-site, which include secondary containment should spills or leaks occur.

- ✓ In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8304 (a) and (b) require compliance with section 13149 of the Water Code as implemented by the State Water Resources Control Board, Regional Water Quality Control Boards, or California Department of Fish and Wildlife, and compliance with any conditions requested by the California Department of Fish and Wildlife or the State Water Resources Control Board under section 26060.1(b)(1) of the Business and Professions Code.

Impact - Water Quantity

Full buildout of the proposed project would use approximately 2.49 acre feet per year.

On the project site, an existing well has served the property and has been used for past agricultural uses. The well produces 25 gallons per minute (GPM), with a recovery time of four hours (Aqua Engineering 2016). The well pump test and water quality analysis from 2016 conclude that the well produces sufficient water to meet the project's water demand.

County Land Use Ordinance (LUO) Section 22.40.050 C.1. requires all applications for cannabis cultivation to include a detailed water management plan that discusses the proposed water supply, conservation measures and any water offset requirements. In addition, Section 22.40.050 D. 5. requires that a cultivation project located within a groundwater basin with a Level of Severity III (LOS III) provide an estimate of water demand prepared by a licensed professional or other expert, and a description of how the new water demand will be offset. For such projects, the water use offset ratio is 1:1. If the project is within an Area of Severe Decline the offset requirement is 2:1, unless a greater offset is required by the review authority through the permit review process.

The project is within the Paso Robles Groundwater Basin which has been assigned a Level of Severity III and is within the Area of Severe Decline.

To satisfy LUO requirements, the project description includes a water offset study prepared by Civil Design Solutions. Baseline and future water demand is summarized in Table 7.

Table 7 – Projected Water Demand[1]

Use	Water Demand Factor	Quantity/ Area	Days/Year	Gallons Per Year	Acre-Feet per Year
Residential Units	85 gallons per day	5 units	365	155,125	0.47
Tree Irrigation	11.4 gallons per day	20 trees	--	83,429	0.25
Total Existing Demand[1]				**238,554**	**0.73**
Outdoor Cultivation	8,82 gallons per square foot of canopy per month[1]	82,748 sq.ft.	--	729,846	2.23
Indoor Cultivation	3.97 gallons per square foot of canopy per month[1]	21,681 sq.ft.	--	82,106	0.25
Total Future Demand:				**811,952**	**2.49**
Net Change In Water Demand:					**1.76**

Notes:

1. Source: Paul Henderson, CPEng

The study provides an estimate of existing and projected water demand. The project proposes to achieve the water offset by implementing a Water Management Plan. Therefore, the water demand offset requirement is 4.98 AFY and the project will be conditioned to provide the offset prior to building permit issuance.

Water use is required to be metered and this data will be provided to the County every three months (quarterly). Should the metered water demand exceed the permitted quantity (4.98 AFY), the permittee will be required to undertake corrective measures to bring water demand back to within the permitted amount. In addition, the project will be conditioned to apply Best Management Practices for water conservation to maintain water use at or below the water analysis projections as described in the applicant's Water Management Plan. Such BMPs include, but are not limited to, the following:

- The use of drip irrigation systems and mulch to conserve water and soil moisture. Watering to occur when evaporation losses are lowest;
- Ongoing monitoring and maintenance of the water supply system;
- Installation of float valves on tanks to prevent tanks from overflowing;

Lastly, the conditions of approval will require the project to participate in the County's ongoing cannabis monitoring program to ensure compliance with all conditions of approval and other relevant regulations. With the implementation of mitigation measures W-1 and W-2, operational impacts to water quantity will be less than significant.

Seiche/Tsunami/Mudflow

The project site is located approximately 44 miles inland from the Pacific Ocean and is not located in the Coastal Zone. Therefore, there is no risk from tsunami or seiche. Since the project site is relatively flat, and is not located adjacent to hillsides, mudflow risks are insignificant.

Mitigation/Conclusion. Adherence to existing regulations and compliance with the SWPPP would adequately address surface water quality impacts during construction and operation of the project. Implementation of mitigation measures W-1 and W-2 will reduce potential water quantity impacts to less than significant levels. ~~Based on compliance with existing regulations and requirements, potential water and hydrology impacts would be less than significant, and no mitigation measures are necessary.~~

15. LAND USE

Will the project:

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) Be potentially inconsistent with land use, policy/regulation (e.g., general plan [County Land Use Element and Ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?	☐	☐	☒	☐
b) Be potentially inconsistent with any habitat or community conservation plan?	☐	☐	☒	☐
c) Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?	☐	☐	☒	☐
d) Be potentially incompatible with surrounding land uses?	☐	☐	☒	☐

15. LAND USE

Will the project:

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
e) Other: _____	☐	☐	☐	☒

Land Use

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

1. LUO Chapter 22.94 – North County Planning Area
2. LUO Section 22.94.040 – El Pomar-Estrella Sub-Area

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

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

The project would be required to adhere to all regulations and development standards as listed in the County LUO Chapter 22.40. This includes the receipt of all necessary permits, submittal of plans, adherence to application requirements, and limitations on use and cultivation.

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

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

16. MANDATORY FINDINGS OF SIGNIFICANCE

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Have the potential to 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, 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 pre-history?	☐	☒	☐	☐

b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	☐	☒	☐	☐
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Impact

a) The proposed project does not have the potential to substantially degrade the quality of the environment. Compliance with all the mitigation measures identified in Exhibit B will ensure that project implementation will not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. In addition, the project would not contribute significantly to greenhouse gas emissions or increase energy consumption. Implementation of the project would not eliminate important examples of the major periods of California history or pre-history. Therefore, the anticipated project-related impacts are less than significant with incorporation of the mitigation measures included in Exhibit B.

b) The potential for adverse cumulative effects were considered in the response to each question in Sections 1 through 15 of this document. In addition to project specific impacts, this evaluation considered the project's potential for incremental effects that are cumulatively considerable. As described in ~~Section 4 above~~the preceding topical sections, there were determined to be potentially significant effects related to air quality, energy demand, greenhouse gas emissions and biological resources.

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

Table 8 provides a summary of the total number of cannabis activities that the County has either approved or has received an application as of the date of this initial study. As shown on Table 12, the County has received applications for a total of 115 cultivation sites (including indoor and outdoor) with a total canopy of 330 acres. Under the County's cannabis regulations (LUO Sections 22.40. et seq. and CZLUO Section 22.80 et seq.), the number of cultivation sites allowed within the unincorporated county is limited to 141, and each site may have a maximum of 3 acres of outdoor canopy and 22,000 sq.ft. (0.5 acres) of indoor canopy. Therefore, if 141 cultivation sites are ultimately approved, the maximum total cannabis canopy allowable in the unincorporated county will be 493 acres (141 sites x 3.5 acres of canopy per site = 493 acres).

Table 8 -- Summary of Cannabis Activities for Unincorporated San Luis Obispo County[1]

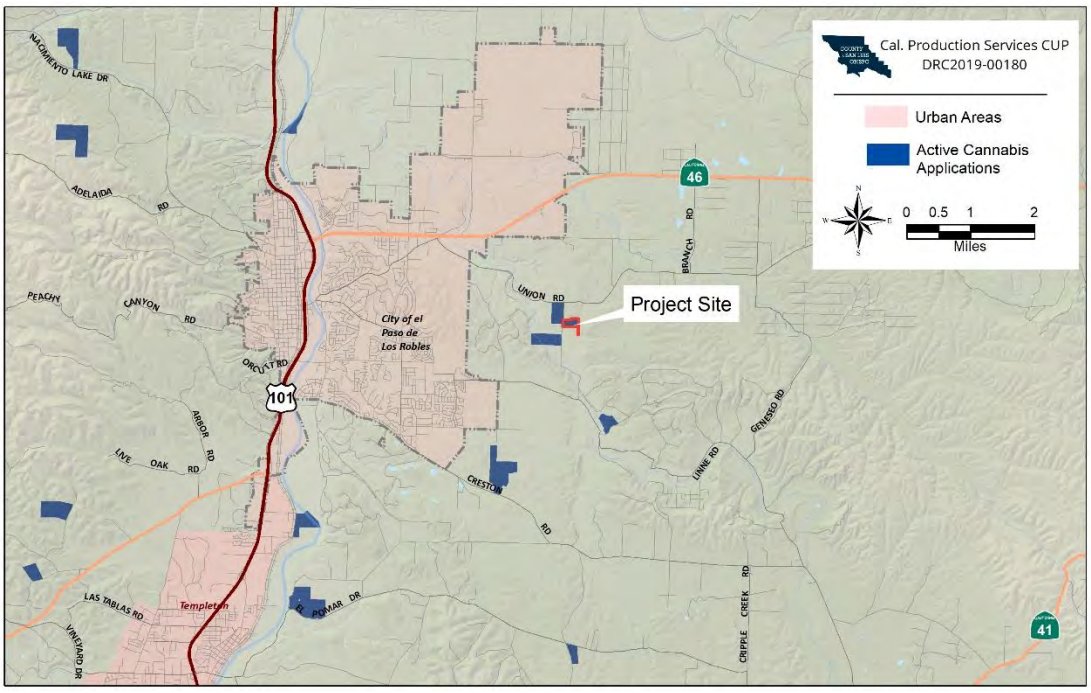
Project Type	Total Number of Cannabis Activities[2]	Canopy (acres)	Approved
Indoor Cultivation	115	89	10
Outdoor Cultivation		241	10
Total Cultivation:	115	330	20
Nursery	43	--	3
Processing	9	--	0
Manufacturing	25	--	6
Non-Storefront Dispensary	30	--	6
Distribution	7	--	0
Transport Only	4	--	0
Laboratory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

Notes:

1. As of the date of this initial study.
2. Total number of all cannabis activities for which an application has been submitted to the County to date. A project site may include multiple cannabis activities.

Figure 7 shows the project site along with other approved and proposed cannabis activities in the region.

Figure 7 – Cannabis Projects In the Vicinity of the project Site



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 sq.ft. of ancillary nursery;
  - A total area of disturbance of 6.0 acres to include the construction of one or more buildings to house the indoor cultivation, ancillary nursery and processing;
  - A total of 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. 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

Table 9 provides a summary of the potential impacts to important farmland from cannabis cultivation applications as of the date of this MND based on the following assumptions:

- All of the applications are approved;
- Each site is developed with 3 acres of outdoor cultivation, 0.5 acres of indoor cultivation, plus another one acre of disturbance associated with additional buildings for processing, areas devoted to access roads, water storage, and other miscellaneous support facilities;
- Cultivation sites often have multiple soil types with different qualities of farmland. For this analysis, the number of cultivation sites impacting a particular important farmland classification is assumed to be directly proportional to the total acreage for the classification. For example, *Prime Farmland* is about 16% of the total acreage potentially impacted by the approved and currently active cultivation applications. Therefore, the number of cultivation sites assumed to impact Prime Farmland is: 115 x .16 = 19 sites.

Table 9 – Cumulative Impacts to Important Farmland Associated With Approved and Reasonably Foreseeable Cannabis Cultivation Projects

Farmland Classification	Total Acres for All Cultivation Projects By Farmland Classification	Percent of Total Acres	Number of Applications for Cultivation	Number of Cultivation Sites By Farmland Classification	Potential Area of Disturbance (Acres)
Prime Farmland if Irrigated	1,365.50	16%	115	19	85.0
Farmland of Statewide Importance	1,142.69	14%	115	16	71.10
Not Prime Farmland/ Not Mapped	5,803.60	70%	115	80	361.32
Total:	**8,312.00**	**--**	**--**	**115**	**517.50**

Source: NRCS Soil Survey, 2019

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

- As shown in Table 5 of Section II, Agricultural Resources the total acreage of prime farmland impacted by the project (about 0.37 acres) is less than 0.002 percent of the prime farmland in the county.
- As shown in Table 9, the total acreage potentially of prime farmland impacted by approved and reasonably foreseeable cannabis cultivation projects in the unincorporated county (about 98 acres) is less than the average annual increase in the total amount of prime farmland experienced each year in the County since 2006.
- Agricultural activities on the remainder of the project site would be unaffected by the proposed cannabis activities.

Air Quality

The analysis provided in Section III, Air Quality, concludes that the project's potential operational emissions will fall below APCD thresholds of significance for both project-related and cumulative impacts. However, construction activities could adversely impact sensitive recptors. Mitigation measure AQ-1 will reduce these potential impacts to a less than significant level. 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 to avoid listed plant and animal species are incorporated into the project description. 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 the demand for electricity. The analysis provided in Section 10 concludes that the project will increase the demand for electricity by as much as 4,400,000 kWh per year.

Electricity

Table 10 provides a summary of total electricity demand associated with development of all 115 previously approved and currently-active cannabis cultivation projects. The summary was derived using the CalEEMOD computer model used by the California Air Resources Board and assumes all 115 sites are developed with the maximum allowable canopies: 3 acres for outdoor cultivation and 22,000 sq. ft. for indoor cultivation.

Table 10 – Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects

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

Notes:

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

Table 10 indicates that electricity demand in San Luis Obispo County could increase by as much 45% if all 115 cultivation projects are approved and constructed. Table 11 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 11 – Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects Compared With Projected 2030 Demand

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

Notes:

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

Without mitigation, 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. However, Mitigation ENG-1 requires the applicant to provide an Energy Conservation Plan demonstrating a reduction in overall energy use from the project and/or the offset of project-related energy use to achieve a resulting energy demand that is within 20% of a typical commercial building of comparable size that employs Title 24 energy efficiencies. With implementation of mitigation ENG-1 cumulative impacts associated with energy use will be not be wasteful and inefficient and less than cumulatively considerable.

Fuel Use

Assumptions:

- The most recent estimate of total vehicle miles travelled (VMT) for the County is from 2013 at which time total VMT per day was estimated to be 7,862,000. Assuming a 1% annual growth in VMT during the intervening six years, the current (2019) VMT is estimated to be about 8,333,720.
- 172 million gallons of fuel consumed per year / 365 days = 471,232 gallons of fuel use per day
- 471,232 gallons of gasoline and diesel fuel consumed per day / 8,333,720 miles travelled per day = 0.056 gallons of fuel consumed per day per mile travelled
- Average Daily Trips (ADT) for Project x 14.7 miles = Daily Vehicle Miles Travelled (VMT)
- Daily VMT x gallons per mile travelled = Daily gallons of fuel use
- Three worker trips and 1 delivery trip per day for construction activities for 10 working days
- 12 Average Daily Trips for operations for 365 days

Construction Fuel Use

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

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

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

Operational Fuel Use

51,326 VMT per day for all 115 projects combined (see Table 18)

18,733,260 total VMT per year

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

Total fuel use associated with construction and operation of all 115 projects would be about 6% of the total daily fuel consumed in the County in 2018. Accordingly, fuel consumption associated with the project (about 10,891 gallons per year) would be a small fraction of total fuel use in the County which would not be considered wasteful, inefficient or unnecessary and would not be cumulatively considerable.

Greenhouse Gas (GHG) Emissions

As discussed in Section 3. the project is expected to generate 1,276 metric tons of GHG emissions per year. Using the GHG threshold information described in the Setting section, the project is expected to exceed the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the project's potential direct and cumulative GHG emissions are considered cumulatively considerable unless mitigated. Implementation of recommended mitigation measures ENG-1, ENG-2, and ENG-3 that require completion of an Energy Conservation Plan prepared by a Certified Energy Analyst that identifies strategies to reduce wasteful and inefficient energy use and for reducing or offsetting GHG emissions to reduce project-related GHG emissions to below the 1,150 MTCO2 per year Bright Line Threshold, will reduce project impacts to less than cumulatively considerable.

Hydrology/Water Demand

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

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

Table 12 – Total Estimated Water Demand from Cannabis Cultivation

Bulletin 118 Groundwater Basin[1]	Number of Cultivation Projects	Acres	Total Estimated Water Demand From Cannabis Cultivation AF/Year[3]
Paso Robles Groundwater Basin[4,5]	34[2]	2,525.59	326.11
Carrizo Plain Groundwater Basin	11	469.9	105.51
Pozo Valley Groundwater Basin	2	79.97	19.18
Atascadero Basin	3	185.05	28.77
Los Osos Groundwater Basin[4,5]	2	49.29	19.18
San Luis Obispo Valley	3	56.68	28.77
Santa Maria Valley Groundwater Basin[4, 5]	8	273.41	76.73
Huasna Valley	1	18.06	10.13
Santa Rosa Valley[5]	1	8.38	10.13
Sub-Total:	65	3,667.34	624.13
Not Within A Bulletin 118 Groundwater Basin	50	4,654.05	479.57
Total for All Cultivation Sites	**115**	**8,312.00**	**1,104.08**

Notes:

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

As shown in Table 12, 50 cultivation projects are served by groundwater basins designated by the Department of Water Resources Bulletin 118. Two of the nine basins where cultivation is proposed, Los Osos Valley and the Paso Robles Groundwater Basin, are designated as "Critically Overdrafted" by the State. In addition, new development within the Paso Robles and the Santa Maria Valley groundwater basins is subject to the water conservation provisions of Chapter 19.07.042 of the County Code. Prior to issuance of a construction permit for a new structure with plumbing fixtures, the developer of such new structure must obtain an offset clearance from the department of planning and building verifying that new water use has been offset at a 1:1 ratio. Water savings must come from the same groundwater basin as the proposed new development.

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

Groundwater basins serving cannabis cultivation that have been designated Level of Severity III include

the Paso Robles, Los Osos, Santa Rosa Valley and Santa Maria Valley groundwater basins. As shown in Table 12, there are 45 cultivation projects with a total estimated water demand of 432.15 AFY within groundwater basins that are subject to the 1:1 water use offset requirement. Therefore, the net increase in water demand from cannabis cultivation in these basins is assumed to be zero. There are 20 cultivation sites within groundwater basins that are not subject to the water use offset requirements of Title 19.04 and 50 sites that do not overlie a designated groundwater basin. Therefore, for purposes of assessing the impact of cannabis cultivation on groundwater, the net cumulative water demand on Bulletin 118 groundwater basins is assumed to be 624 AFY – 432.12 = 192.36 AFY.

Table13 – Total Estimated Water Demand from Cannabis Cultivation From Bulletin 118 Groundwater Basins With No Level of Severity

Bulletin 118 Groundwater Basin[1]	Number of Cultivation Projects	Acres	Total Estimated Water Demand From Cannabis Cultivation AF/Year[3]	Total Storage/ Safe Yield	Status of Groundwater Basin
Carrizo Plain Groundwater Basin	11	469.90	105.51	Total storage estimated to be 400,000 AF	No Level of Severity
Pozo Valley Groundwater Basin	2	79.97	19.18	The total storage capacity is estimated at 2,000 AF	No Level of Severity
Atascadero Basin	3	185.05	28.77	Safe Yield estimated to be 16,400 AFY	No Level of Severity
San Luis Obispo Valley	3	56.68	28.77	The total storage capacity is estimated at 10,000 – 22,000 AF	No Level of Severity
Huasna Valley	1	18.06	10.13	No estimate of storage of safe yield	No Level of Severity
Total:	20	809.66	192.36	--	--

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

- Water demand associated with the 45 cannabis cultivation projects within basins that have been assigned a Level of Severity III by the County's Resource Management System will be offset by a ratio of at least 1:1;
- Water demand associated with cannabis cultivation projects within groundwater basins without an assigned Level of Severity for water supply are not in a state of overdraft and are expected to meet the estimated demand from urban, rural and agricultural demand for at least 15 years. As shown in Table 13, the marginal demand associated with cannabis cultivation is insignificant in relation to the available storage capacities of these basins;
- Water demand for areas outside of designated groundwater basins will not (by definition) adversely impact groundwater basins.

Noise

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. Within the unincorporated area, the population is expected to increase by about 19,500 residents, or about 557 per year. Employment is expected to increase by about 6,441, or about 184 per year.

Cannabis cultivation activities typically employ 6 – 8 full-time workers and up to 12 workers during the harvest. The 2050 employment forecast does not account for employment in the cannabis industry, because of the formerly illegal status of the industry. However, assuming 115 cultivation projects, total employment associated with cannabis cultivation could result in as many as 920 workers. It is most likely that these workers will be sourced from the existing workforce in San Luis Obispo County. If all 920 workers are new residents to the County, it would represent a 2% increase in the projected growth in population between 2015 and 2050. The small increase in projected population is not expected to result in an increased demand for housing throughout the county. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to impacts related to housing and population is considered less than cumulatively considerable.

Public Services

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 sq.ft.	690	10.3	19,320
Cultivation, Outdoor (includes hoop house)	Acres*	2.00	345 acres	683	68.3	19,126
Seasonal Employees**	Employee	2.00	460 employees	460	460	12,880
Total:				**1,833**	**538.6**	**51,326**

Notes:

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

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

The most recent estimate of total vehicle miles travelled (VMT) for the County is from 2013 at which

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

~~However, t~~The mitigation measures included in Exhibit B would reduce the effects to a level below significance. As a result of this evaluation, there is no substantial evidence that, after mitigation, there are cumulative effects associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

c) In the evaluation of environmental impacts in this Initial Study, the potential for adverse direct or indirect impacts to human beings were considered in the response to certain questions in Sections 3. Air Quality, 6. Geology & Soils, 7. Hazards & Hazardous Materials, 8. Noise, 9. Population & Housing, 10. Public Services and Utilities, 12. Transportation & Circulation, 13. Wastewater, 14. Water & Hydrology, and 15. Land Use. Potential impacts related to air quality have been identified but would be mitigated to a level below significant. For the remaining issues, there is no substantial evidence that adverse effects to human beings are associated with this project. Therefore, the project has been determined not to meet this Mandatory Finding of Significance.

For further information on CEQA or the County's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Information", or the California Environmental Resources Evaluation System at: http://resources.ca.gov/ceqa/ for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

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

Contacted	Agency	Response
☒	County Public Works Department	**Attached**
☐	County Environmental Health Services	**Not Applicable**
☒	County Agricultural Commissioner's Office	**Attached**
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☒	Air Pollution Control District	**None**
☒	County Sheriff's Department	**None**
☒	Regional Water Quality Control Board	**None**
☐	CA Coastal Commission	**Not Applicable**
☒	CA Department of Fish and Wildlife	**Attached~~None~~**
☒	CA Department of Forestry (Cal Fire)	**None**
☐	CA Department of Transportation	**Not Applicable**
☐	Community Services District	**Not Applicable**
☒	Other Northern Chumash Tribal Council	**Attached**
☒	Other Building Division	**Attached**
☒	Other U.S. Fish and Wildlife	**None**
☒	Other City of Paso Robles	**None**
☒	Other California Department of Food and Agriculture	**Attached**

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

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

☒ Project File for the Subject Application

County documents

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

Other documents

- ☒ Clean Air Plan/APCD Handbook
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
- ☒ Archaeological Resources Map
- ☒ Area of Critical Concerns Map
- ☒ Special Biological Importance Map
- ☒ CA Natural Species Diversity Database
- ☒ Fire Hazard Severity Map
- ☒ Flood Hazard Maps
- ☒ ~~Nat Service~~NRCS Soil Survey for SLO County
- ☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)

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

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

Project-Specific Studies

- Althouse and Meade, Inc., Biological Resource Assessment, December 31, 2018
- Althouse and Meade, Inc., Response to CDFW Comment Letter for the County of San Luis Obispo and California Production Services, 1480 Penman Springs CUP, November 21, 2019
- Aqua Engineering, Well Test Report, August 2, 2016
- County of San Luis Obispo Public Health Laboratory, Water Quality Environmental Report, June 11, 2018
- Henderson, Paul CPEng, Water Demand Estimate for California Production Services, April 11, 2019
- Heritage Discoveries, Inc., An Archaeological Surface Survey at 1480 Penman Springs Road, April 15, 2018

Other County References

- CalEEMOD version 2016.3.2
- California Department of Conservation (CDOC). 2015.CGS Information Warehouse: Regulatory Maps http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps accessed November 2018
- California Department of Finance. 2018. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018 with 2010 Census Benchmark. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/ (accessed September 2018).
- San Luis Obispo County.1999.General Plan Safety Element. https://www.slocounty.ca.gov/getattachment/893b6c58-7550-4113-911c-3ef46d22b7c8/Safety-Element.aspx accessed November 2018
- San Luis Obispo Council of Governments, 2017, 2050 Regional Growth Forecast (RGF) for San Luis Obispo County
- San Luis Obispo Council of Governments, 2019 Regional Transportation Plan, Regional Traffic Model, Modeling and Technical Documentation, page 1-7. https://www.dropbox.com/s/vsrw4o9kqeu8snv/ TOTAL-APPENDICES.pdf?dl=0
- Resource Management System 2014-2016 Resource Summary Report 2014-2016 Resource Summary Report
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Exhibit B - Mitigation Summary

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, are responsible to verify compliance with these COAs.

Air Quality

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

i. Electrify equipment when possible;

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

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

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

~~**MM AQ-1: Standard Control Measures for Construction Equipment.** The following standard air quality mitigation measures shall be implemented during construction activities at the project site. The measures shall be shown on grading and building plans.~~

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

- ~~Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas, liquefied natural gas, propane or biodiesel.~~

Biological Resources

MM BIO-1: **Environmental Awareness Training**. An environmental awareness training shall be presented to all construction personnel by a qualified biologist prior to the start of project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur (e.g., shining navarretia, American badger, San Joaquin kit fox, and migratory birds), as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by any discretionary permits, an overview of the Endangered Species Act, implications of noncompliance with the Endangered species Act, and required avoidance and minimization measures.

MM BIO-2: **Spring Botanical Survey**. A qualified biologist shall complete a spring botanical survey prior to disturbance of any grassland habitat to determine if special-status plant species, including but not limited to, shining navarretia (*Navarretia nigelliformis subsp. radians*), are present within proposed works areas. The surveys shall be conducted in accordance with the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018b). Special status plant species shall be avoided whenever possible by delineation and observance of a no-disturbance buffer of at least 50 feet from the outer edge of the plant population or specific habitat types required by each special status plant species. If buffers cannot be maintained, consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to listed plant species. The survey results shall be included in a report submitted to the County Planning and Building Department prior to start of work. The survey should cover blooming periods for the special status species with potential to occur on the property (e.g. shining navarretia). Should special status plants be identified during spring surveys, the survey report shall include recommendations for avoidance, protection and/or mitigation.

MM BIO-3: **Preconstruction Survey for American Badger**. At least 2 weeks prior to initiation of construction or site disturbance activities, a County-qualified biologist shall conduct a survey for American badger dens within the impact footprint and surrounding accessible areas of the property. The biologist shall evaluate all dens found to determine whether or not they are active. In order to avoid potential impacts to adults and nursing young, no grading shall occur within 50 feet of an active badger den as determined by the County-approved biologist. Construction activities occurring between July 1 and February 28 shall comply with the following measures to avoid direct take of adult and weaned juvenile badgers through the forced abandonment of dens:

a. A County-approved biologist shall conduct a biological survey at least 2 weeks prior to the start of construction to identify any potential badger dens. The survey shall cover the entire area proposed for development, including roadways.
b. If dens are too long to see the end, a fiber optic scope (or other acceptable method such as using tracking medium for a consecutive 3-night period) shall be used to assess the presence of badgers.
c. Inactive dens shall be excavated by hand with a shovel to prevent badgers from re-using them during construction.
d. Currently active den entrances shall be partially blocked with sticks, debris, and soil for 3–5 days to discourage badgers from continuing to use them. Access to the den shall be incrementally blocked to a greater degree over this period. After badgers have stopped using previously active den(s) within the project disturbance site, the den(s) shall be excavated by hand with a shovel to prevent re-entry.

e. The County-approved biologist shall be present during the initial clearing and grading activity. If additional badger dens are found at this time, all work shall cease until the biologist completes the measures described above for inactive and active dens. Once all badger dens have been excavated, work may resume.

MM BIO-4 **San Joaquin Kit Fox – Permanent Protection Area**. the applicant shall submit evidence to the County Department of Planning and Building (County) (see contact information in BR-x) that satisfactorily demonstrates one or a combination of the following San Joaquin kit fox mitigation measure options has been implemented to offset the project's calculated compensatory impacts:

a. Habitat Set Aside. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of **8.1 acres** of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the CDFW and the County.

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

   This 'In-lieu fee' option can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation option to this kit fox habitat protection measure. The fee, payable to "The Nature Conservancy", would total $**20,250** based on $2500 per acre multiplied by Calculated Compensatory Area]. While this amount is currently based on the Calculated Compensatory Area multiplied by $2500 per acre, should the 'per acre' fee be different at the time of payment, the applicant shall pay based on the revised 'per acre' fee.

c. Conservation Bank Credit. Purchase **8.1** credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

   Currently, this 'Conservation Bank Credit' option can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation option to this kit fox habitat protection measure. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank, and would total $**20,250** based on $2500 per acre multiplied by Calculated Compensatory Area]. While this amount is currently based on the Calculated Compensatory Area multiplied by $2500 per acre, should the 'per acre' fee be different at the time of payment, the applicant shall pay based on the revised 'per acre' fee.

MM BIO-5 **San Joaquin Kit Fox (SJKF) – Pre-Construction Survey/field monitoring.** The applicant shall provide evidence to the County that they have retained a San Joaquin Kit Fox (SJKF) qualified biologist. The biologist shall perform the following activities:

a. Prior to any ground disturbance or on-site construction activities, and no less than 14 days and no more than ~~within~~ 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens. The biologists shall assess presence/absence of SJKF and/or dens by conducting surveys within 200 feet of the project area and shall follow the US Fish and Wildlife Service Standardized Recommendations for the Protection of the San Joaquin Kit Fox Prior to Or During Ground Disturbance (USFWS, 2011). All field recommendations shall be installed prior to any work beginning, and under the direction of the biologist. Applicant shall keep all field measures in good working order for the duration of the construction period. At a minimum, if kit fox burrows/dens are found, 'no construction' buffers/exclusion zones shall be established as follows:

- Potential kit fox den/burrow: 50 feet
- Known or active kit fox den: 100 feet
- Kit fox pupping den: 150 feet

All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of all exclusion zones. Should the above avoidance measures not be possible for the duration of construction, no work shall be allowed until the applicant has obtained the necessary permits/clearance from the CDFW and/or the U.S. Fish and Wildlife Service (USFWS), as applicable.

b. Once site disturbance begins (i.e. grading, disking, excavation, stock piling of dirt or gravel, staging of vehicles/ materials, etc.), the qualified biologist shall conduct 1) daily surveys if active dens were found during the pre-construction survey, or 2) if no dens found, weekly site visits, should such ground disturbing activities proceed longer than 14 days. Should this monitoring requirement be triggered, or if additional monitoring is recommended by the biologist, the biologist shall submit weekly monitoring reports to the County. During these visits, should the biologist identify the need for field corrections or remedial work, the applicant agrees to complete the actions needed to correct the situation in a timely fashion. If adequate avoidance or harassment cannot be avoided, work shall stop in the area until the applicant has obtained the necessary permits/ clearance from the CDFW and/or the USFWS, as applicable.

c. Project Construction conditions. The biologist shall provide oversight and review field conditions for compliance with mitigation measure B~~R-X~~IO-6 (Project Construction Conditions).

MM BIO-6 **San Joaquin Kit Fox – Project Construction Conditions.** The applicant shall adhere to the following measures to minimize potential impacts to the San Joaquin kit fox (SJKF) during the pre-construction and construction phase. All field measures shall be placed on applicable construction drawings. The applicant shall install and maintain all field measures to be kept in good working order prior to and/or during construction, as appropriate. The applicant shall remediate or correct any non compliance issue as quickly as is feasible.

a. Construction speed limit signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the potential for construction road vehicle mortality of the San Joaquin kit fox. Speed limit signs shall be installed near all construction entrances, and elsewhere on the project site, as necessary prior to initiation of site disturbance and/or construction, whichever occurs first.

b. During the site disturbance and/or construction phase, grading, maintenance and construction activities after dusk or before dawn shall be prohibited unless coordinated first through the County, where the applicant's biologist can adequately demonstrate that the activity will not result in any new or additional significant impacts to the SJKF.

c. Prior to any construction personnel working on-site, they shall have completed a worker educational training program about the SJKF; the training shall be conducted by a SJKF-qualified biologist; the intent of the program will be to avoid or reduce direct or indirect impacts on the San Joaquin kit fox. At a minimum, the training shall include the kit fox's life history, all mitigation measures specified by the County and good housekeeping construction practices to minimize conflicts, and what to do if the SJKF is observed on or near the construction site. The applicant shall notify the County shortly prior to the first meeting. A kit fox 'fact sheet' shall be developed prior to the training program, and distributed at the training program and to all contractors, employers and other personnel involved with the construction of the project.

d. During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. All excavations shall be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities in the immediate area resume, or removed from the trench or hole by a County-qualified biologist and allowed to escape unimpeded.

e. During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved until the SJKF has left on its own volition, or if determined by the biologist (and approved by the County) to not result in any new significant impact to the SJKF, be moved to a safe location where the kit fox can then escape unharmed.

f. During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of daily in closed containers only, and regularly removed from the site. Standing water from construction water sources shall be eliminated upon discovery. Food items or open water may attract kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed. Any pets brought to the work site shall always be kept under control (e.g., leashed, etc.).

g. Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

h. During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and the CDFW by telephone

(see 'Contact Information' mitigation measure). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s) to CDFW, USFWS and the County. Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to CDFW for care, analysis, or disposition.

i. Fencing. All permanent fencing shall first be reviewed and approved by the SJKF biologist for potential SJKF impacts and design. The biologist shall also review the extent and duration of temporary fencing for potential impacts. Where potential adverse impacts are identified to occur, design of such fencing shall be 'kit fox friendly' where it will not impede the passage of the kit fox. Such fencing shall consider the following elements:

1. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
2. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. All permanent, post-construction fencing shall follow the above guidelines, or other comparable measures/design approved by the County.

MM BIO-7 **Nesting Birds.** 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 1 through August 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~~ more than ten days 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. If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, a minimum no-disturbance buffer of 250 feet shall be maintained around active nests of non-listed bird species and a 500-foot no-disturbance buffer shall be maintained around active nests of non-listed raptors. These buffers shall remain in place until the breeding season has ended or until a qualified biologist has determined the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reasons to do so.

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.

MM BIO-8 **Best Management Practices.** Best Management Practices (e.g., straw wattles, Environmental Sensitive Area/exclusion fencing, gravel bags, silt fencing, etc.) shall be installed prior to the start of any cannabis-growing activities to avoid direct inadvertent impacts to the drainage on the eastern side of the project property. Best Management Practices shall be installed to avoid any indirect impacts to these drainages that may occur from erosion/sedimentation.

MM BIO-9 **Site Maintenance and General Operations.** The following measures are required to minimize impacts during active construction:

- The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing. No work shall occur outside these limits.
- Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.
- Staging of equipment and materials shall occur in designated areas at least 100 feet from the drainage feature.
- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
- Washing of concrete, paint, or equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.
- Construction equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present. above for inactive and active dens. Once all badger dens have been excavated, work may resume.

MM BIO-10 **Golden eagle pre-construction survey.** To the extent feasible, construction shall be timed to avoid the eagle breeding season (January 1 through August 31). However, if construction must take place during that time, a qualified biologist shall conduct surveys for golden eagle in accordance with the "USFWS Interim Golden Eagle Inventory and Monitoring Protocols"; and Other Recommendations" (USFWS, 2010). Surveys shall be conducted no later than 10 days prior to the start of construction activities to evaluate presence/absence of GOEA in proximity to Project activities and to evaluate potential Project-related impacts. If golden eagle are found during preconstruction surveys, a minimum ½ mile no-disturbance buffer shall be established around the construction area. Such buffer shall remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, ~~the~~r birds have fledged, and are no longer reliant upon parental care for survival. In the event golden eagle are detected during pre-construction surveys, consultation with CDFW is warranted to determine how to implement the project and avoid take.

MM BIO-11 **Tri-colored blackbird pre-construction survey**. To the extent feasible, construction shall be timed to avoid the typical bird breeding season (February 1 through September 15). However, if construction must take place during that time, a qualified biologist shall conduct surveys for nesting tri-colored blackbird no more than 10 days prior to the start of construction activities to evaluate presence/absence of tri-colored blackbird nesting

colonies in proximity to construction activities and to evaluate potential project-related impacts. If an active tri-color blackbird nesting colony is found during pre-construction surveys, a minimum 300 foot no-disturbance buffer shall be established in accordance with CDFW "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015" (2015). This buffer shall remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon parental care for survival. It is important to note that tri-color blackbird colonies can expand over time and for this reason, the colony should be re-assessed to determine the extent of the breeding colony within 10 days of the onset of construction activities.

MM BIO-12 **Pesticide Use.** The use of herbicides, rodenticides, pesticides and fertilizers shall be limited to those approved by the US Environmental Protection Agency and the California Department of Pesticide Regulation.

MM 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.]

~~i.~~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.

MM 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 $MTCO_2e$ 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:
   v. American Carbon Registry;
   vi. Climate Action Reserve;
   vii. Verified Carbon Standard.
   viii. 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.

MM 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).

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

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

(b) A program for achieving the water demand offset of 4.98 AFY as required by LUO Sections 22.40.050.D.5, 22.40.060.D.5, 22.94.025.F. and Building Ordinance Section 19.07.042 (4). The water demand offset for all cannabis-related activities shall be 2:1. Such a program may include, but is not limited to, the following:

(i)The permanent installation of water facilities and/or infrastructure to improve the efficient use of water on existing irrigated agricultural lands within the Basin. Such improvements shall be accompanied by an audit of existing agricultural

water demand prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of Planning and Building. Water efficiency improvements may include, but are not limited to, the following:

1. Drip irrigation;
2. Smart controllers. Irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapo-transpiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.
3. Installation of float valves on water tanks to prevent tanks from overflowing;
4. Converting from using overhead sprinklers to wind machines for frost protection [Note: The installation of wind machines shall be included in the project description for cannabis activities and subject to environmental review].;
5. Installation of rainwater catchment systems to reduce demand on groundwater [Note: The installation of rainwater catchment facilities shall be included in the project description for cannabis activities and subject to environmental review.].

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

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

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

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

Appendix A – Other Agency Approvals That May Be Required

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

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

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

Section 8102 – Annual State License Application Requirements

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

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

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

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

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

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

Section 8106 – Cultivation Plan Requirements

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

(3) A pest management plan.

Section 8108 -- Cannabis Waste Management Plans

Section 8216 – License Issuance in an Impacted Watershed

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

Section 8304 – General Environmental Protection Measures

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

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

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

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

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

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

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

Section 8305 – Renewable Energy Requirements

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

Section 8306 -- Generator Requirements

Section 8307 – Pesticide Use Requirements

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

Section 8308 – Cannabis Waste Management

Bureau of Cannabis Control

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

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

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

California Department of Fish and Wildlife (CDFW)

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

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

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

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

DATE: *Date: August 9, 2019*
Revised: January 16, 2020

DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM FOR CALIFORNIA PRODUCTION SERVICES CONDITIONAL USE PERMIT (DRC2019-00180)

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.

AIR QUALITY (AQ)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

i. Electrify equipment when possible;

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

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

AQ-3 **Developmental burning**. As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical

feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, contact the APDD at (805) 781-5912.

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

BIOLOGICAL RESOURCES (BIO)

BIO-1 Environmental Awareness Training. An environmental awareness training shall be presented to all construction personnel by a qualified biologist prior to the start of project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur (e.g., shining navarretia, American badger, San Joaquin kit fox, and migratory birds), as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by any discretionary permits, an overview of the Endangered Species Act, implications of noncompliance with the Endangered species Act, and required avoidance and minimization measures.

Monitoring: Prior to the onset of construction activities, construction plans shall be checked for inclusion of the general measures for site maintenance and general operations. Compliance will be verified by the County Department of Planning and Building prior to, and during construction.

BIO-2 Spring Botanical Survey. A qualified biologist shall complete a spring botanical survey prior to disturbance of any grassland habitat to determine if special-status plant species, including but not limited to, shining navarretia (*Navarretia nigelliformis subsp. radians*), are present within proposed works areas. The surveys shall be conducted in accordance with the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018b). Special status plant species shall be avoided whenever possible by delineation and observance of a no-disturbance buffer of at least 50 feet from the outer edge of the plant population or specific habitat types required by each special status plant species. If buffers cannot be maintained, consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to listed plant species. The survey results shall be included in a report submitted to the County Planning and Building Department prior to start of work. The survey should cover blooming periods for the special status species with potential to occur on the property (e.g. shining navarretia). Should special status plants be identified during spring surveys, the survey report shall include recommendations for avoidance, protection and/or mitigation.

BIO-3 Preconstruction Survey for American Badger. At least 2 weeks prior to initiation of construction or site disturbance activities, a County-qualified biologist shall conduct a survey for American badger dens within the impact footprint and surrounding accessible areas of the property. The biologist shall evaluate all dens found to determine whether or not they are active. In order to avoid potential impacts to adults and nursing young, no grading shall occur within 50 feet of an active badger den as determined by the County-approved biologist. Construction activities occurring between July 1 and February 28 shall comply with the following measures to avoid direct take of adult and weaned juvenile badgers through the forced abandonment of dens:

a. A County-approved biologist shall conduct a biological survey at least 2 weeks prior to the start of construction to identify any potential badger dens. The survey shall cover the entire area proposed for development, including roadways.

b. If dens are too long to see the end, a fiber optic scope (or other acceptable method such as using tracking medium for a consecutive 3-night period) shall be used to assess the presence of badgers.

c. Inactive dens shall be excavated by hand with a shovel to prevent badgers from re-using them during construction.

d. Currently active den entrances shall be partially blocked with sticks, debris, and soil for 3–5 days to discourage badgers from continuing to use them. Access to the den shall be incrementally blocked to a greater degree over this period. After badgers have stopped using previously active den(s) within the project disturbance site, the den(s) shall be excavated by hand with a shovel to prevent re-entry.

e. The County-approved biologist shall be present during the initial clearing and grading activity. If additional badger dens are found at this time, all work shall cease until the biologist completes the measures described above for inactive and active dens. Once all badger dens have been excavated, work may resume.

BIO-4 San Joaquin Kit Fox – Permanent Protection Area. the applicant shall submit evidence to the County Department of Planning and Building (County) (see contact information in BR-x) that satisfactorily demonstrates one or a combination of the following San Joaquin kit fox mitigation measure options has been implemented to offset the project's calculated compensatory impacts:

a. Habitat Set Aside. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of **8.1 acres** of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the CDFW and the County.

b. In-Lieu Fee. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor

area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

This 'In-lieu fee' option can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation option to this kit fox habitat protection measure. The fee, payable to "The Nature Conservancy", would total **$20,250** based on $2500 per acre multiplied by Calculated Compensatory Area]. While this amount is currently based on the Calculated Compensatory Area multiplied by $2500 per acre, should the 'per acre' fee be different at the time of payment, the applicant shall pay based on the revised 'per acre' fee.

c. Conservation Bank Credit. Purchase **8.1** credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Currently, this 'Conservation Bank Credit' option can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation option to this kit fox habitat protection measure. The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank, and would total **$20,250** based on $2500 per acre multiplied by Calculated Compensatory Area]. While this amount is currently based on the Calculated Compensatory Area multiplied by $2500 per acre, should the 'per acre' fee be different at the time of payment, the applicant shall pay based on the revised 'per acre' fee.

BIO-5 San Joaquin Kit Fox (SJKF) – Pre-Construction Survey/field monitoring. The applicant shall provide evidence to the County that they have retained a San Joaquin Kit Fox (SJKF) qualified biologist. The biologist shall perform the following activities:

a. Prior to any ground disturbance or on-site construction activities, and no less than 14 days and no more than 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens. The biologists shall assess presence/absence of SJKF and/or dens by conducting surveys within 200 feet of the project area and shall follow the US Fish and Wildlife Service Standardized Recommendations for the Protection of the San Joaquin Kit Fox Prior to Or During Ground Disturbance (USFWS, 2011). All field recommendations shall be installed prior to any work beginning, and under the direction of the biologist. Applicant shall keep all field measures in good working order for the duration of the construction period. At a minimum, if kit fox burrows/dens are found, 'no construction' buffers/exclusion zones shall be established as follows:

- Potential kit fox den/burrow: 50 feet
- Known or active kit fox den: 100 feet
- Kit fox pupping den: 150 feet

All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of all exclusion zones. Should the above avoidance measures not be possible for the duration of construction, no work shall be allowed until the applicant has obtained the necessary permits/clearance from the CDFW and/or the U.S. Fish and Wildlife Service (USFWS), as applicable.

b. Once site disturbance begins (i.e. grading, disking, excavation, stock piling of dirt or gravel, staging of vehicles/ materials, etc.), the qualified biologist shall conduct 1) daily surveys if active dens were found during the pre-construction survey, or 2) if no dens found, weekly site visits, should such ground disturbing activities proceed longer than 14 days. Should this monitoring requirement be triggered, or if additional monitoring is recommended by the biologist, the biologist shall submit weekly monitoring reports to the County. During these visits, should the biologist identify the need for field corrections or remedial work, the applicant agrees to complete the actions needed to correct the situation in a timely fashion. If adequate avoidance or harassment cannot be avoided, work shall stop in the area until the applicant has obtained the necessary permits/ clearance from the CDFW and/or the USFWS, as applicable.

c. Project Construction conditions. The biologist shall provide oversight and review field conditions for compliance with mitigation measure BIO-6 (Project Construction Conditions).

BIO-6 San Joaquin Kit Fox – Project Construction Conditions. The applicant shall adhere to the following measures to minimize potential impacts to the San Joaquin kit fox (SJKF) during the pre-construction and construction phase. All field measures shall be placed on applicable construction drawings. The applicant shall install and maintain all field measures to be kept in good working order prior to and/or during construction, as appropriate. The applicant shall remediate or correct any non compliance issue as quickly as is feasible.

a. Construction speed limit signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the potential for construction road vehicle mortality of the San Joaquin kit fox. Speed limit signs shall be installed near all construction entrances, and elsewhere on the project site, as necessary prior to initiation of site disturbance and/or construction, whichever occurs first.

b. During the site disturbance and/or construction phase, grading, maintenance and construction activities after dusk or before dawn shall be prohibited unless coordinated first through the County, where the applicant's biologist can adequately demonstrate that the activity will not result in any new or additional significant impacts to the SJKF.

c. Prior to any construction personnel working on-site, they shall have completed a worker educational training program about the SJKF; the training shall be conducted by a SJKF-qualified biologist; the intent of the program will be to avoid or reduce direct or indirect impacts on the San Joaquin kit fox. At a minimum, the

training shall include the kit fox's life history, all mitigation measures specified by the County and good housekeeping construction practices to minimize conflicts, and what to do if the SJKF is observed on or near the construction site. The applicant shall notify the County shortly prior to the first meeting. A kit fox 'fact sheet' shall be developed prior to the training program, and distributed at the training program and to all contractors, employers and other personnel involved with the construction of the project.

d. During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. All excavations shall be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities in the immediate area resume, or removed from the trench or hole by a County-qualified biologist and allowed to escape unimpeded.

e. During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved until the SJKF has left on its own volition, or if determined by the biologist (and approved by the County) to not result in any new significant impact to the SJKF, be moved to a safe location where the kit fox can then escape unharmed.

f. During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of daily in closed containers only, and regularly removed from the site. Standing water from construction water sources shall be eliminated upon discovery. Food items or open water may attract kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed. Any pets brought to the work site shall always be kept under control (e.g., leashed, etc.).

g. Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

h. During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and the CDFW by telephone (see 'Contact Information' mitigation measure). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s) to CDFW, USFWS and the County. Notification

shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to CDFW for care, analysis, or disposition.

i. Fencing. All permanent fencing shall first be reviewed and approved by the SJKF biologist for potential SJKF impacts and design. The biologist shall also review the extent and duration of temporary fencing for potential impacts. Where potential adverse impacts are identified to occur, design of such fencing shall be 'kit fox friendly' where it will not impede the passage of the kit fox. Such fencing shall consider the following elements:

1. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
2. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. All permanent, post-construction fencing shall follow the above guidelines, or other comparable measures/design approved by the County.

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BIO-7 Nesting Birds. 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 1 through August 31). If such activities cannot be avoided during this period, a County-approved qualified biologist shall conduct a preconstruction nesting bird survey no more than ten days 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. If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, a minimum no-disturbance buffer of 250 feet shall be maintained around active nests of non-listed bird species and a 500-foot no-disturbance buffer shall be maintained around active nests of non-listed raptors. These buffers shall remain in place until the breeding season has ended or until a qualified biologist has determined the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reasons to do so.
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-8 Best Management Practices. Best Management Practices (e.g., straw wattles, Environmental Sensitive Area/exclusion fencing, gravel bags, silt fencing, etc.) shall be installed prior to the start of any cannabis-growing activities to avoid direct inadvertent impacts to the drainage on the eastern side of the project property. Best Management Practices shall be installed to avoid any indirect impacts to these drainages that may occur from erosion/sedimentation.

BIO-9 Site Maintenance and General Operations. The following measures are required to minimize impacts during active construction:

- The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing. No work shall occur outside these limits.
- Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.
- Staging of equipment and materials shall occur in designated areas at least 100 feet from the drainage feature.
- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
- Washing of concrete, paint, or equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.
- Construction equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present. above for inactive and active dens. Once all badger dens have been excavated, work may resume.

BIO-10 Golden eagle pre-construction survey. To the extent feasible, construction shall be timed to avoid the eagle breeding season (January 1 through August 31). However, if construction must take place during that time, a qualified biologist shall conduct surveys for golden eagle in accordance with the "USFWS Interim Golden Eagle Inventory and Monitoring Protocols"; and Other Recommendations" (USFWS, 2010). Surveys shall be conducted no later than 10 days prior to the start of construction activities to evaluate presence/absence of GOEA in proximity to Project activities and to evaluate potential Project-related impacts. If golden eagle are found during preconstruction surveys, a minimum ½ mile no-disturbance buffer shall be established around the construction area. Such buffer shall remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon parental care for survival. In the event golden eagle are detected during pre-construction surveys, consultation with CDFW is warranted to determine how to implement the project and avoid take.

BIO-11 Tri-colored blackbird pre-construction survey. To the extent feasible, construction shall be timed to avoid the typical bird breeding season (February 1 through September 15). However, if construction must take place during that time, a qualified biologist shall conduct surveys for nesting tri-colored blackbird no more than

10 days prior to the start of construction activities to evaluate presence/absence of tri-colored blackbird nesting colonies in proximity to construction activities and to evaluate potential project-related impacts. If an active tri-color blackbird nesting colony is found during pre-construction surveys, a minimum 300 foot no-disturbance buffer shall be established in accordance with CDFW "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015" (2015). This buffer shall remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon parental care for survival. It is important to note that tri-color blackbird colonies can expand over time and for this reason, the colony should be re-assessed to determine the extent of the breeding colony within 10 days of the onset of construction activities.

BIO-12 Pesticide Use. The use of herbicides, rodenticides, pesticides and fertilizers shall be limited to those approved by the US Environmental Protection Agency and the California Department of Pesticide Regulation.

Monitoring: Required at time of application for construction permits and during construction. 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 $MTCO_2e$ 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 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.

WATER (W)

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

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

(b) A program for achieving a water demand offset of **3.54** AFY as required by LUO Sections 22.40.050.D.5, 22.40.060.D.5, and 22.94.025.F. and Building Ordinance Section 19.07.042 (4). Such a program may include, but is not limited to, the following:

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

1. Drip irrigation;
2. Smart controllers. Irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapo-transpiration rates) broadcast to the controller from the California Irrigation

Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.

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

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

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

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

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

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

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

August 9, 2019
Revised: January 10, 2020

Signature of Applicant	Name (Print)	Date
J. M	Justin Borba	January 17th, 2019

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: California Production Services/Choboian Conditional Use Permit; DRC2019-00180(Formerly Gutierrez MUP DRC2018-00103)

Lead Agency: County of San Luis Obispo | Contact Person: Eric Hughes
Mailing Address: 976 Osos Street, Room 300 | Phone: (805)781-1591
City: San Luis Obispo | Zip: 93408-2040 | County: San Luis Obispo

Project Location: County: San Luis Obispo | City/Nearest Community: City of Paso Robles
Cross Streets: Penman Springs Road/Union Road | Zip Code: 93446
Longitude/Latitude (degrees, minutes and seconds): 35 ° 37 ′ 30.828 ″ N / 120 ° 36 ′ 45.72 ″ W Total Acres: 20.13
Assessor's Parcel No.: 015-053-035 | Section: | Twp.: | Range: | Base:
Within 2 Miles: State Hwy #: Highway 46 | Waterways:
Airports: | Railways: | Schools:

Document Type:

CEQA: ☐ NOP ☐ Draft EIR | NEPA: ☐ NOI | Other: ☐ Joint Document
☐ Early Cons ☐ Supplement/Subsequent EIR | ☐ EA | ☐ Final Document
☐ Neg Dec (Prior SCH No.) | ☐ Draft EIS | ☐ Other:
☒ Mit Neg Dec Other: | ☐ FONSI

Local Action Type:

☐ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation
☐ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment
☐ General Plan Element ☐ Planned Unit Development ☒ Use Permit ☐ Coastal Permit
☐ Community Plan ☐ Site Plan ☐ Land Division (Subdivision, etc.) ☐ Other:

Development Type:

☐ Residential: Units Acres
☐ Office: Sq.ft. Acres Employees
☐ Commercial: Sq.ft. Acres Employees
☐ Industrial: Sq.ft. Acres Employees
☐ Educational:
☐ Recreational:
☐ Water Facilities: Type MGD
☐ Transportation: Type
☐ Mining: Mineral
☐ Power: Type MW
☐ Waste Treatment: Type MGD
☐ Hazardous Waste: Type
☒ Other: Cannabis Activities

Project Issues Discussed in Document:

☐ Aesthetic/Visual ☐ Fiscal ☐ Recreation/Parks ☐ Vegetation
☐ Agricultural Land ☐ Flood Plain/Flooding ☐ Schools/Universities ☐ Water Quality
☒ Air Quality ☐ Forest Land/Fire Hazard ☐ Septic Systems ☒ Water Supply/Groundwater
☐ Archeological/Historical ☐ Geologic/Seismic ☐ Sewer Capacity ☐ Wetland/Riparian
☒ Biological Resources ☐ Minerals ☐ Soil Erosion/Compaction/Grading ☐ Growth Inducement
☐ Coastal Zone ☐ Noise ☐ Solid Waste ☐ Land Use
☐ Drainage/Absorption ☐ Population/Housing Balance ☐ Toxic/Hazardous ☐ Cumulative Effects
☐ Economic/Jobs ☒ Public Services/Facilities ☐ Traffic/Circulation ☐ Other:

Present Land Use/Zoning/General Plan Designation:

Agriculture

Project Description: *(please use a separate page if necessary)*

See Attached.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "**X**".
If you have already sent your document to the agency please denote that with an "**S**".

_____	Air Resources Board	_____	Office of Historic Preservation
_____	Boating & Waterways, Department of	_____	Office of Public School Construction
_____	California Emergency Management Agency	_____	Parks & Recreation, Department of
_____	California Highway Patrol	_____	Pesticide Regulation, Department of
_____	Caltrans District # _____	_____	Public Utilities Commission
_____	Caltrans Division of Aeronautics	X	Regional WQCB # 3
_____	Caltrans Planning	_____	Resources Agency
_____	Central Valley Flood Protection Board	_____	Resources Recycling and Recovery, Department of
_____	Coachella Valley Mtns. Conservancy	_____	S.F. Bay Conservation & Development Comm.
_____	Coastal Commission	_____	San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
_____	Colorado River Board	_____	San Joaquin River Conservancy
_____	Conservation, Department of	_____	Santa Monica Mtns. Conservancy
_____	Corrections, Department of	_____	State Lands Commission
_____	Delta Protection Commission	_____	SWRCB: Clean Water Grants
_____	Education, Department of	_____	SWRCB: Water Quality
_____	Energy Commission	_____	SWRCB: Water Rights
X	Fish & Game Region # 4	_____	Tahoe Regional Planning Agency
X	Food & Agriculture, Department of	_____	Toxic Substances Control, Department of
X	Forestry and Fire Protection, Department of	_____	Water Resources, Department of
_____	General Services, Department of		
_____	Health Services, Department of	_____	Other: _____
_____	Housing & Community Development	_____	Other: _____
_____	Native American Heritage Commission		

Local Public Review Period (to be filled in by lead agency)

Starting Date January 23, 2020 Ending Date February 22, 2020

Lead Agency (Complete if applicable):

Consulting Firm: _____
Address: _____
City/State/Zip: _____
Contact: _____
Phone: _____

Applicant: California Production Services
Address: 1480 Penman Springs Road
City/State/Zip: Paso Robles, CA 93446
Phone: 805-440-8329

Signature of Lead Agency Representative: _____ **Date:** 1/22/2020

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Print From

Summary Form for Electronic Document Submittal

Form F

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH #: 2019099030

Project Title: DRC2019-00180 California Production Services, Conditional Use Permit (ED19-131)

Lead Agency: San Luis Obispo County Planning and Building Departmenr

Contact Name: Eric Hughes

Email: ehughes@co.slo.ca.us Phone Number: 805-781-1591

Project Location: Paso Robles (*City*) San Luis Obispo (*County*)

Project Description (Proposed actions, location, and/or consequences).

The proposed project is a request by California Production Services for a Conditional Use Permit DRC2019-00180 (Formerly Guitierrez MUP DRC2018-00103) for up to 22,000 square feet of indoor cannabis cultivation and up to two acres of outdoor cannabis cultivation. Project development would result in a 2.7 acre area of disturbance and will include eight greenhouses totaling 22,000 square feet, 87,120 total square feet of hoop structures, and a 3,000-square foot steel building for processing activities ancillary to cannabis cultivation (drying, trimming, packaging, and labeling). The project would employ up to four people and would operate seven days per week between the hours of 6:00 AM and 3:30 PM. The project site is located in the Agriculture land use category on a 20.13-acre property at 1480 Penman Springs Road in the El Pomar-Estrella Sub Area of the North County Planning Area .

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

Potentially Significant Impact	Recommended Mitigation Measures
Air Quality	*Implement measures to reduce fugitive dust an emissions associated with construction per the Air Pollution Control District requirements
Biological Resources	*Site maintenance during construction; Pre-construction surveys for listed plants; Pre-construction surveys for listed wildlife; worker awareness training; habitat preservation through in-lieu fees or land conservation measures.
Energy/Greenhouse Gas Emissions	*Prepare Energy Conservation Plan to reduce/offset energy demand and GHG emissions.
Water	*Offset water use with water saving measures such as retrofits or approved water conservation program

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

Project consists of cannabis cultivation activities. General public concern over odors.

Provide a list of the responsible or trustee agencies for the project.

California Department of Food and Agriculture
Regional Water Quality Control Board
California Department of Fish and Wildlife

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 19-131 **DATE:** January 23, 2020

PROJECT/ENTITLEMENT: California Production Services Conditional Use Permit;DRC2019-00180

APPLICANT NAME: California Production Services
Email: justin_borba@yahoo.com
ADDRESS: 1480 Penman Springs, Paso Robles, CA 93446
CONTACT PERSON: Kerry Hartwig **Telephone:** 805-668-2366

PROPOSED USES/INTENT: A hearing request from **California Production Services** for a Conditional Use Permit DRC2019-00180 (Formerly Guitierrez MUP DRC2018-00103) for up to 22,000 square feet of indoor cannabis cultivation and up to two acres of outdoor cannabis cultivation. Project development would result in a 2.7 acre area of disturbance and will include eight greenhouses totaling 22,000 square feet, 87,120 total square feet of hoop structures, and a 3,000-square foot steel building for processing activities ancillary to cannabis cultivation (drying, trimming, packaging, and labeling). The project would employ up to four people and would operate seven days per week between the hours of 6:00 AM and 3:30 PM. A modification from the parking provisions set forth in Section 22.18.050.C.1 of the County LUO is requested; a modification from the setback standards set forth in Section 22.40.050.D.3.b of the County's LUO is requested to reduce the setback from 300 feet to 100 feet from the north, south and east property lines.

LOCATION: The project is located at 1480 Penman Springs Road in the El Pomar-Estrella Sub Area of the North County Planning Area.

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: California Department of Fish and Wildlife ,California Department of Food and Agriculture, Regional Water Quality Control Board

ADDITIONAL INFORMATION: Additional information pertaining to this Environmental Determination may be obtained by contacting the above Lead Agency address or (805)781-5600.
COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT .....4:30 p.m. (2 wks from above DATE)

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

Notice of Determination

State Clearinghouse No._____

This is to advise that the San Luis Obispo County Planning Department Hearing Officer 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.

Signature	Project Manager Name	Date	Public Agency
	Eric Hughes (ehughes@co.slo.ca.us)		County of San Luis Obispo

TECHNICAL MEMORANDUM

To:	Management **California Production Services, LLC.** 1480 Penman Springs Rd Paso Robles, 93446 California	Date:	04/11/2019
From:	Paul Henderson, CPEng	Ref:	
Subject:	**Water Demand Estimate for California Production Services**		

1. Results Summary

The proposed cannabis cultivation at the 1480 Penman Spring Road property has the following estimated water volumes:

- Proposed annual water usage of 811,952 gal/year (2.49 acre.feet/year), for irrigation
- Previous annual water usage of 238,554 (0.73 acre.feet/year), which is considered as the water offset.

2. Background

Paul Henderson, Environmental Engineer, has been requested by California Production Services to provide a water demand estimate for the proposed cannabis cultivation at the 1480 Penman Springs Rd Property, located within San Luis Obispo County (the County). California Production Services has requested this water demand estimate to satisfy the requirements of the County Cannabis Land Use *Ordinance No. 3358*.

The proposed project is within the Paso Robles Groundwater Basin (PRGWB), a Level of Severity (LOS) III basin. The County requires:

a. An estimate of existing total water demand prior to cannabis-related activities onsite;

b. An estimate of total water demand of the proposed project;

c. A detailed description of how the new water demand would be offset; and

d. An assessment of the proposed water source's ability to support the proposed project.

Listed below are the general specifications of the proposed cultivation, which relate to this water demand estimate:

1. Total canopy area of Greenhouse: 20,691 sf
2. Total canopy area of Hoophouse: 82,764 sf
3. Water supply: one (1) well
4. Irrigation type: Drip/micro (pressure sensitive drip tape)

3. Previous Total Water Demand

The previous use of the site was for housing. The following details have been provided:

- A ‘single wide’ house was removed, and a studio apartment was removed. For the purpose of this estimate the following have been considered:
    - The ‘single wide’ can house 3 people (2 adults and a child)
    - The studio can house 2 adults
    - Totaling 5 people
- Irrigation of approximately 20 trees, which are now established, no longer requiring irrigation.

Table 1 provides the estimated water demand for the previous uses of the property.

Table 1 – Previous Annual Use Water Demand Estimate

Description	No. of Units	gal/unit/day	gal/day average	gal/month	gal/year	Source
Residential use (5 people)	5	85.0	425	12,927	155,125	1
Tree irrigation	20	11.4	229	6,952	83,429	2
Total			**654**	**19,879**	**238,554**	
1 acre.feet = 3.069E-06 gal				**Total =**	**0.73 acre.ft**	

***Sources from* Table 1**

1. https://lao.ca.gov/Publications/Report/3611

   (85 gal/person/day)

2. https://www.mrt.com/lifestyles/article/Formula-calculates-how-much-water-each-tree-needs-7432435.php

   (40 gal twice per week per tree)

4. Estimate of the Total Water Demand of the Project

4.1 Cultivation Operations

California Production Services proposes to cultivate their space over three (3) growing cycles per year, which will consist of:

- Three (3) growing periods of 108 days
- Three (3) harvest and planting (non-growing) periods of 14 days

The cultivation operation will be staggered i.e. different areas of the cultivation will be at different stages in the growth cycle. For this reason it is expected that at any point in time plants at all growth stages will require irrigation (from newly planted to ready for harvest), hence the average irrigation rate is used for the entire cultivation at any point in time. For the purpose of this water demand estimate a conservative weighted average has been selected, noting the mass of a plant and the water demand over the lifecycle may not follow a linear pattern and the exact areas (sf) of plants at the various growth phases cannot be know, and will depend on the operation of the cultivation. For the purposes of a conservative water demand estimate a weighted annual average of 0.75 of the Cal Poly ET_0. The water demand rates used are provided in Table 2.

Figure 1 shows, for a given square foot (sf) of hoophouse cultivation over a 12 month period, the irrigation rate gradually increases through each 108 day growth cycle, then the irrigation ceases during the 14 day harvest, then new plants are planted, and so on. Rates shown as the blue daily use bars in Figure 1 are discussed in Section 4.2.

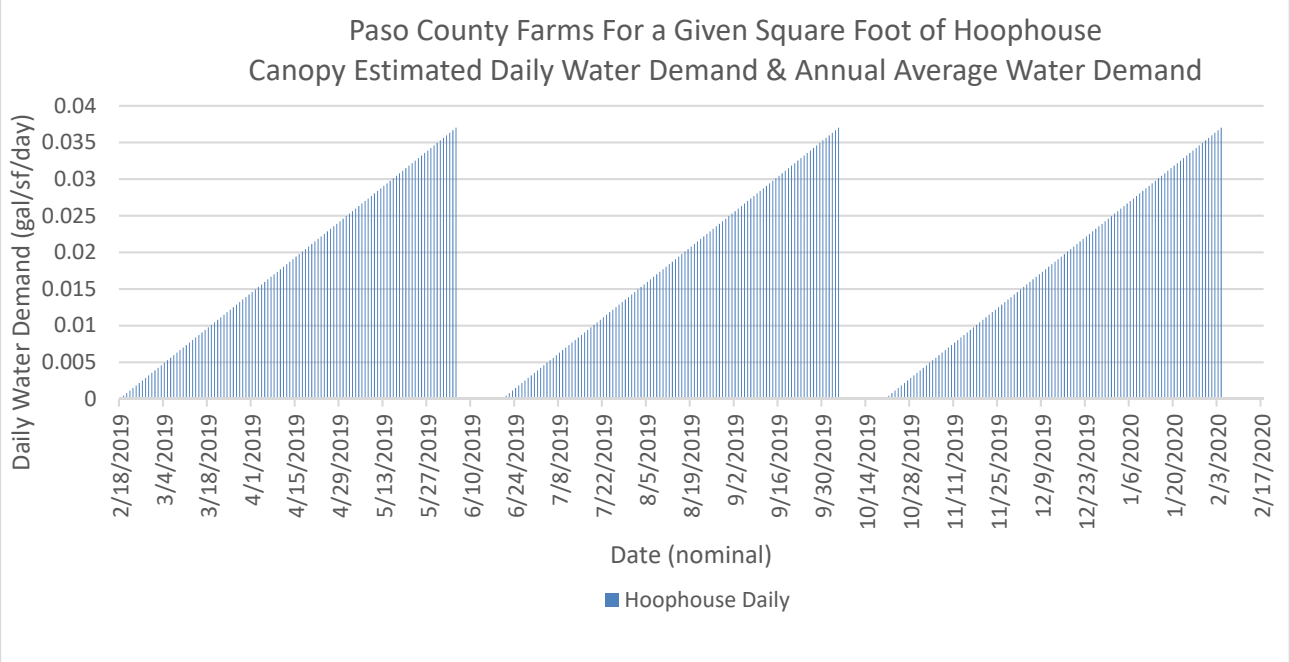

Figure 1 - Annualized Water Demand for a Given Square Foot of Hoophouse Canopy

No water use for facilities is required. California Production Services have advised when labor hire is used portable water for drinking, cleaning and toilets will be brought from outside sources.

4.2 Water Demand Rates

Due to the legal cannabis cultivation industry in California being in its infancy a consensus on cannabis cultivation water demand rates has not been reached in the industry. However, specific site knowledge of California Production Services' operators and generally accepted rates from neighboring Counties and other sources provide sufficient reference rates for the purpose of this water demand estimate. In the case of this water demand estimate the evapotranspiration (ET) rates provided by the Cal Poly BioResource and Agricultural Engineering (BRAE) Department have been utilized (Cal Poly 2019).

The monthly ET rates utilized are derived from an average rate of similar plants (Tomatoes and Peppers, Flowers, Nursery and Christmas Tree). Attachment 2 provides the monthly Cal Poly ET rates for outdoor growing in the Paso Robles region, which lies within Zone 6 of the Cal Poly data, and is shown on the map provided in Attachment 2. The average ET rate from similar plants has been utilized as the reference crop (ET_0) i.e. the outdoor full grown plant values shown in the second column of Table 2.

The rates have been factored down to account for the ET in greenhouses and hoophouses being lower compared to outdoor growing, potentially reducing ET by averages of between 45% or more (Czyzyk, et al. 2014). Sources for the factored down ET rates are provided in Table 2. Detailed daily estimates are provided in Attachment 1.

For this water demand estimate the following ET reductions have been adopted compared to outdoor ET, and applied to the Cal Poly ET rates:

- Greenhouse 30% reduction, or multiply by 0.7
- Hoophouse 40% reduction, or multiply by 0.6

Table 2 - Water Demand Rates

	Outdoor Full Grown Plant (Cal Poly ET_0)	Hoophouse		Greenhouse		Combined
		R-factor	0.7	R-factor	0.6	
		A-factor	0.75	A-factor	0.75	
		multiplier	0.53	multiplier	0.45	
Month	gal/sf/month	gal/sf/month	gal/month	gal/sf/month	gal/month	**gal/month**
January	1.01	0.53	44,016	0.24	4,952	**48,967**
February	0.46	0.24	19,773	0.11	2,224	**21,998**
March	0.32	0.17	13,814	0.08	1,554	**15,368**
April	0.54	0.28	23,430	0.13	2,636	**26,066**
May	1.72	0.90	74,623	0.41	8,395	**83,018**
June	3.35	1.76	145,590	0.79	16,379	**161,969**
July	3.41	1.79	148,028	0.80	16,653	**164,681**
August	1.92	1.01	83,291	0.45	9,370	**92,661**
September	1.62	0.85	70,425	0.38	7,923	**78,348**
October	0.91	0.48	39,682	0.22	4,464	**44,146**
November	0.71	0.37	30,879	0.17	3,474	**34,352**
December	0.84	0.44	36,296	0.20	4,083	**40,379**
Total	16.80	8.82	729,846	3.97	82,106	**811,952**
				acre.feet =	3.0689E-06	2.492
Notes:						
R-factor = Reduction factor used to convert Cal Poly ET_0 for outdoor grown reference crop to indoor growing						
A-factor = Annualized average factor used to allow for crops at different growth stages throughout						
the cultivation i.e. some plants fully grown and some plants just planted.						
Multiplier = product of R-factor & A-factor						

The monthly fluctuation of estimated water demand, based on the Cal Poly ET rates, is depicted in Figure 2. As would be expected, the water demand is significantly higher in the summer months than the winter months.

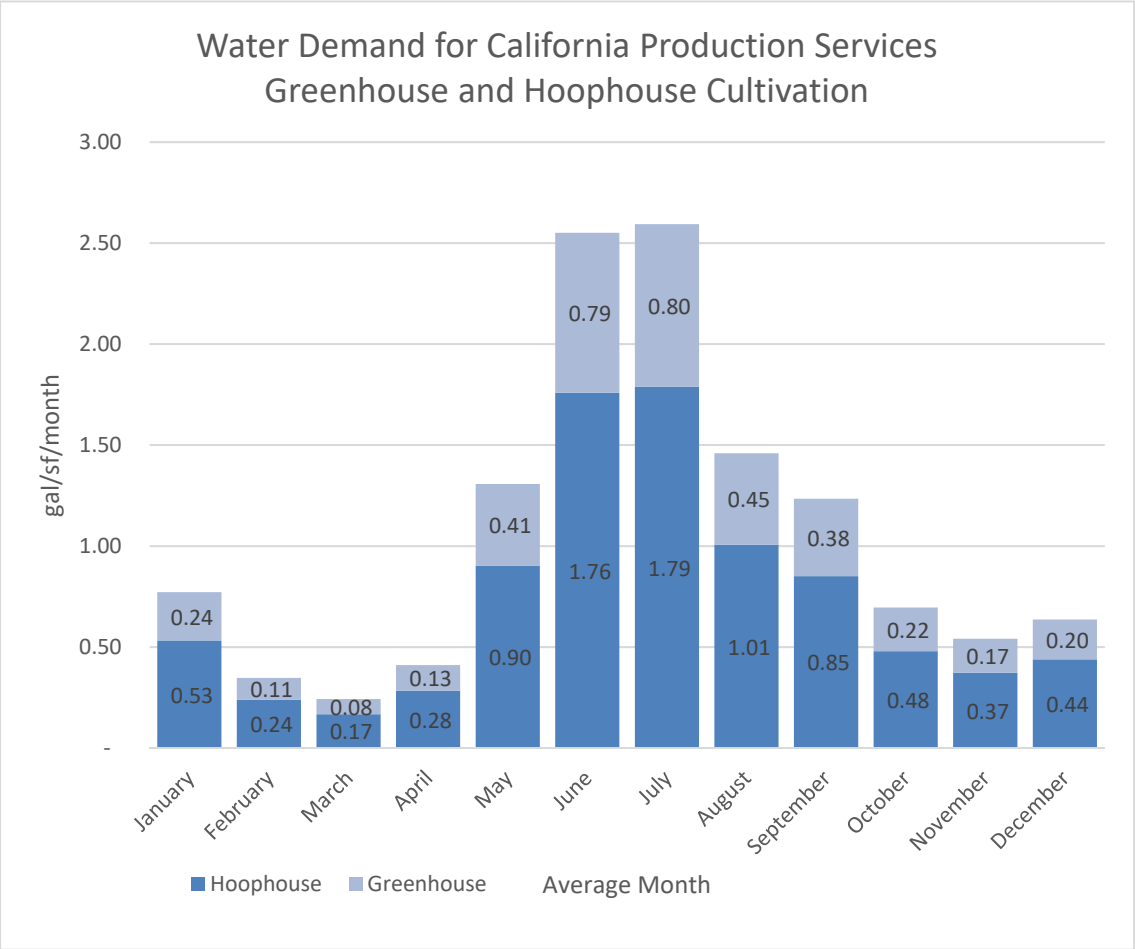

Figure 2 - California Production Services Estimated Monthly Water Demand

5. Description of Water Offset

Pursuant to County *Ordinance No. 3358* Cannabis cultivation and nursery sites located in the Paso Robles Groundwater Basin (PRGWB) must offset their projected water use at a 1:1 ratio, and offsets can be achieved in the PRGWB by:

- Retrofitting plumbing fixtures (toilets, showerheads, clothes washers, and faucet aerators) within the same groundwater basin;
- Removing existing crops on-site; and/or
- Paying a one-time water offset fee.

In this instance California Production Services have elected to pay a one-time water offset fee, giving consideration to ceasing the previous use provided in Section 3 i.e. no longer irrigating trees and removing residential buildings.

6. Ability of Water Source to Support the Project

6.1 Well Information

The proposed cultivation water will be supplied by the property's existing well, which will be the only water source used for the cannabis cultivation. The well tested, completed by Aqua Engineering on 08/02/2016, shows the well has the ability to supply 25 gal/minute, which equates to 36,000 gal/day.

Noting the peak estimated water demand of 164,681 gal for the month of July (31 days) the estimated peak daily rate is 5,312 gal/day, less than 1/10th of the potential supply by the well. The Aqua Engineering well test report is provided in Attachment 3.

6.2 Water Storage Information

Water tanks will be centrally located to the cultivation. Water will be stored in 5 x 5,000-gallon water tanks and be used in the irrigation process, as well as used for back up water storage. If more tanks are required up to 5 more 5,000-gallon water tanks will be added to the site. As per CalFire regulations, a 10,000-gallon steel water tank will be accessible to CalFire, and is located on the hillside above the cultivation. Table 3 summarizes the water storage volume for the project.

Table 3 - Water Storage Volumes

Water Storage	Volume (gal)	Number	Total Volume (gal)
Irrigation Water Storage Tanks	5,000	5	25,000
Steel Fire Fighting Water Tank	10,000	1	10,000
		Total	**35,000**

7. Credentials of Water Demand Estimator

It is understood the County requires the credentials of individuals or organizations providing the water demand estimate. Because Paul Henderson is currently working through his PE in California a more extensive description of credentials is provided below.

Paul Henderson, CPEng can be contacted by:
Email p.b.henderson@hotmail.com
Phone (805) 468-9927

7.1 Professional Certifications and Accreditations

Paul Henderson is a Registered and Chartered Professional Engineer CPEng (Civil and Environmental) in Australia and a Certified Construction Manager in the USA. Paul in in progress of attaining his California PE in Civil Engineering.

- Registered Professional Engineer Queensland, RPEQ (Civil and Environmental), Australia
    - Registration No. 15423
- Chartered Professional Engineer, CPEng (Civil and Environmental), Australia
    - Registration No. 3831969
- Certified Construction Manager, CCM, United States of America

7.2 Education

Paul Henderson holds bachelors degrees, recognized under the Washington Accord, for Environmental Engineering and Environmental Engineering Technology. A link to the Washington Accord has been provided below.
http://www.ieagreements.org/accords/washington/signatories/
Paul Henderson's tertiary education includes:

- BEng (Env) (Honors) - Bachelor of Engineering, Environmental, Australia
- BTech (Env) - Bachelor of Engineering Technology, Environmental, Australia
- Diploma of Civil Engineering, Otago Polytechnic, New Zealand

7.3 Relevant Experience

Paul has many years of experience in hydrologic and hydraulic modeling, including complex water demand analysis and water balance modeling for the mining industry, civil engineering projects and public works infrastructure.

Paul's practical experience in agricultural based employment includes managing and operating irrigation systems. Paul's environmental engineering degrees include significant agricultural engineering portions, in particular water demand analysis and irrigation efficiency for cropping.

8. Bibliography

Cal Poly. 2019. *Irrigation Evaluation Data.* March 26. http://www.itrc.org/etdata/index.html.

California Water Boards. 2019. *Fact Sheet: December 2018 Statewide Conservation Data.* California Water Boards. https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/docs/2019feb/fs020519.pdf.

CSCPD. 2017. *Environmental Impact Report (EIR) for the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program (DRAFT).* Santa Cruz: County of Santa Cruz Planning Department. http://www.sccoplanning.com/Portals/2/County/Planning/env/Cannabis_EIR/Individual%20EIR%20Sections%20PDF%20Files/3.9_Hydro_CannabisEIR_Draft.pdf.

Czyzyk, Kelsey, Shayne Bement, William Dawson, and Khanjan Mehta. 2014. *Quantifying Water Savings with Greenhouse Farming.* University Park, PA: College of Engineering, The Pennsylvania State University.

Attachment 1 – Calculation Data

Hoophouse Area	2	acres	acres
	82,764	sf	sf
Greenhouse Tot	0.3	acres	acres
	20,691	sf	sf
Total Canopy	103,455		sf

From Paso County Farms - Canop Coverage (Table 6 in Response toMinor Use Permit Hold Letter)			
Phase	Areas of Coverage	SF of Canopy	SF of Cultivation
1	Hoophouse Outdoor Cultivation + Greenhouses D,E,F	90,972	95,760
2	Greenhouses A,B,C,G,H	12,483	13,140
1+2	All grow areas	103,455	108,900

TABLE 1 - PROJECT PHASES AND DEVELOPMENT AREAS

PHASE ONE	AREA (sf)
Greenhouse D,E,F	8,640
Hoophouse Cultivation	87,120 = 2.0 acres
Drying Room	160
Packaging Room	160
Parking / Deliveries	6,480
TOTAL	102,560
PHASE TWO	**AREA (sf)**
Greenhouse A,B,C,G,H	13,140 = 0.3 acres
Drying Room (replaces Phase 1 Drying)	1500
Packaging Room (replaces Phase 1 Packaging)	1500
TOTAL	16,140

0.9500
0.9500

		Outdoor Full Grown Plant (Cal Poly ET_0)	Averaged Outdoor Grown Plant	Hoophouse R-factor 0.7 A-factor 0.75		Greenhouse R-factor 0.6 A-factor 0.75		Combined	
				multiplier	0.53	multiplier	0.45		
days	Month	gal/sf/month	gal/sf/month	gal/sf/month	gal/month	gal/sf/month	gal/month	gal/month	
31	January	1.01	0.51	0.53	44,016	0.24	4,952	**48,967**	
28	February	0.46	0.23	0.24	19,773	0.11	2,224	**21,998**	
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Notes: R-factor = Reduction factor used to convert Cal Poly ET_0 for outdoor grown reference crop to indoor growing

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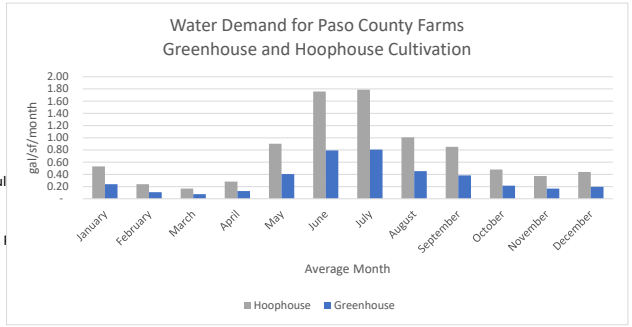
Multiplier = product of R-factor & A-factor



Note 1:

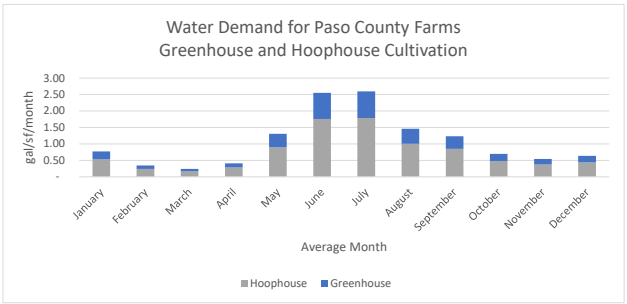
Evapotranspiration rates shown for outdoor grown plants are used as the reference crop for the purpose of estimating, based on the Cal

References for evapotranspiration comparison outdoor and greenhouse

https://ieeexplore.ieee.org/stamp/stamp.jsp?arnumber=6970300

https://www.sciencedirect.com/science/article/pii/S1674237015300120

Water Storage	Volume (gal)	Number	Total Volume (gal)
Irrigation Water Storage Tanks	5000	5	25000
Steel Fire Fighting Water Tank	10000	1	10000
		Total	35000



Attachment 2 – Cal Poly Evapotranspiration Rates

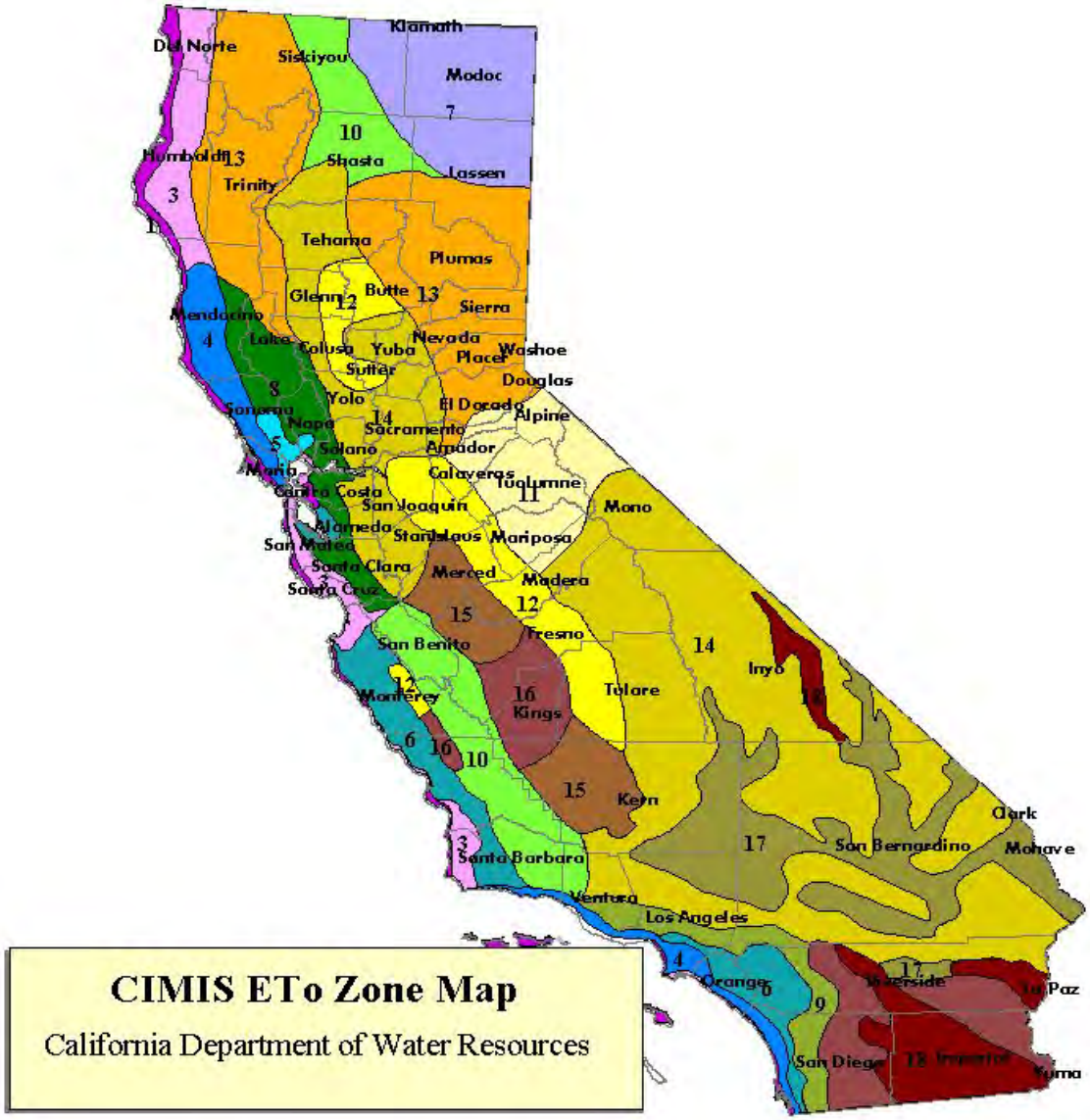
Data from: http://www.itrc.org/etdata/index.html

ETc Table for Irrigation Scheduling and Design - (As modified by DGE for purpose of cannabis cultivation irrigation estimates)
Zone 6 Monthly Evapotranspiration
Drip/Micro Irrigation Typical Year
IRRIGATION TRAINING AND RESEARCH CENTER, California Polytechnic State University, San Luis Obispo
Table does not include adjustments for bare spots and reduced vigor

Convert inches to gal/sf
1"/sf = 0.0833333 cf
0.6233766 gal

		1997 (Typical Year)												
	Month	January inches	February inches	March inches	April inches	May inches	June inches	July inches	August inches	September inches	October inches	November inches	December inches	Annual inches
	No. of days in month	31	28	31	30	31	30	31	31	30	31	30	31	
	Precipitation	7	0.41	0.07	0.15	0.09	0.02	0.01	0.21	0.61	0.11	3.57	3.39	15.65
	Grass Reference ETo	1.45	2.6	3.98	5.54	6.89	6.49	6.11	6.01	5.13	3.75	1.79	1.73	51.46
	Monthly Cannabis ET Rate (average of "x" rov	1.625	0.73	0.51	0.865	2.755	5.375	5.465	3.075	2.6	1.465	1.14	1.34	26.935
	Monthly Cannabis gal/sf	1.01299	0.455065	0.3179	0.5392	1.7174	3.3506	3.4068	1.9169	1.6207792	0.9132	0.7106494	0.8353247	
	Daily Cannabis ET Rate (average of "x" rows	0.03268	0.016252	0.0103	0.018	0.0554	0.1117	0.1099	0.0618	0.054026	0.0295	0.0236883	0.026946	
[a]	[b]	[c]	[d]	[c]	[d]	[e]	[f]	[g]	[h]	[i]	[j]	[k]	[l]	[m]
	Apple, Pear, Cherry, Plum and Prune	1.6	0.74	0.45	1.14	3.07	4.88	5.22	5.27	4.64	2.7	1.08	1.33	32.14
	Apples, Plums, Cherries etc w/covercrop	1.65	2.78	3.28	4.42	5.57	5.51	5.22	5.32	4.74	3.16	1.74	2	45.39
	Peach, Nectarine and Apricots	1.6	0.74	0.57	1.4	3.1	4.68	4.94	4.95	4.45	2.6	1.08	1.33	31.42
	Immature Peaches, Nectarines, etc	1.61	0.73	0.35	0.78	1.66	2.45	2.67	2.75	2.66	1.49	1.09	1.34	19.58
	Almonds	1.6	0.74	0.57	1.84	4.66	5.2	4.97	5	4.57	2.83	1.55	1.33	34.85
	Almonds w/covercrop	1.65	2.41	2.65	3.87	6.1	6.25	5.85	5.87	5.25	3.3	1.6	1.93	46.72
	Immature Almonds	1.61	0.73	0.35	0.99	2.51	2.86	2.62	2.79	2.71	1.7	1.36	1.34	21.56
	Walnuts	1.59	0.74	0.32	1.27	2.65	4.42	5.81	5.87	5.05	2.94	1.5	1.33	33.49
	Pistachio	1.6	0.74	0.13	1.13	2.13	4.18	5.81	6.12	5.37	3.14	1.6	1.33	33.25
	Pistachio w/ covercrop	1.65	2.41	2.41	3.59	4.58	5.43	5.91	6.17	5.44	3.58	1.69	1.93	44.79
	Immature Pistachio	1.61	0.73	0.13	0.65	1.14	2.4	3.22	3.64	3.39	1.84	1.35	1.34	21.43
	Misc. Deciduous	1.6	0.74	0.13	0.89	1.88	3.84	5.02	5.09	4.59	2.81	1.16	1.33	29.06
	Cotton	1.65	0.72	0.64	0.43	1.59	5.2	6.37	6.21	2.92	0.15	1.12	1.35	28.36
	Misc. field crops	1.65	0.72	1.19	1.39	2.42	6.08	5.86	2.34	0.61	0.12	1.12	1.35	24.85
	Small Vegetables	1.68	2.33	3.97	2.75	3.69	5.86	1.24	0.25	0.61	0.12	1.14	1.57	25.21
x	Tomatoes and Peppers	1.65	0.72	0.89	0.84	3.63	6.91	5.91	1.06	0.61	0.12	1.12	1.35	24.81
	Potatoes, Sugar beets, Turnip etc..	1.66	1.09	2.09	5.84	7.63	7.15	5.88	0.31	0.61	0.12	1.12	1.35	34.85
	Melons, Squash, and Cucumbers	1.65	0.72	0.13	0.16	0.86	0.73	3.29	4.63	1.97	0.12	1.12	1.35	16.75
	Onions and Garlic	1.68	2.24	3.51	4.94	4.49	0.68	0.01	0.22	0.61	0.12	1.75	1.55	21.79
	Strawberries	1.65	0.72	1.19	1.39	2.42	6.08	5.86	2.34	0.61	0.12	1.12	1.35	24.85
x	Flowers, Nursery and Christmas Tree	1.6	0.74	0.13	0.89	1.88	3.84	5.02	5.09	4.59	2.81	1.16	1.33	29.06
	Citrus (no ground cover)	1.65	2.54	2.88	3.61	4.21	3.77	3.56	3.68	3.55	2.35	1.59	1.92	35.31
	Immature Citrus	1.65	1.58	1.39	1.97	2.15	1.9	1.79	2.01	2.09	1.23	1.36	1.7	20.82
	Avocado	1.6	0.74	0.13	0.89	1.88	3.84	5.02	5.09	4.59	2.81	1.16	1.33	29.06
	Misc Subtropical	1.6	0.74	0.13	0.89	1.88	3.84	5.02	5.09	4.59	2.81	1.16	1.33	29.06
	Grape Vines with 40% canopy	1.61	0.73	0.56	1.73	2.9	2.65	2.36	1.99	1.64	0.15	1.09	1.34	18.75
	Grape Vines with cover crop (40% canopy)	1.65	1.72	1.6	2.63	3.34	3.08	2.86	2.85	2.61	1.39	1.35	1.75	26.83
	Grape Vines with 60% canopy	1.61	0.73	0.56	2.3	4.2	3.9	3.49	2.77	2.03	0.16	1.09	1.34	24.19

average 2.25 gal/sf/day



CIMIS ETo Zone Map

California Department of Water Resources

Attachment 3 – Well Test Report

Aqua Engineering

Contractors License #896064
950 Mission Street P.O. Box 398 San Miguel, CA 93451
PH. 805-238-1315 FX. 805-467-9520

Date:	8/2/2016
Customer:	Gil Wilson
Address:	1480 Penman Springs Rd Paso Robles, CA 93446
Job Location:	1480 Penman Springs Road Paso Robles CA 93446
Duration of Test:	4 Hours
H.P. of pump in well	unknown
Water Sample	yes no Type: Bacteria
Delived by:	R.Codding Time: 10:45 A.M.
Lab:	SLO County Health Laboratory
Meter reading at start of test:	140090
GPM at start of test:	25
Time at start of test:	10:57 A.M.
Meter reading at end of test:	146146
GPM at end of test:	25
Time at end of test:	3:00 P.M.
Total time of test in minutes:	240
Total gallons pumped during test:	6056

Average 25 GPM for 4 hours

Thank you for allowing Aqua Engineering the opportunity to test your water well.
If you have any questions regarding your test, please don't hesitate to call.

This well test is guaranteed to be accurate as of the above testing date. The Contractor makes no warranties or guarantees as to water quantity or gallons per minute subsequent to the test date. Contractor makes no guarantees or warranties as to potability. The lab conducting the potability testing is solely & exclusively responsible for the results thereof.

SAN LUIS OBISPO COUNTY

PUBLIC HEALTH LABORATORY, 2191 JOHNSON AVENUE, SAN LUIS OBISPO, CA 93401
PH: 805-781-5507 FX: 805-781-1023
JAMES L. BEEBE, PhD, D(ABMM), DIRECTOR
ELAP Certificate of Environmental Accreditation # 2114

ENVIRONMENTAL REPORT

SUBMITTER: 23

AWALT AND SONS

PO BOX 398
SAN MIGUEL, CA 93451

CONTACT:
PH: 805-238-1315 FX: 805-467-9520

LOCATION: **1480 PEGMAN SPRINGS**

PASO ROBLES, CA 93401
EMAIL: AWALT@AWALTANDSON.COM
PH:
PWS#: FAC ID#:

LAB #: **16 14724**
SAMPLE CTRL #:
REASON: ROUTINE

COLLECTED BY: R.C.
SAMPLING POINT: WELL
TEMPERATURE: 15.1C

SAMPLE TYPE: WATER / DRINKING

DATE COLLECTED: 08/01/2016 10:45:00
DATE RECEIVED: 08/01/2016 13:24:00

TREATED:
CHLORINE:
PH:

TEST REQUESTED	RESULTS
TOTAL COLIFORM AND E. COLI, PRESENCE-ABSENCE	
TOTAL COLIFORM	**ABSENT**
E. COLI	**ABSENT**

Tested: 08/02/2016 Reported: 08/02/2016

*** Final Report ***

Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
8800 Cal Center Drive
Sacramento, California 95826-3200

Jared Blumenfeld
Secretary for
Environmental Protection

Gavin Newsom
Governor

February 10, 2020

Mr. Eric Hughes
County of San Luis Obispo
976 Osos Street, Room 300
San Luis Obispo, California 93408-2040

MITIGATED NEGATIVE DECLARATION FOR CALIFORNIA PRODUCTION SERVICES/CHOBOIAN CONDITIONAL USE PERMIT; DRC2019-0018 (FORMERLY GUTIERREZ MUP DRC2018-00103) – DATED JANUARY 21, 2020 (STATE CLEARINGHOUSE NUMBER: 2019099030)

Dear Mr. Hughes:

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration for (MND) for California Production Services/Choboian Conditional Use Permit; DRC2019-00180 (Formerly Gutierrez MUP DRC2018-00103).

The proposed project is a request by California Production Services for a Conditional Use Permit (DRC2019-00180) for up to 22,000 square feet of indoor cannabis cultivation and up to two acres of outdoor cannabis cultivation. Project development would result in a 2.7-acre area of disturbance and will include eight greenhouses totaling 22,000 square feet, 87,120 total square feet of hoop structures, and a 3,000 square foot steel building for processing activities ancillary to cannabis cultivation (drying, trimming, packaging, and labeling).

DTSC recommends that the following issues be evaluated in the MND Hazards and Hazardous Materials section:

1. The MND should acknowledge the potential for project site activities to result in the release of hazardous wastes/substances. In instances in which releases may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The MND should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.

2. If any sites within the project area or sites located within the vicinity of the project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the MND. DTSC recommends that any project sites with current and/or former mining operations onsite or in the project site area should be evaluated for mine waste according to DTSC's 1998 Abandoned Mine Land Mines Preliminary Assessment Handbook (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/11/aml_handbook.pdf).
3. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* (https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead_Contamination_050118.pdf).
4. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to *DTSC's 2001 Information Advisory Clean Imported Fill Material* (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf).
5. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the MND. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)* (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf).

DTSC appreciates the opportunity to review the MND. Should you need any assistance with an environmental investigation, please submit a request for Lead Agency Oversight Application, which can be found at: https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/VCP_App-1460.doc. Additional information regarding voluntary agreements with DTSC can be found at: https://dtsc.ca.gov/brownfields/.

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,

Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Ms. Lora Jameson, Chief
Site Evaluation and Remediation Unit
Department of Toxic Substances Control
Lora.Jameson@dtsc.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

ALTHOUSE AND MEADE, INC.
BIOLOGICAL AND ENVIRONMENTAL SERVICES

1602 Spring Street, Paso Robles, CA 93446
(805) 237-9626 • Fax (805) 237-9181 • www.althouseandmeade.com

December 31, 2018
Project 1132.03

Paso County Farms, LLC
c/o: Justin Borba
1027 Walnut Street, Apt A
San Luis Obispo, CA 93401

Re: Biological Resource Assessment for Paso County Farms, 1480 Penman Springs, Paso Robles, San Luis Obispo County

Dear Mr. Justin Borba:

This report provides the results of a reconnaissance level biological survey conducted for an approximately 20-acre Property. The western edge of the Property borders Penman Springs Road at 1480 Penman Springs in Paso Robles, California (Attachment C, Figure 1). The Property is located within the Estrella USGS 7.5' topographic quadrangle and includes assessor's parcel number (APN) 015-053-035. This survey was conducted to provide baseline biological information and an assessment of potential special status plant and animal species that could occur on the Property or be affected by the proposed project (Project), a Cannabis Cultivation Minor Use Permit on approximately 2.7 acres (Project Area) of the Property (Attachment C, Figures 2 and 3). The project is outside the limits of the City of Paso Robles, within the permitting jurisdiction of the County of San Luis Obispo.

The proposed cannabis cultivation project would consist of 2.5 acres of greenhouse and hoop house cultivation, with an additional 3,000 square feet dedicated to drying and packaging facilities (1,500 square feet each). The greenhouse and hoop houses will be above-ground structures consisting of a dirt floor with concrete reinforcements at footings. Cultivation will occur in above-ground pots throughout grow areas. The current grow area extends east of the existing residential house, and will expand toward the northeast, remaining within the currently fenced Project Area. New cultivation areas are also proposed for the front yard to the west and north. Other proposed structures include three shipping containers to be used as an office, safe room, and for storage (totaling 480 square feet). Plans include the demolition of a dilapidated residential structure located north of the existing grow area, which will be replaced with a new agricultural processing building. New six-foot fencing is proposed at the Property line (high wire fence) and around grow areas (covered deer fence). Plans also include a pickup and delivery area of approximately 6,480 square feet, which will consist of expanding the existing dirt driveway to include access to the grow area and to increase parking spaces. There are no plans to change the existing main residence, garage, and metal agricultural building.

A Site Plan is provided which shows areas of current operation and areas intended for future expansion of the facility (refer to Attachment C).

Methods

The Property was surveyed for biological resources on October 30 and December 7, 2018 by Althouse and Meade, Inc. Biologist Kristen Andersen, with a San Joaquin kit fox (SJKF) habitat evaluation survey conducted on May 21, 2018 by Biologist Greg Salas. The October 30 survey consisted of a reconnaissance level walking survey of the Property. The survey method included meandering transects with an emphasis on identifying plants and animals within the Property boundary. Transects were also utilized to describe general conditions and dominant species, compile species lists, and evaluate potential habitat for special status species. A follow-up survey occurred on December 7 to inspect the area around the residential structure proposed for demolition and to assess the vacant stock pond for water retention after recent rain events. Photographs were taken throughout the Property (Attachment B). All habitats on the Property were mapped (Attachment C, Figure 3). Identification of botanical resources included field observations and laboratory analysis of collected material. The botanical survey was conducted too late in the season to qualify as a full season survey, however it was appropriately timed for select late season special status species (refer to Attachment E, Table 1). Botanical nomenclature used in this document follows the Jepson Manual, Second Edition (Baldwin et al. 2012). A list of plants observed on the Property was compiled (Attachment E).

Wildlife documentation included observations of animal presence and other wildlife sign. Observations of wildlife were recorded throughout the Property. Birds were identified by sight or by vocalizations. A list of animals observed on the Property was compiled (Attachment F).

The May 21, 2018 SJKF habitat evaluation included a thorough assessment of habitat and potential kit fox denning and foraging criteria. Methods included walking the entire Property and assessing all mammal dens for entrance width and length of den, and for current prey base status. Den aprons (area of dirt excavated from den by occupying species) were evaluated for kit fox sign (tracks, scat, prey remains). Overall mammal den and burrow activity was recorded, and habitats were defined. A California Department of Fish and Wildlife Kit Fox Habitat Evaluation Form was prepared for the Property (Attachment G).

The California Natural Diversity Database (CNDDB; October 2018 data) and the California Native Plant Society (CNPS) On-line Inventory of Rare and Endangered Plants of California were reviewed for special status species known to occur in the nine USGS 7.5-minute quadrangles surrounding the site, including: Cholame Hills, Creston, Estrella, Paso Robles, Ranchito Canyon, San Miguel, Shandon, Shedd Canyon, and Templeton. Tables of potential special status plants and animals are provided in Attachment D.

Existing Conditions

The Property consists of a residentially zoned rural parcel located approximately 1,600 feet south of Linne Road at 1480 Penman Springs, east of the City of Paso Robles, in San Luis Obispo County. The Property is approximately 0.5 miles directly east of Huerhuero Creek at an elevation of approximately 900 feet. A dirt road leads to a residential single-family home in the center of the Property with surrounding structures, which include parking overhangs and a metal workshop.

Directly behind the house is an existing hoop house grow area, which is fenced off from the remaining Property. The undeveloped portion of the Property is comprised of approximately 12 acres of annual grassland and 2.8 acres of blue oak woodland (Figure 3) that continues beyond the current grow area to the north and east of this centrally located residential home (Photo 1). A dry stock pond is located on the Property approximately 30 feet north of the currently fenced-off cultivation area (Photo 2). An abandoned residential structure is located within 50 feet northwest of the stock pond (Photo 3). The eastern and southern portion of the Property is defined by fencing which divides the grassland and a potentially jurisdictional drainage aligned with blue oak trees and sparse riparian vegetation (Photo 4). This drainage is within the Property boundary but the Project area is fenced off from this drainage with a minimum 50-foot setback. Irrigation of the currently operating grow area consists of a low-drip water system which is used to reduce and control any potential water runoff. The Property is surrounded by residentially rural parcels on all sides, with vineyards to the north (Photo 5).

Results

Potential special status species

The CNDDB and CNPS On-line Inventory of Rare and Endangered Plants of California listed 33 special status plant species, subspecies, and varieties and 29 special status animal species reported to occur in the vicinity of the Property. The Property has potential to support one special status plant and two special status animals (Attachment D, Tables 1 and 2). Special status species were not detected in October or December 2018. The Property is located within federally designated critical habitat for vernal pool fairy shrimp; however, vernal pools were not observed on the Property (Figure 4). Vernal pool fairy shrimp was determined to have no potential to occur on the Property due to the lack of suitable aquatic habitat on site. Although vernal pool fairy shrimp is not expected to occur on site, this species warrants further discussion. Below we discuss potential special status plants and animals, describe habitat, range restrictions, known occurrences, and survey results for the Property.

A. Special Status Plants. The Project vicinity is known to support numerous special status plant species in a variety of microhabitats (CNDDB 2018). One special status plant species, shining navarretia (*Navarretia nigelliformis* subsp. *radians*), has potential to occur in suitable open grassland habitat on the Property (Attachment D, Table 1). Several occurrences of shining navarretia have been documented in the area with the nearest occurrence within 0.3 miles of the Property (CNDDB #72), reported in 2014. The clay content within the silty clay loam soil of the Property could provide suitable soil to support this species, although we expect shining navarretia has low potential to occur. Other special status plant species reported from the region are not expected to occur due to the soil texture and composition, along with the xeric and disturbed grassland conditions of the Property. Special status plants were not observed during our 2018 surveys.

B. San Joaquin Kit Fox (*Vulpes macrotis mutica*) is listed as endangered under the Federal Endangered Species Act (FESA) and threatened under the California Endangered Species Act (CESA). The Property is within contiguous kit fox habitat with the potential to block or degrade an existing corridor linking populations or isolate a subpopulation (refer to SJKF Habitat Evaluation in Attachment H). The closest reported occurrences for kit fox are approximately 0.5 miles southeast and 0.6 miles northeast of the Property (CNDDB #941 and

#945), reported in 1991 and 1990, respectively. Kit foxes prefer loose-textured soils but will occupy soils with high clay content where they modify burrows dug by other animals. Sites that may not provide suitable denning habitat may be suitable for feeding or providing cover. The annual grassland habitat could provide a moderate prey base for kit fox, as many small mammal burrows were observed throughout the Property. Adjacent properties are comprised of vineyards and residential rural landscapes which could provide kit fox connectivity with the Property; however human development and agricultural activity make it less likely for kit fox to utilize the Property. Kit foxes are not known to currently be present in the Paso Robles area, but could move through on rare occasion. They have low potential to occur on the Property. A kit fox habitat evaluation form was prepared for the Property by Daniel E. Meade, Ph.D. that produced a score of 76 points, consistent with 3:1 mitigation for the area (refer to Attachment G).

C. American Badger (*Taxidea taxus*) is a California Species of Special Concern known from open grassland habitats throughout San Luis Obispo County and elsewhere in California. The Property is within the known range of the American badger, and numerous occurrences are reported (CNDDB 2018). The closest known reported occurrence is approximately 1.9 miles northeast of the Property (CNDDB #23) in 2003. Badgers are residents of grassland areas, but also forage in croplands on occasion in areas where California ground squirrels have become established. They are highly mobile and could be present anywhere in the region where suitable prey base is found and could occur on the Property periodically at any time of year and American badgers have moderate potential to occur. Badgers or their sign (dens, scat, tracks) were not detected on the Property during the 2018 surveys.

D. Vernal Pool Fairy Shrimp (*Branchinecta lynchi*) is a small freshwater crustacean that is federally listed as threatened and occurs in the Central Valley of California from Shasta County to Tulare County and the central and southern Coast Ranges from northern Solano County to Ventura County, California (USFWS 2003). The species is typically associated with smaller and shallower vernal pools (typically about 6 inches deep) that have relatively short periods of inundation (Helm 1998) and relatively low to moderate total dissolved solids and alkalinity (Eriksen and Belk 1999). The closest reported occurrence is approximately 1.3 miles northeast of the Property (CNDDB #621). The Property is within known critical habitat for vernal pool fairy shrimp (refer to Figure 5); however, vernal pools were not present on the Property. A second survey was conducted on December 7, 2018 to assess water retention of the existing dry stock pond located just north of the existing grow area. The December 7 survey was conducted following a week-long rain event totaling approximately 0.50 inches of precipitation. The stock pond remained dry throughout its base with a highly porous sandy and gravelly soil composition. Wetland indicators were not present. There was no vegetative or hydrologic boundary defining a potential wetland or pool. Vegetation within the stock pond was dominated by invasive weed species such as horehound (*Marrubium vulgare*), tocalote (*Centaurea melitensis*), and black mustard (*Brassica nigr*a; Photo 2). Vernal pool fairy shrimp are not expected to occur in the stock pond due to lack of potential for standing water. There are no plans to alter the stock pond and the pond does not fall within the Project footprint.

Botanical Survey Results

The October and December 2018 site visits constituted a late season botanical survey which identified 39 species and subspecies of vascular plants on the Property (Attachment E, Table 3). The botanical survey effort did not include early or mid-season coverage and therefore is not considered a protocol level survey. The plant list includes 19 species native to California, and 20 introduced (naturalized or planted) species. Special status plant species were not detected on the Property.

Wildlife Survey Results

Wildlife species detected on the Property include 12 birds and one mammal. The planted pine trees, cottonwoods, and oaks occurring throughout various parts of the Property could provide suitable nesting habitat for several bird species, though nests were not observed during the 2018 surveys. The Property is predominantly grassland habitat, which could provide foraging habitat for birds, as well as foraging and denning habitat for mammals , though only small mammal burrows were observed. Several common bird species were observed foraging on and/or flying through the Property (refer to Attachment F, Table 4).

Small mammal trapping studies were beyond the scope of this study; however, several common small mammal species are likely to occur.

Impacts and Mitigation

The proposed Project would occupy approximately 2.7 acres of the Property when all phases of the Project are complete, including the 2.5 acres of cultivation canopy and the 8,700 square feet of building structures and driveway expansions proposed (refer to Site Plan in Attachment C). One special status plant and two special status animal species have potential to occur on the Property. A potentially jurisdictional drainage feature is present on the Property east of the Project area. The drainage would remain fenced off with a minimum 50-foot setback from top of bank. The following sections provide mitigation information and recommendations designed to reduce potential effects of the Project to a less than significant level.

Special Status Plants

Special status plants were not detected on the Property during the late season 2018 surveys, however there is low potential for shining navarretia to occur. An appropriately timed spring botanical survey of the Property should be conducted prior to disturbance of grassland habitat, with a report submitted to the County prior to start of work. The survey should cover blooming periods for the special status species with potential to occur on the Property, identified in Attachment D, Table 1. Should special status plants be identified during spring surveys, the survey report should include recommendations for avoidance, protection and/or mitigation.

San Joaquin Kit Fox

San Joaquin kit fox was not present on the Property during the 2018 surveys. The Property is within the known range of San Joaquin kit fox and is considered suitable habitat by CDFW.

The annual grassland comprising most of the Property is considered potential habitat for San Joaquin kit fox and approximately 2.7 acres of grassland habitat would be impacted by the Project. CDFW has designated the Property area as within the three to one mitigation area for San Joaquin

kit fox. A San Joaquin Habitat Evaluation Form was completed and is included in Attachment G. Impacts to San Joaquin kit fox by loss of habitat would be offset by implementation of BR-1, and mitigation of construction or other installation activities would be accomplished by applying BR-2 through BR- 11.

BR-1. Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Community Development, Planning Division that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

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

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

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

   Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would total $**[Amount of fee based on $2500 per acre].** This fee is calculated based on the current cost-per-unit of $2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification about your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

c. Purchase **[Total number of mitigation acres required]** credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

   Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act

(CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total $**[Amount of mitigation acres required (i.e. credits), currently priced at $2500 per credit]**. This fee is calculated based on the current cost-per-credit of $2500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

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

a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** the biologist shall conduct a pre-activity (i.e. preconstruction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

b. **The qualified biologist shall conduct weekly site visits during site-disturbance activities** (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-18 through BR-28. Site disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-19iii). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

c. Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact USFWS and the CDFW for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the USFWS determines it is appropriate to resume work.

   If incidental take of kit fox during project activities is possible, **before project activities commence,** the applicant must consult with the USFWS. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

d. In addition, the qualified biologist shall implement the following measures:

   1. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged

stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of distance measured outward from the den or burrow entrances, dependent on the use and activity of the den (i.e. potential, known, active, or natal den), to be determined by the kit fox biologist.

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring by a qualified biologist shall be required during ground disturbing activities.

BR-3. Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate the following as a note on the project plans: "*Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox".* Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.

BR-4. During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BR-5. Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the County, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

BR-6. During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavations, steep-walled holes and trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

BR-7. During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site

shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved. If necessary, the pipe may be moved only once to remove it from the path of activity, until the kit fox has escaped.

BR-8. During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of only in closed containers. These containers shall be regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

BR-9. Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, State and Federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

BR-10. During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and CDFW by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to CDFW for care, analysis, or disposition.

BR-11. Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12 inches.
b. If a more solid wire mesh fence is used, 8” x 12” openings near the ground shall be provided every 100 yards
c. Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

American Badger

American badger was not present on the Property during the 2018 surveys. American badgers are known to occur in the area and could occupy the site or move through the site at any time. To reduce the potential for construction impacts to badgers to a less than significant level the following measure is recommended.

BR-12. A pre-construction survey shall be conducted within thirty days of beginning work on the site to identify if badgers are using the site. The results of the survey shall be sent to the project manager and the County of San Luis Obispo. If the pre-construction survey finds

potential badger dens, they shall be inspected to determine whether they are occupied. The survey shall cover the entire property and shall examine both old and new dens. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction. If badgers are found in dens on the property between February and July, nursing young may be present. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February and July. Between July 1st and February 1st all potential badger dens shall be inspected to determine if badgers are present. During the winter badgers do not truly hibernate but are inactive and asleep in their dens for several days at a time. Because they can be torpid during the winter, they are vulnerable to disturbances that may collapse their dens before they rouse and emerge. Therefore, surveys shall be conducted for badger dens throughout the year. If badger dens are found on the property during the pre-construction survey, the CDFG wildlife biologist for the area shall be contacted to review current allowable management practices

Nesting Birds

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

BR-13. Within one week of ground disturbance or tree removal/trimming activities, if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. If surveys do not locate nesting birds, construction activities may commence (including house demolition). If nesting birds are located, no construction activities shall occur within a distance specified by a qualified biologist, until chicks are fledged, or the nest fails. Buffer radius shall be specified according to special status rank of the nesting bird, intensity of construction activity or impact (i.e. high decibel levels or heavy ground disturbance) and where local, state, and federal regulations apply. A preconstruction survey report shall be submitted to the lead agency immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements**.** A map of the Project site and nest locations shall be included with the report. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions.

Jurisdictional drainages

The California Department of Fish and Wildlife regulates activities that divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake. One drainage feature is located on the Property, to the east of the Project footprint. It is considered Riverine habitat, classified as R4SBJ (Riverine (R), Intermittent (4), Streambed (SB), Intermittently Flooded (J)) according to the National Wetlands Inventory (NWI 2005). The drainage feature may be subject to regulation under Fish and Game code 1600, and

the U.S. Army Corps of Engineers (Clean Water Act section 404) and the Regional Water Quality Control Board (Clean Water Act section 401).

The proposed Project would not have any direct or indirect impacts to potentially jurisdictional drainages. No permits would be required under Clean Water Act sections 404 or 401.

CDFW has initiated a Cannabis cultivation permitting program that requires all applicants obtaining an Annual License from the California Department of Food and Agriculture to have a Lake and Streambed Alteration Agreement or written verification that one is not needed. If all Project components are set outside the 1600 jurisdiction a Self-Certification can be submitted online. More information about the CDFW Cannabis program and permitting can be found at https://www.wildlife.ca.gov/Conservation/Cannabis/Permitting.

Thank you for allowing us to be of assistance. If you have any questions or concerns, please call our office at (805) 237-9626.

Sincerely,

Jason Dart
Principal Biologist

Attachments:

- Attachment A. References
- Attachment B. Photographs
- Attachment C. Figures 1-5 and Site Plan
- Attachment D. CNDDB/CNPS Special Status Species Lists
- Attachment E. Plant List
- Attachment F. Wildlife List
- Attachment G. San Joaquin Kit Fox Habitat Evaluation

Attachment A. References

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[USFWS] US Fish and Wildlife Service. 2003. Endangered and threatened wildlife and plants; final designation of critical habitat for four vernal pool crustaceans and eleven vernal pool plants in California and southern Oregon: final rule. Federal Register. 68:46683–46867.

Attachment B. Photographs

Photo 1. Annual grassland habitat, view north from southwest portion of the Property. October 30, 2018.

Photo 2. Dry stock pond in northeast portion of the Property, after rain event. View southwest. December 7, 2018.

Photo 3. Residential house to be removed and replaced with a processing building. View of east side of structure. December 7, 2018.

Photo 4. View northeast of oak woodland in the eastern portion of the Property with the Project area to the west (left side) of the fence. October 30, 2018.

Photo 5. View north of proposed cultivation area with neighboring vineyard in the background. October 30, 2018.

Photo 6. Northeast portion of proposed cultivation area with existing grow area fenced off with black deer fencing (far right in photo). October 30, 2018.

Attachment C. Figures

- Figure 1. USGS Topographic Map
- Figure 2. Aerial Photograph
- Figure 3. Biological Resources Map
- Figure 4. CNDDB Plant Records
- Figure 5. CNDDB Animal and Critical Habitat Records
- Site Plan fo1480 Penman Springs (Hamrick Associates, Inc. 11/29/18)

Figure 1. United States Geological Survey Topographic Map

Legend

★ Project Location

N

0 1,000 2,000 Feet

Paso County Farms
Penman Springs
APN: 015-053-035
Map Center: 120.61258°W 35.62393°N
San Luis Obispo County

USGS Quadrangle: Estrella

ALTHOUSE AND MEADE, INC.
BIOLOGICAL AND ENVIRONMENTAL SERVICES

Map Updated:
December 18, 2018 08:47 AM by JBB

Figure 2. Aerial Photograph

Legend

Porperty Boundary

N

0 100 200 300 400 Feet

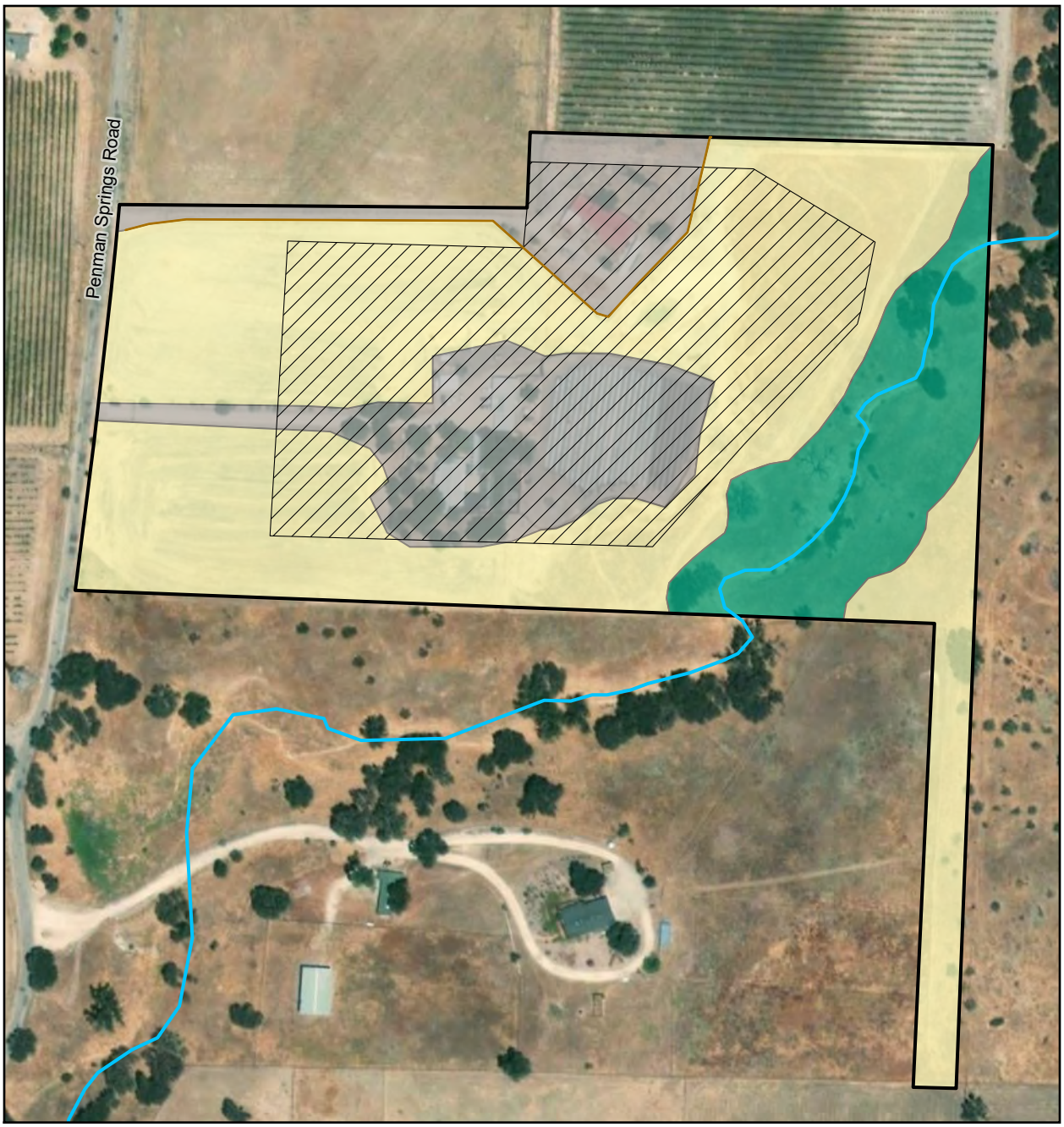
Paso County Farms
Penman Springs
APN: 015-053-035
Map Center: 120.61234°W 35.62479°N
San Luis Obispo County

Imagery Date: 09/28/2016

ALTHOUSE AND MEADE, INC.
BIOLOGICAL AND ENVIRONMENTAL SERVICES

Map Updated:
December 18, 2018 01:27 PM by JBB

Figure 3. Biological Resources



Legend

- Property Boundary
- Proposed Project Area
- Fence
- Drainage

Habitats

- Annual Grassland
- Blue Oak Woodland
- Anthropogenic

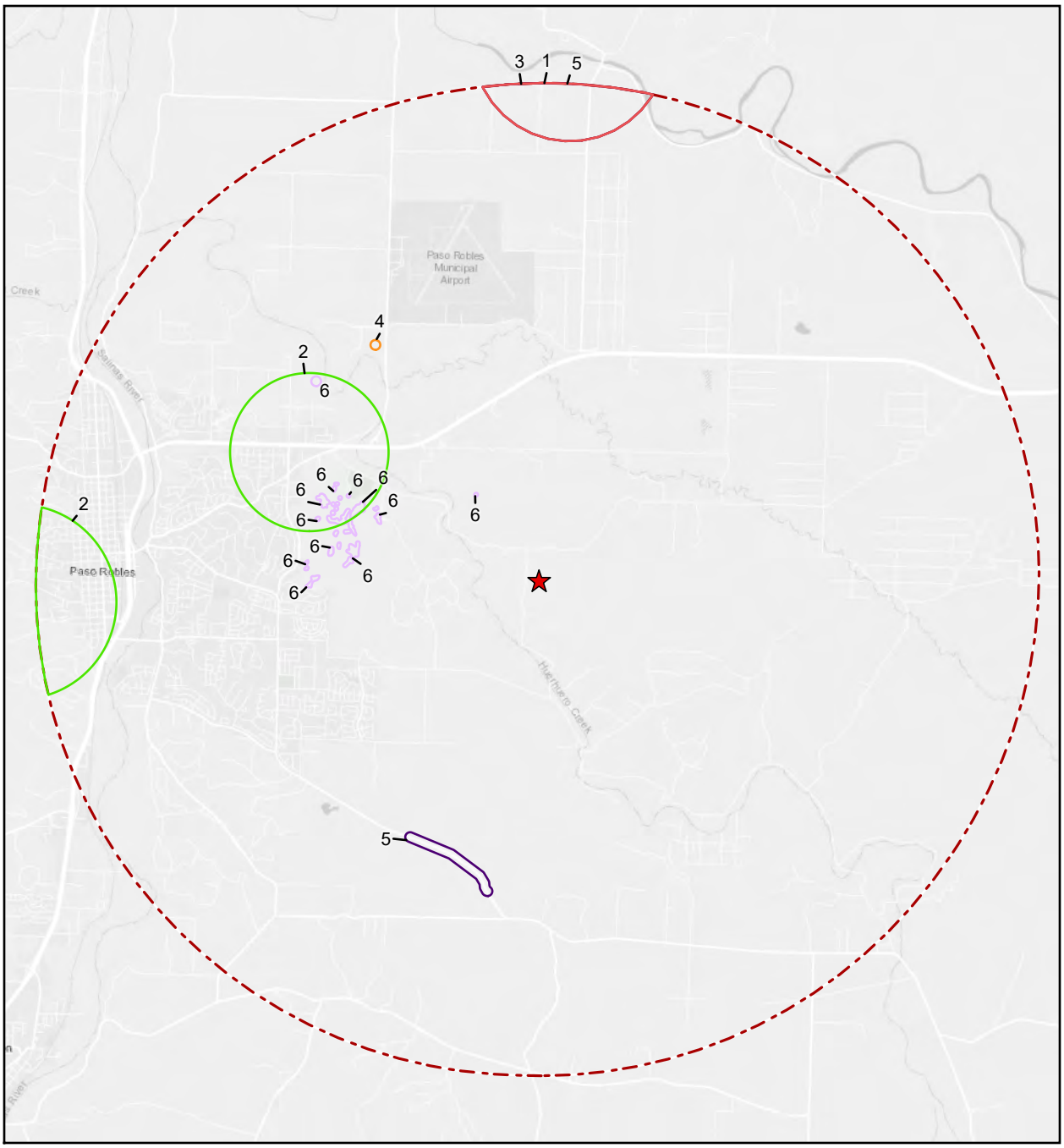
N

0 100 200 300 400 Feet

Paso County Farms
Penman Springs
APN: 015-053-035
Map Center: 120.61232°W 35.62487°N
San Luis Obispo County

Biological Survey Date: 10/24/2018

Figure 4. California Natural Diversity Database Plant Records



Label	Common Name
1	Jared's pepper-gras
2	Lemmon's jewelflower
3	Oval-leaved snapdragon
4	San Luis Obispo owl's clover
5	Santa Lucia dwarf rush
6	Shining navarretia

Legend

Project Location

5-Mile Radius

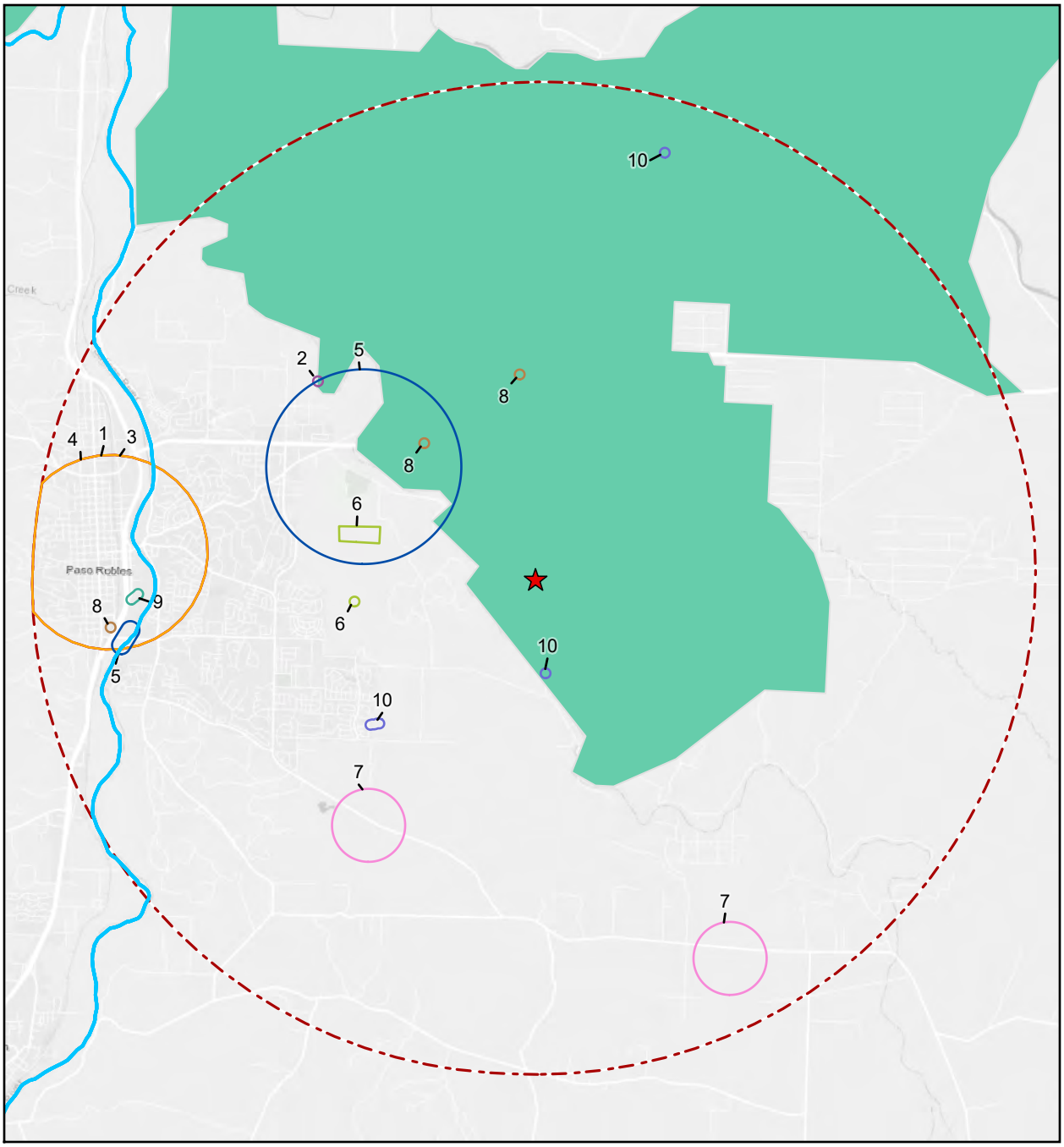
N

0 0.5 1 2 Miles

Paso County Farms
Penman Springs
APN: 015-053-035
Map Center: 120.61342°W 35.62633°N
San Luis Obispo County

CNDDB GIS Data Last Updated: October 2018

Figure 5. CNDDB Animal Records and USFWS Critical Habitat



Label	Common Name
1	Atascadero June beetle
2	Golden eagle
3	Least Bell's vireo
4	Lompoc Grasshopper
5	Northern California legless lizard
6	San Joaquin kit fox
7	Tricolored blackbird
8	Vernal pool fairy shrimp
9	Western pond turtle
10	Western spadefoot

Legend

- Project Location
- 5-Mile Radius

Critical Habitat

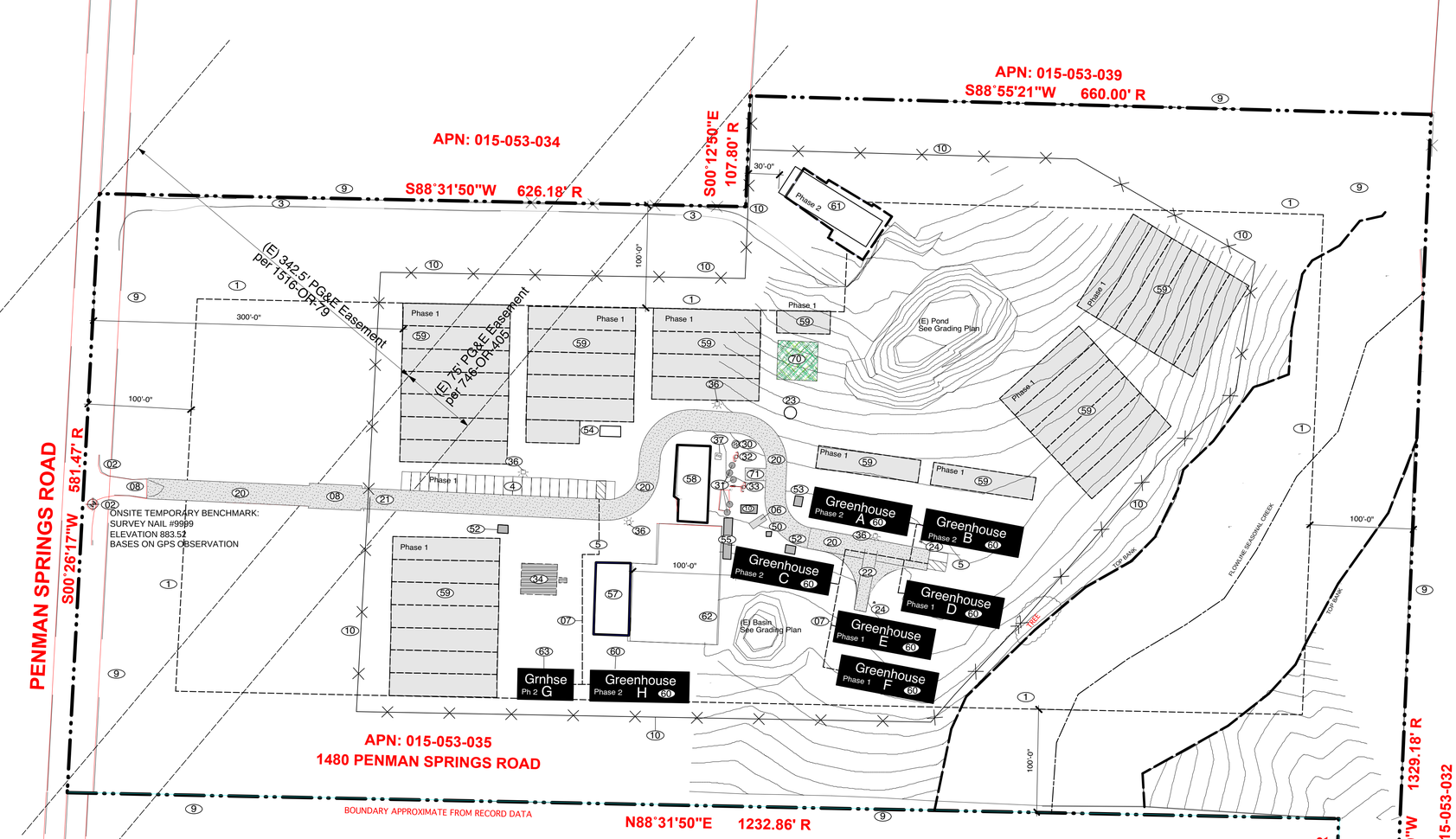
- Steelhead
- Vernal Pool Fairy Shrimp

N

0 0.5 1 2 Miles

Paso County Farms
Penman Springs
APN: 015-053-035
Map Center: 120.61279°W 35.62629°N
San Luis Obispo County

CNDDB GIS Data Last Updated: October 2018



SITE PLAN

Scale: 1" = 60'-0"

0 30 60 120 180

USE	AREA (sf)
Greenhouse Cultivation	21,780 = 0.5 acres
Hoophouse Cultivation	87,120 = 2.0 acres
Drying Room	1,500
Packaging Room	1,500
Material Storage	400
Parking / Deliveries	6,480
TOTAL	118,780

MUP AREAS BY PHASE

PHASE ONE	AREA (sf)
Greenhouse D,E,F	8,640
Hoophouse Cultivation	87,120 = 2.0 acres
Drying Room	160
Packaging Room	160
Parking / Deliveries	6,480
TOTAL	102,560

PHASE TWO	AREA (sf)
Greenhouse A,B,C,G,H	13,140 = 0.3 acres
Drying Room (replaces Phase 1 Drying)	1500
Packaging Room (replaces Phase 1 Packaging)	1500
TOTAL	16,140

BUILDING INFORMATION

BUILDING 52
Occupancy: B (Office)
Occupant Load: 80 s.f./ 100 = 0.8 Occ.
Exits Required: 1
Construction Type: Type VB

BUILDING 53
Occupancy: U (Ag Storage)
Occupant Load: 80 s.f./ 500 = 0.16 Occ.
Exits Required: 1
Construction Type: Type VB

BUILDING 55
Occupancy: U (Ag Storage)
Occupant Load: 320 s.f./ 500 = 0.64 Occ.
Exits Required: 1
Construction Type: Type VB

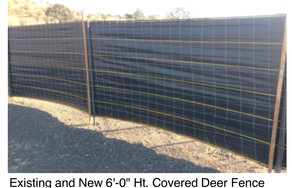
BUILDING 59
Occupancy: U (Hoophouses)
Occupant Load: 2288 s.f. / 300 (Agricultural Building) = 7.6 Occ. each = 290 occ.
Exits Required: 1
Construction Type: Type VB

BUILDING 60
Occupancy: U (Greenhouses)
Occupant Load: 2880 s.f./ 300 (Agricultural Building) = 9.6 Occ. each = 72 occ.
Exits Required: 1
Construction Type: Type VB

BUILDING 61
Occupancy: U (Ag Processing)
Occupant Load: 3000 s.f./ 300 (Agricultural Building) = 10 Occ.
Exits Required: 1
Construction Type: Type VB

Existing 4'-6" Ht. Metal Pipe Fence at Driveway entrance

Existing 6'-0" Ht. Fence Along Property Boundary



Existing and New 6'-0" Ht. Covered Deer Fence Surrounding Cannabis Cultivation Areas

SHEET INDEX

PROJECT SUMMARY

Project Address: 1480 Penman Springs, Paso Robles, CA 93446
Assessors Parcel No.: 015-053-035
Existing Land Use Zone: AG (Agriculture)
Lot Size: 20.10 Acres

Project Address: 5790 Rocky Canyon Road, Creston, CA 93432
Assessors Parcel No.: 043-211-037
Existing Land Use Zone: AG (Agriculture)
Lot Size: 37.37 Acres

STANDARD	CODE REQUIREMENTS	PROVIDED
Building SF:	N/A	See MUP Areas This sheet
Building Height:	35 Ft.	14 Ft.
Parking:	1/300 of ag processing + no. of employees in field 3000/300=10 + 10 emp. = 20 spaces	23 Spaces

NEW BUILDING OCCUPANCY

Greenhouses A / B / C / D / E / F / G / H

Occupancy: U (Greenhouse)
Occupant Load: 2880 s.f. / 300 =(Agricultural Building) = 9.6 Occ. ea. greenhouse
Exits Required: 1
Construction Type: Type VB

Production Building

Occupancy: U
Occupant Load: 3,000 SF/ 300 (Agricultural Building) = 10 Occ.
Exits Required: 1
Construction Type: Type VB

KEY NOTES

Site
1. 100' Setback Line
2. 3" diam. Stl. Fence
3. (E) 12' wide dirt road
4. Standard 9' x 18' parking spaces
5. Accessible parking and loading
6. 8' x 16' dump trailer for non-cannabis solid waste. To be hauled as needed.
7. Accessible path-of-travel
8. Secure elect. traffic gate with Cal Fire access.
9. (E) 6' high wire fence at property line
10. (N) 6' high covered deer fence around cannabis areas

Fire
20. 16' wide Fire Lane, All Weather Surface
21. 26' wide Fire Lane, All Weather Surface
22. Hammer-head turnaround per Cal Fire Stds.
23. (N)10,000 gal. stl. fire water storage tank w/ FDC
24. Fire Dept. Connection (FDC)

Utilities
30. (E) Well, refer to Well Report
31. (E) Water storage tanks (5)(5,000 gal.)
32. (E) Power pole with Elect. Panel
33. (E) Power pole with Transformer
34. (E) Existing septic tank and leach field
35. Not Used
36. LED Solar Light on pole at 12', See SD-3 (Dark sky compliant)
37. Emergency Generator. See SD-3

Building and Structure
50. (N) Accessible portable ADA Unisex restroom and wash station, See SD-2 for more information
51. Not Used
52. (N) Office, mtl shipping container (8' x 10'). See SD-2 for more information. To be permitted
53. (N) Safe Room, mtl shipping container (8' x 10'). See SD-3 for more information.
54. (E) Metal carport to be removed, 200 s.f. (Unpermitted)
55. (N) Secure storage container for production. Until building 61 is completed. See SD-2 for more information. 8' x 40' (To be permitted).
56. Not Used
57. (E) Residence to remain, 2384 s.f.
58. (E) Ag Exempt Building to remain, 2132 s.f. Permitted PMT-00889 To be used for chemical storage.
59. (N) Hoop Houses (22' x 100')
60. (N) Greenhouses (30' x 100') (to be permitted)
61. (E) Residence to be demolished and replaced with (N) Stl. Ag. processing building. Demolition and New bldg. to be permitted
62. (E) 6' Wd. Fence
63. (N) Greenhouse (30' x 54') (to be permitted)

Operation Information
70. (N) Fenced Compost Area, 1,500 s.f.
71. Pickup and Delivery Area

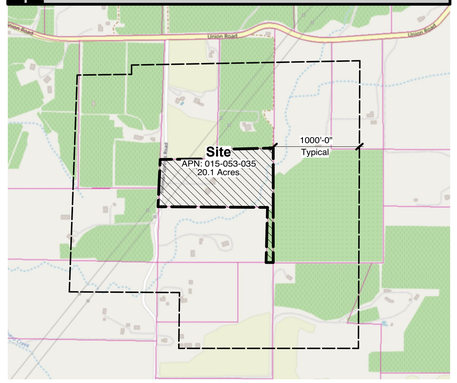
DIRECTORY

Owner: **Manya Choboian**
2275 Flora Street, San Luis Obispo, Ca 93401
559.280.3518

Applicant: **Paso County Farms, LLC, Justin Borba**
justin_borba@yahoo.com
805.773.9377

Architect: **Hamrick Asscoiates, Inc. (HAI)**, Warren Hamrick
1609 Costa Brava, Shell Beach, CA 93449
805.773.9377

VICINITY MAP (Scale 1:10000)



PasoCountyFarms,LLC

1480 Penman Springs, Paso Robles, CA

Date: 11.29.18

hai
Hamrick Associates, Inc.
Architecture + Planning
805.773.9377
www.hamrickassociates.com

SD-1

Attachment D. CNDDB/CNPS Special Status Species Lists

Potential Special Status Plant List

Table 1 lists one special status plant species reported from the region with potential to occur on the Property. Federal status, California State status, and CNPS ranking for each species are given. Typical blooming period, habitat preference, potential to occur on site, and whether or not the species was observed on the Property are also provided.

TABLE 1. SPECIAL STATUS PLANT LIST.

	Common Name *Scientific Name*	Fed/State Status Global/State Rank CRPR	Blooming Period	Habitat Preference	Potential to Occur	Detected Within Property?	Effect of Proposed Activity
1.	**Shining Navarretia** *Na*var*retia nigelliformis* subsp. *radians*	None/None G4T2/S2 1B.2	May - July	Vernal pools, clay depressions, dry grasslands, foothill woodlands; 150-1000 m. SCoR	Low. Dry grassland habitat with silty clay loam soil is present on the Property.	No	Potential Adverse Effect Can be Mitigated

Habitat Preference Abbreviations:
SCoR: South Coast Ranges

California Rare Plant Ranks:
CRPR 1A: Plants presumed extirpated in California and either rare or extinct elsewhere
CRPR 1B: Plants rare, threatened, or endangered in California and elsewhere
CRPR 4: Plants of limited distribution - a watch list

CRPR Threat Ranks:
0.1 - Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
0.2 - Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
0.3 - Not very threatened in California (less than 20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

Potential Special Status Animals List

Table 2 lists two special status animal species reported from the region with potential to occur on the Property. Federal status, California State status, and CDFW listing status for each species are given. Typical nesting or breeding period, habitat preference, to occur, and whether or not the species was observed on the Property are also provided.

TABLE 2. SPECIAL STATUS ANIMAL LIST.

	Common Name *Scientific Name*	**Fed/State Status Global/State Rank CRPR**	**Nesting-Breeding Period**	**Habitat Preference**	**Potential to Occur**	**Detected Within Property?**	**Effect of Proposed Activity**
1.	**American Badger** *Taxidea taxus*	None/None G5/S3 SSC	February – May	Needs friable soils in open ground with abundant food source such as California ground squirrels.	Moderate. Suitable soils and open grassland habitat are present on the Property.	No	Potential Adverse Effect Can be Mitigated
2.	**San Joaquin Kit Fox** *Vulpes macrotis mutica*	FE/FT G4T2/S2 Special Animal	December – July	Annual grasslands or grassy open stages with scattered shrubby vegetation. Needs loose textured sandy soil and prey base.	Low. Low quality potential habitat is present on the Property.	No	Potential Adverse Effect Can be Mitigated

Habitat characteristics are from the Jepson Manual and the CDNNB.

Abbreviations:

FE: Federally Endangered	CE: California Endangered	SA: CDFW Special Animal
FT: Federally Threatened	CT: California Threatened	SSC: CDFW Species of Special Concern
PE: Proposed Federally Endangered	Cand. CE: Candidate for California Endangered	FP: CDFW Fully-Protected
PT: Proposed Federally Threatened	Cand. CT: Candidate for California Threatened	WL: CDFW Watch List

Attachment E. Plant List

TABLE 3. PLANT LIST.

Scientific Name	Special Status	Origin	Common Name
Trees - 7 Species			
Ailanthus altissima	None	Introduced	Tree of heaven
Eucalyptus globulus	None	Introduced	Blue gum
Pinus muricata	None	Native	Bishop pine
Populus fremontii subsp. *fremontii*	None	Native	Fremont cottonwood
Olea europaea	None	Introduced	Olive
Quercus douglasii	None	Native	Blue oak
Quercus lobata	None	Native	Valley oak
Shrubs - 2 Species			
Baccharis pilularis	None	Native	Coyote brush
Punica granatum	None	Planted	Pomegranate
Forbs - 24 Species			
Acmispon americanus var. *americanus*	None	Native	American bird's foot trefoil
Amsinckia sp.	None	Native	Fiddleneck
Asclepias eriocarpa	None	Native	Indian milkweed
Asclepias fascicularis	None	Native	Narrow-leaf milkweed
Brassica nigra	None	Introduced	Black mustard
Cannabis sativa	None	Introduced	Hemp
Centaurea melitensis	None	Introduced	Tocalote
Centaurea solstitialis	None	Introduced	Yellow star-thistle
Croton setigerus	None	Native	Turkey-mullein
Datura wrighti	None	Native	Jimsonweed
Deinandra fasciculata	None	Native	Clustered tarweed
Erigeron canadensis	None	Native	Horseweed
Grindelia hirsutula	None	Native	Gumweed
Heliotropium curassavicum var. *oculatum*	None	Native	Seaside heliotrope
Heterotheca grandiflora	None	Native	Telegraphweed
Hirschfeldia incana	None	Introduced	Short podded mustard
Lactuca serriola	None	Introduced	Prickly lettuce
Marrubium vulgare	None	Introduced	Horehound

Scientific Name	Special Status	Origin	Common Name
Medicago polymorpha	None	Introduced	California burclover
Rumex crispus	None	Introduced	Curly dock
Solanum douglasii	None	Native	Douglas' nightshade
Sonchus oleraceus	None	Introduced	Common sow thistle
Trichostema lanceolatum	None	Native	Vinegar weed
Verbena lasiostachys	None	Native	Common verbena
Grasses - 6 Species			
Avena fatua	None	Introduced	Wild oat
Bromus diandrus	None	Introduced	Ripgut grass
Bromus hordeaceus	None	Introduced	Soft chess
Bromus madritensis subsp. *rubens*	None	Introduced	Red brome
Hordeum murinum	None	Introduced	Wall barley
Stipa cernua	None	Native	Nodding needle grass

Attachment F. Wildlife List

TABLE 4. WILDLIFE LIST.

Common Name	Scientific Name	Special Status	Habitat Type
Birds – 12 Species			
Turkey Vulture	*Cathartes aura*	None	Open woodlands
House Finch	*Haemorhous mexicanus*	None	Urban, rural
California Towhee	*Melozone crissalis*	None	Scrub
Savannah Sparrow	*Passerculus sandwichensis*	None	Grasslands
Ruby-crowned Kinglet	*Regulus calendula*	None	Forests
Black Phoebe	*Sayornis nigricans*	None	Open woodlands
Say's Phoebe	*Sayornis saya*	None	Grasslands
Western Bluebird	*Sialia mexicana*	None	Open woodlands
Lesser Goldfinch	*Spinus psaltria*	None	Open woodlands
Eurasian Collared-Dove	*Streptopelia decaocto*	None	Towns, agricultural fields
Mourning Dove	*Zenaida macroura*	None	Open woodlands
White-crowned Sparrow	*Zonotrichia leucophrys*	None	Scrub
Mammals – 1 Species			
California Ground Squirrel	*Otospermophilus beecheyi*	None	Grasslands

Attachment G. San Joaquin Kit Fox Habitat Evaluation Form

Kit Fox Habitat Evaluation Form
Cover Sheet

Project Name **Penman Springs**
APN 015-053-035

Date **May 21, 2018**

Project Location* **1480 Penman Springs Road**
Paso Robles, CA

*Include project vicinity map and project boundary on copy of U.S.G.S. 7.5. minute map (size may be reduced)

U.S.G.S. Quad Map Name **Paso Robles**

Lat/Long or UTM coordinates (if available) **N 35.62462°**

W 120.61214°

Project Description **Construct greenhouses**

Project Size: **0.50 acres** Amount of Kit Fox Habitat Affected: **0.50 acres**

Quantity of WHR Habitat Types Impacted (i.e. – 2 acres annual grassland, 3 acres blue oak woodland)

WHR type		
	Annual grassland	**0.50 Acres**

Comments:

Form Completed by: David E. Meade

Revised 03/02

San Joaquin Kit Fox Habitat Evaluation Form

Is the project within 10 miles from a recorded San Joaquin kit fox observation or within contiguous suitable habitat as defined in Question 2(A-E)?

YES – Continue with evaluation form
NO – Evaluation form/surveys are not necessary

1. Importance of the project area relative to Recovery Plan for Upland Species of the San Joaquin Valley, California (Williams et al, 1998).
   - **A. Project would block or degrade an existing corridor linking core populations or isolate a subpopulation (20).**
   - B. Project is within a core population (15)
   - C. Project area is identified within satellite population (12)
   - D. Project area is within a corridor linking satellite populations (10)
   - E. Project area is not within any of the previously described areas but is within known kit fox range (5)

2. Habitat characteristics of the project area.
   - **A. Annual grassland or saltbush scrub present >50% of site (15)**
   - B. Grassland or saltbush scrub present but comprises <50% of project area (10)
   - C. Oak savannah present on >50% of site (8)
   - D. Fallow ag fields or grain/alfalfa crops (7)
   - E. Orchards/vineyards (5)
   - F. Intensively maintained row crops or suitable vegetation absent (0)

3. Isolation of project area
   - **A. Project area surrounded by contiguous kit fox habitat as described in Question 2a-e (15)**
   - B. Project area adjacent to at least 40 acres of contiguous habitat or part of an existing corridor (10)
   - C. Project area adjacent to <40 acres of habitat but linked by existing corridor (i.e.-river, canal, aqueduct) (7)
   - D. Project area surrounded by ag but less than 200 yards from habitat (5)
   - E. Project area completely isolated by row crops or development and is greater than 200 yards from potential habitat (0)

4. Potential for increased mortality as a result of the project implementation. Mortality may come from direct (e.g. – construction related) or indirect (e.g. – vehicle strikes due to increases in post development traffic) sources.
   - A. Increase in mortality likely (10)
   - **B. Unknown mortality effects (5)**
   - C. No long term effect on mortality (0)

5. Amount of potential kit fox habitat affected

A. > 320 acres (10)
B. 160-319 acres (7)
C. 80-159 acres (5)
D. 40-79 acres (3)
E. <40 acres (1)

6. Results of project implementation

A. Project site will be permanently converted and will no longer support foxes (10)
B. Project area will be temporarily impacted but will require periodic disturbance for ongoing maintenance (7)
C. Project area will be temporarily impacted and no maintenance necessary (5)
D. Project will result in changes to agricultural crops (2)
E. No habitat impacts (0)

7. Project shape

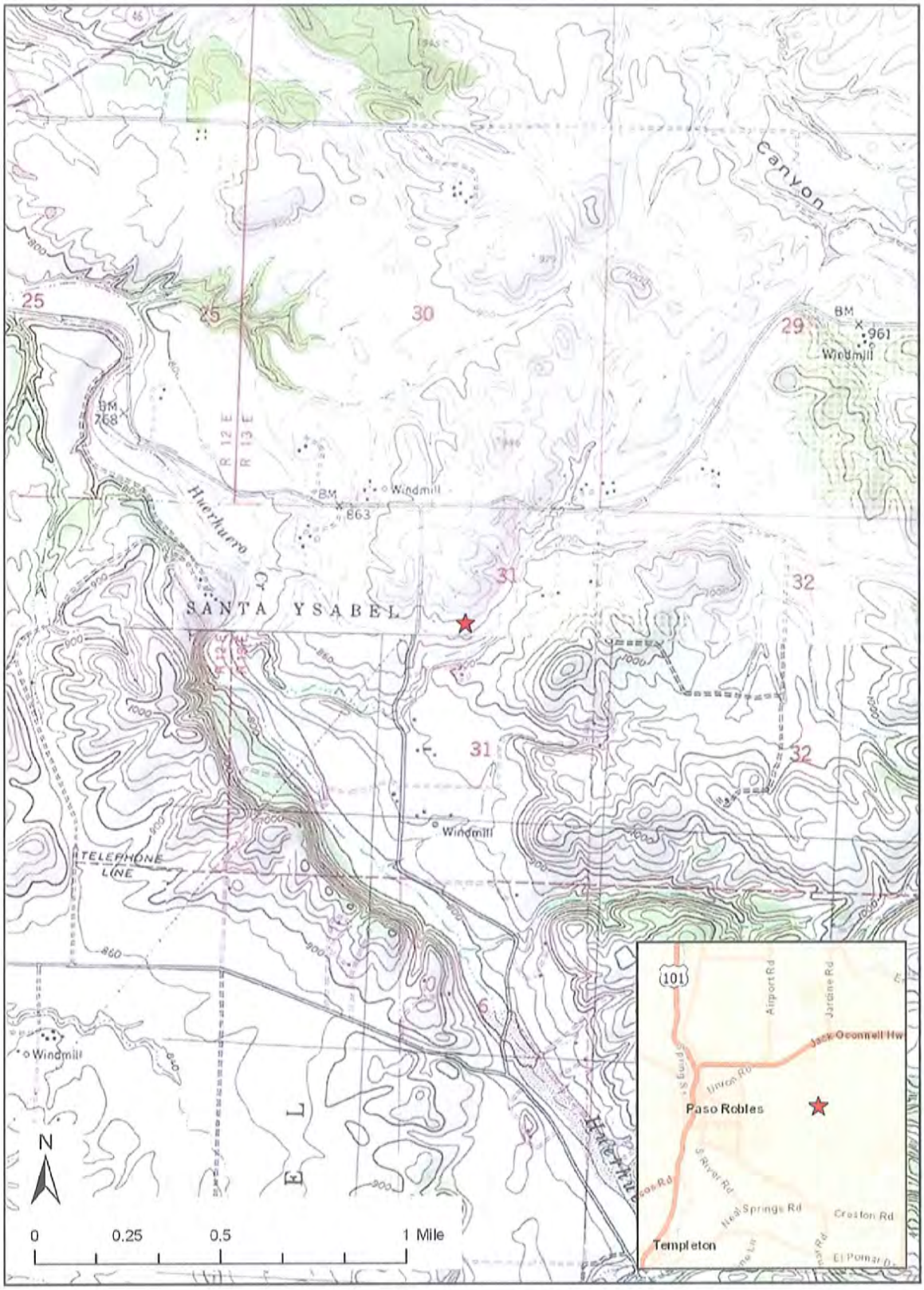
A. Large block (10)
B. Linear with >40 foot right-of way (5)
C. Linear with <40 foot right-of-way (3)

8. Have San Joaquin kit foxes been observed within 3 miles of the project area within the last 10 years?

A. Yes (10)
B. No (0)

Scoring

1. Recovery importance	20
2. Habitat condition	15
3. Isolation	15
4. Mortality	5
5. Quantity of habitat impacted	1
6. Project results	10
7. Project shape	10
8. Recent observations	0
Total	76



USGS 7.5' topo – Paso Robles quadrangle