



Negative Declaration & Notice Of Determination

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

ENVIRONMENTAL DETERMINATION NO. ED19-131

DATE: September 9, 2019

PROJECT/ENTITLEMENT: California Production Services / Choboian Conditional Use Permit;
DRC2019-00180 (Formerly Guitierrez MUP DRC2018-00103)

APPLICANT NAME: Salvador Guitierrez **Email:** cory@publicpolicyinc.com
ADDRESS: 1480 Penman Springs Road, Paso Robles, CA 93446
CONTACT PERSON: Cory Black **Telephone:** 916-801-0551

PROPOSED USES/INTENT: 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 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). Project construction and implementation would occur in two phases. Phase One includes development of all outdoor/hoop-house cultivation areas, three of the indoor/greenhouse cultivation areas, an 80-square foot metal office building, an 80-square foot metal safe room, a 320-square foot storage unit, and two temporary structures for the ancillary processing activities. Phase Two would consist of developing the remaining greenhouses and the permanent 3,000-square foot building for ancillary processing activities. The cannabis operation would cover approximately 2.7 acres of area. There was a previously existing outdoor cannabis cultivation operation that has since been removed. Existing development on site includes two single-family residences (one to remain and one to be demolished) and a barn. 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 of 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: CA Department Fish & Wildlife, CA. Department of Food and AG, and Regional Water Quality Control Board

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

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT4:30 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 _____ as ☐ *Lead Agency*
☐ *Responsible Agency* approved/denied the above described project on _____, and
has made the following determinations regarding the above described project:

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

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

Eric Hughes

County of San Luis Obispo

Signature**Project Manager Name****Date****Public Agency**



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.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Geology and Soils	<input type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Transportation/Circulation
<input checked="" type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Water /Hydrology
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Public Services/ Utilities/ Energy	<input type="checkbox"/> 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.

Mindy Fogg

Prepared by (Print)

Signature

September 6, 2019

Date

Eric Hughes

Reviewed by (Print)

Signature

September 9, 2019

(for)

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 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, Paso Robles (Assessor Parcel Number 015-053-035) in the El Pomar-Estrella Sub Area of the North County Planning Area (Figure 1). 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	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	3,000	1	3,000	n/a
Sub-Total of Phase Two			16,360	13,360
Total			112,920	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 cut and fill to be balanced on site. On-site parking would include 22 standards 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 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

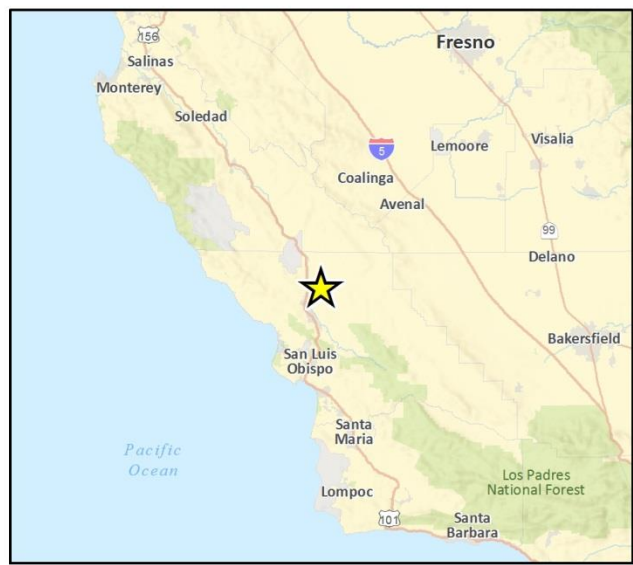
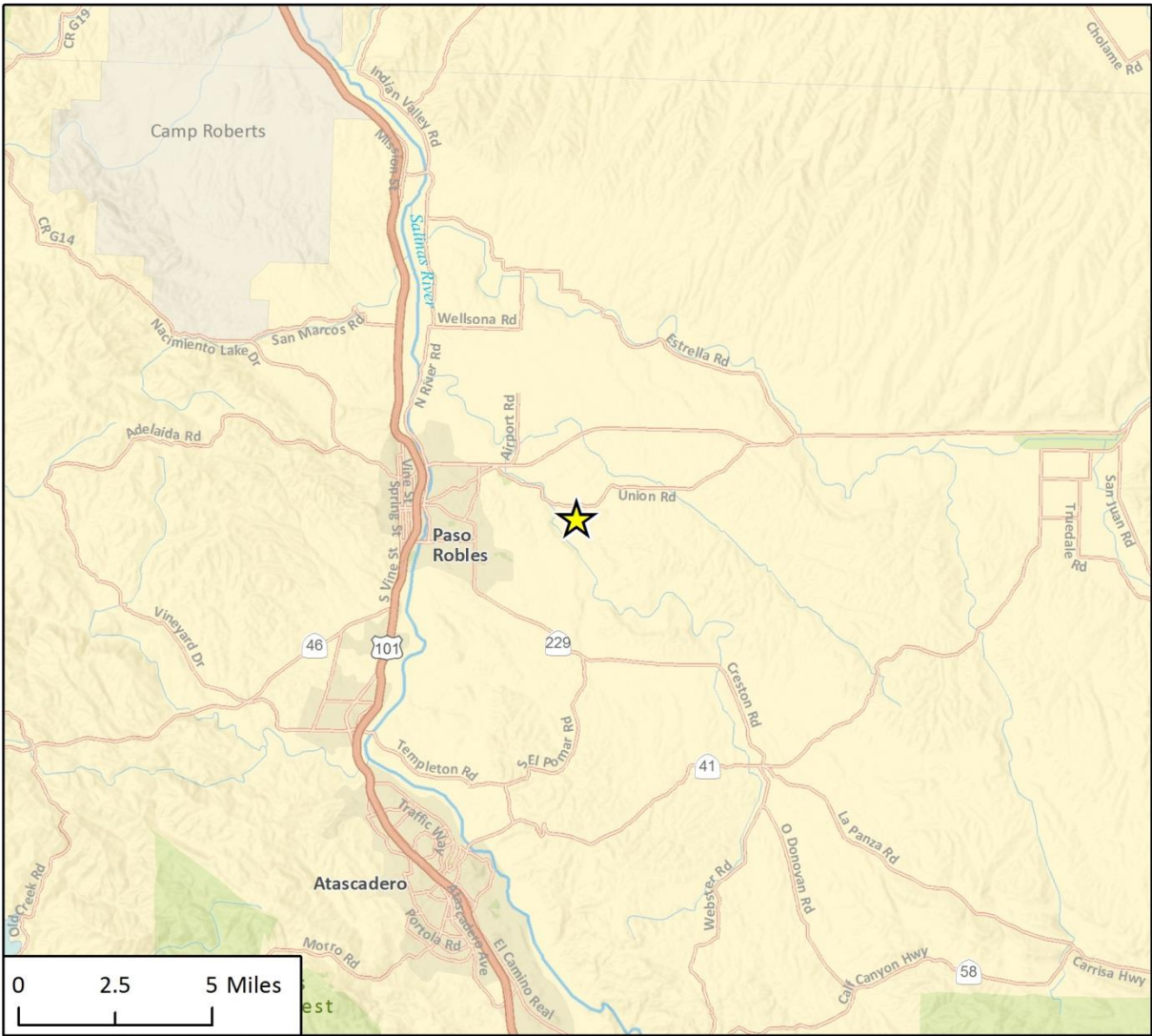


Fig 1 Regional Location

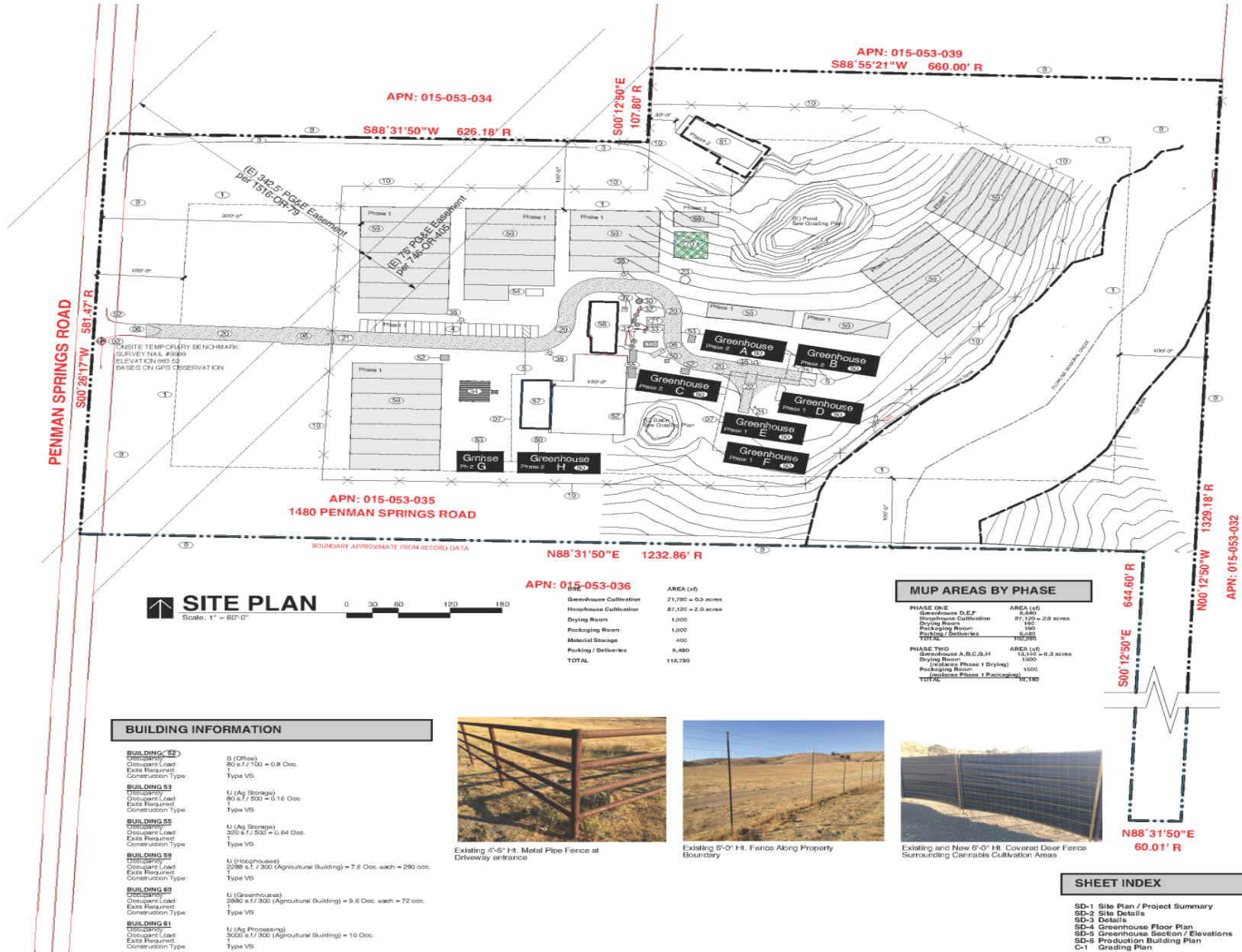


Figure 2 – Project Site Aerial



Fig 2 Project Location

Figure 3 – Site Plan



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

<u>Permit Type/Action</u>	<u>Agency</u>
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)

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:

<i>North:</i> Agriculture agricultural uses	<i>East:</i> Agriculture agriculture
<i>South:</i> Agriculture agriculture	<i>West:</i> 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) <i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Create glare or night lighting, which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 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.

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) <i>Convert prime agricultural land, per NRCS soil classification, to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Conflict with existing zoning for agricultural use, or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Agricultural Resources

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

Land Use Category: Agriculture

Historic/Existing Commercial Crops: Grazing

State Classification: Not Prime Farmland

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 or 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 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 Guide. 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) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3. AIR QUALITY

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
e) <i>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?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GREENHOUSE GASES				
f) <i>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 (PM₁₀). In addition, a project with the potential to generate 137 lbs per day of ozone precursors (ROG + NO_x) 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 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:

1. Qualitative GHG Reduction Strategies (e.g. Climate Action Plans): A qualitative threshold that is consistent with AB 32 Scoping Plan measures and goals; or,
2. Bright-Line Threshold: Numerical value to determine the significance of a project's annual GHG emissions; or,
3. 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 CO₂/year (MT CO₂e/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 CO₂e/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 PM₁₀; 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 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.

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 which specifies control measures for 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.

4. BIOLOGICAL RESOURCES

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species* or their habitats?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Interfere with the movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>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?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* Species – as defined in Section 15380 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.



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 (CNDDDB 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 for 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.

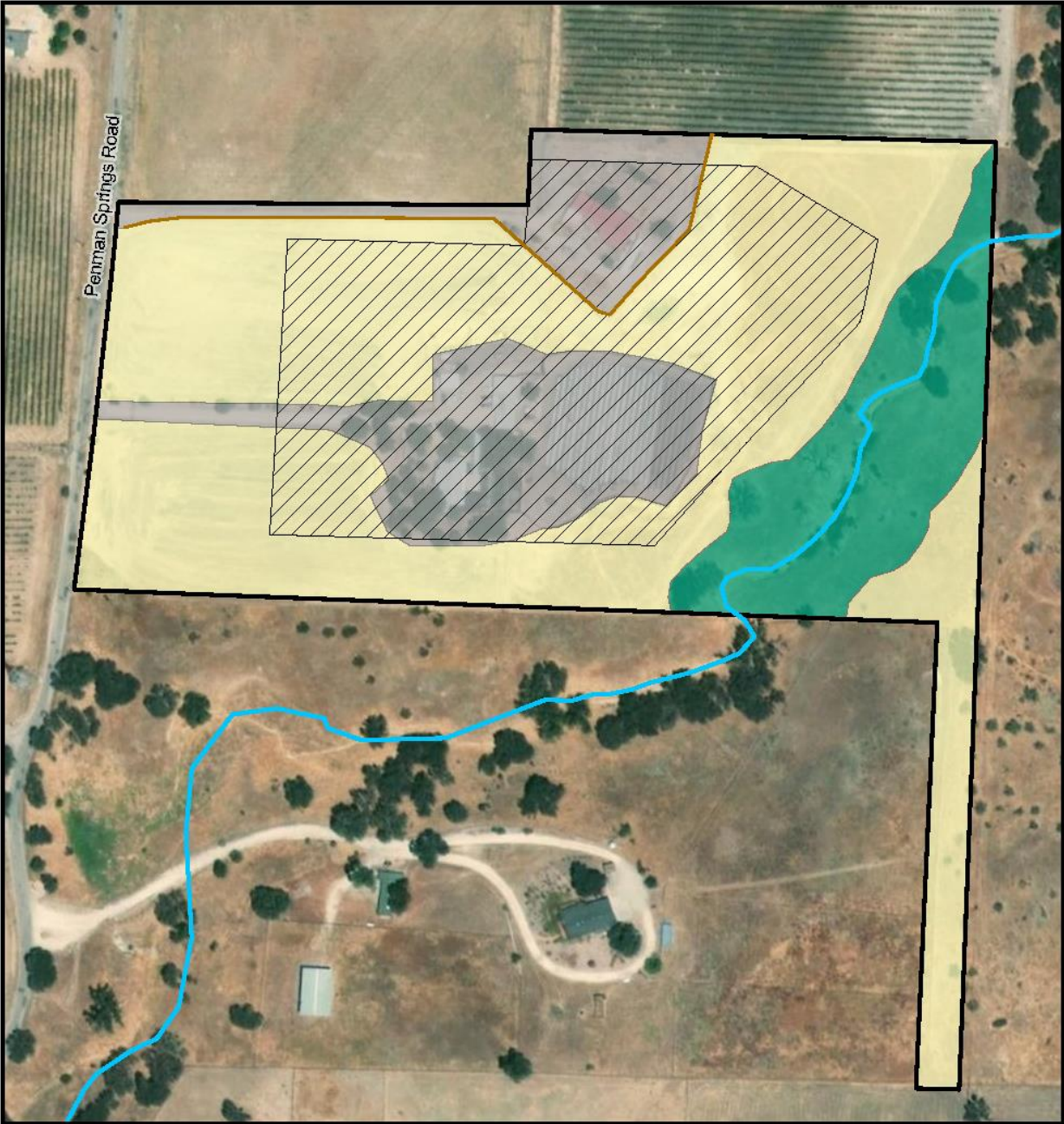
Impact. As discussed above, impacts to vernal pools and vernal species are not expected to occur due to the lack of indicators on site. Since the project site may support rare plants as well as foraging and nesting habitat for special-status wildlife species, new construction for the proposed greenhouses 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.

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).

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).

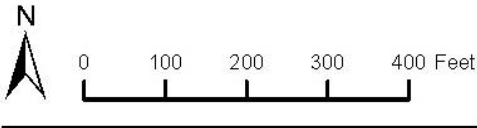
The project is located within the designated habitat area for San Joaquin kit fox. The County Standard Mitigation Ratio Map (Figure 5) was referenced to identify San Joaquin kit fox habitat areas, documented sightings, and County-assigned mitigation ratios as it relates to the project area. The project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

Figure 4 – Habitat Types



Legend

- | | |
|---|---|
|  Property Boundary | Habitats |
|  Proposed Project Area |  Annual Grassland |
|  Fence |  Blue Oak Woodland |
|  Drainage |  Anthropogenic |



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

Project Boundary

Kit Fox Mitigation Ratios

- 0:0
- 1:1
- 2:1
- 3:1
- 4:1

0 1.5 3 Miles

N

Fig 4 KFMR

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).

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).

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.

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, 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, 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.

5. CULTURAL RESOURCES

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb archaeological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historical resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Cause a substantial adverse change to a Tribal Cultural Resource?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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. 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 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. 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) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone", or other known fault zones*?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>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?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* 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) <i>Create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>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?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>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?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>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?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Impair implementation or physically interfere with an adopted emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones:</i>				
i) <i>Substantially impair an adopted emergency response plan or emergency evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

7. HAZARDS (INCLUDING WILDFIRE HAZARDS) & HAZARDOUS MATERIALS -

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
ii) <i>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?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) <i>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?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) <i>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?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.

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

8. NOISE

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<i>Will the project:</i>				
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



8. NOISE

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<i>Will the project:</i>				
b) <i>Generate permanent increases in the ambient noise levels in the project vicinity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Cause a temporary or periodic increase in ambient noise in the project vicinity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>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?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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. 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) <i>Induce substantial growth in an area either directly (e.g., construct new homes or businesses) or indirectly (e.g., extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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) <i>Have an effect upon, or result in the need for new or altered public services in any of the following areas:</i>				



10. PUBLIC SERVICES / UTILITIES / ENERGY USAGE

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Police protection (e.g., Sheriff, CHP)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v) Solid Wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
vi) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

11. RECREATION	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<i>Will the project:</i>				
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

11. RECREATION

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<i>Will the project:</i>				
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<i>Will the project:</i>				
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Level of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>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.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Conflict with an applicable congestion management program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

12. TRANSPORTATION/CIRCULATION

Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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Will the project:

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 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

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
QUALITY				
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, sediment, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

14. WATER & HYDROLOGY

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
e) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or offsite sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
QUANTITY				
h) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Expose people to a risk of loss, injury or death involving flooding (e.g., dam failure, etc.), or inundation by seiche, tsunami or mudflow?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Water

Setting.

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. 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.

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. In addition, the project site will be conditioned to provide for the 2:1 water demand offset, and will be metered to ensure that it does not exceed the estimated demand.

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. 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) <i>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?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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) <i>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?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>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)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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, there were determined to be potentially significant effects related to air quality and biological resources. However, 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
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input type="checkbox"/>	County Environmental Health Services	Not Applicable
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	Attached
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	None
<input checked="" type="checkbox"/>	County Sheriff's Department	None
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	None
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Fish and Wildlife	None
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	None
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Services District	Not Applicable
<input checked="" type="checkbox"/>	Other <u>Northern Chumash Tribal Council</u>	Attached
<input checked="" type="checkbox"/>	Other <u>Building Division</u>	Attached
<input checked="" type="checkbox"/>	Other <u>U.S. Fish and Wildlife</u>	None
<input checked="" type="checkbox"/>	Other <u>City of Paso Robles</u>	None

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

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby

- ☒ 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

incorporated by reference into the Initial Study.

The following information is available at the County Planning and Building Department.

- ☐ Design Plan
- ☐ Specific Plan
- ☒ Annual Resource Summary Report
- ☐ Circulation Study
- Other documents**
 - ☒ Clean Air Plan/APCD Handbook
 - ☒ Regional Transportation Plan
 - ☒ Uniform Fire Code
 - ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
 - ☒ Archaeological Resources Map
 - ☒ Area of Critical Concerns Map
 - ☒ Special Biological Importance Map
 - ☒ CA Natural Species Diversity Database
 - ☒ Fire Hazard Severity Map
 - ☒ Flood Hazard Maps
 - ☒ Natural Resources Conservation Service Soil Survey for SLO County
 - ☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
 - ☐ Other



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

Project-Specific Studies

- Althouse and Meade, Inc., Biological Resource Assessment, December 31, 2018
- 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

- 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

Exhibit B - Mitigation Summary Table

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: 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 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 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. Should there be evidence of kit fox activity within 150 feet of the edge of the project boundaries, the survey shall detail out such activity, and what field measures are necessary to avoid significant impacts. 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 BR-X (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 prior to tree removal activities and shall verify whether migratory birds are nesting in the site. If nesting activity is detected, the following measures shall be implemented:

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

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.



**DEVELOPER'S STATEMENT FOR
CALIFORNIA PRODUCTION SERVICES / CHOBOIAN CONDITIONAL USE PERMIT
DRC2019-00180 (FORMERLY GUITIERREZ MINOR USE PERMIT DRC2018-00103)**

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.

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

The following mitigation measures address impacts that may occur as a result of the development of the project.

Air Quality

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 NOX exempt area fleets) may be eligible by proving alternative compliance;
- All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
- Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- Electrify equipment when feasible;

- Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
- Use alternatively fueled construction equipment 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 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 California Department of Fish and Wildlife (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 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. Should there be evidence of kit fox activity within 150 feet of the edge of the project boundaries, the survey shall detail out such activity, and what field measures are necessary to avoid significant impacts. 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 BR-X (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 U.S. Fish and Wildlife Service 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 prior to tree removal activities and shall verify whether migratory birds are nesting in the site. If nesting activity is detected, the following measures shall be implemented:

- a. The project shall be modified via the use of protective buffers, delaying

construction activities, or other methods designated by the qualified biologist to avoid direct take of identified nests, eggs, and/or young protected under the Migratory Bird Treaty Act and/or California Fish and Game Code.

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

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.

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may

require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.



Signature of Agent(s)

8/21/19

Date

Justin Borba

Name (Print)



Nathaniel Heintz-Hargitt

8/21/19



COUNTY OF SAN LUIS OBISPO

DEPARTMENT OF AGRICULTURE / WEIGHTS & MEASURES

Martin Settevendemie, Agricultural Commissioner / Sealer of Weights & Measures

DATE: July 23, 2018
TO: Brandi Cummings, Project Manager
FROM: Lynda L. Auchinachie, Agriculture Department
SUBJECT: Guitierrez Minor Use Permit DRC2018-00103 (2085)

The applicant is requesting a minor use permit to allow for phased development of cannabis cultivation with the first phase consisting of a one-acre outdoor cannabis cultivation site and two approximately 3,000 square foot greenhouse structures; and phase 2 would include two additional greenhouses. The 20-acre project site is located east of Paso Robles within the Agriculture land use category.

The proposal has been reviewed for ordinance and policy consistency as well as potential impacts to on and off-site agricultural resources and operations. The following conditions of approval are recommended:

- 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 Guide (FOTG). Practices shall not adversely affect slope stability or groundwater recharge and shall prevent off-site 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.
- 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.
- Parking area 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.

The above comments and recommendations are based on policies in the San Luis Obispo County Agriculture Element, the Conservation and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA) and on current departmental objectives to conserve agricultural resources and to provide for public health, safety and welfare, while mitigating negative impacts of development to agriculture.

If you have any questions, please call me at 805.781.5914.

Mindy Fogg

From: Brandi Cummings <bcummings@co.slo.ca.us>
Sent: Friday, July 13, 2018 12:04 PM
To: Rob Mullane; Mindy Fogg
Subject: FW: DRC2018-00103 GUITIERREZ, NORTH COUNTY E-Referral, MINOR USE PERMIT, TEMPLETON

Building comments on Guitierrez.

Best,



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

From: Michael Stoker
Sent: Monday, July 09, 2018 11:40 AM
To: Brandi Cummings <bcummings@co.slo.ca.us>
Subject: Re: DRC2018-00103 GUITIERREZ, NORTH COUNTY E-Referral, MINOR USE PERMIT, TEMPLETON

Brandi,

Please find buildings recommendations for DRC2018-00103 below. Please let me know if you have any questions.

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

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

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

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

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

thanks

Michael Stoker, CASp
Building Division Supervisor
(p) 805-781-1543
mstoker@co.slo.ca.us

From: Mail for PL_Referrals Group
Sent: Friday, July 6, 2018 3:45 PM
To: Brandi Cummings
Subject: DRC2018-00103 GUITIERREZ, NORTH COUNTY E-Referral, MINOR USE PERMIT, TEMPLETON

County of San Luis Obispo
Department of Planning & Building

DRC2018-00103 GUITIERREZ, NORTH COUNTY E-Referral, MINOR USE PERMIT, TEMPLETON
APN: 015-053-035

This application was recently filed with the Planning Department for review and approval. Because the proposal may be of interest or concern to your agency or community group, we are notifying you of the availability of a referral on the project.

[DIRECT LINK to GUITIERREZ Referral Package](#)

Link to webpage for all referral packages on new website (07/26/2017 and later):

<http://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Informational/Planning-Referrals.aspx>

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

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

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

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

Referral Response:

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

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

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

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

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

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

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

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

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

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

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

Mindy Fogg

From: Mindy Fogg
Sent: Monday, July 30, 2018 12:56 PM
To: Mindy Fogg
Subject: FW: AB52, NCTC -- DRC2018-00103 GUITIERREZ North County Referral

From: Brandi Cummings <bcummings@co.slo.ca.us>
Sent: Friday, July 20, 2018 10:47 AM
To: Lisa Bugrova <lisa@kirk-consulting.net>
Cc: Mindy Fogg <mfogg@rinconconsultants.com>; Rob Mullane <rmullane@rinconconsultants.com>
Subject: FW: AB52, NCTC -- DRC2018-00103 GUITIERREZ North County Referral



Brandi Cummings
Environmental Resource Specialist
Planning & Building, County of San Luis Obispo
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From: Fred Collins <fcollins@northernchumash.org>
Sent: Friday, July 20, 2018 9:01 AM
To: Brandi Cummings <bcummings@co.slo.ca.us>
Subject: RE: AB52, NCTC -- DRC2018-00103 GUITIERREZ North County Referral

Dear Brandi,

Thank you for the report, NCTC does not recognize any work done by Thor Conway, he is not in good standing with the Northern Chumash, his work is subpar, and he has no contact with the Northern Chumash, rather than make these folks do it over again, please let them know we are giving them a pass, make sure this Kirk Consultants understand that this company is on our Black List next time or we will make them do it over again, this is not about the cheapest archaeologist, but the most qualified, we do not want the lowest bidder dealing with our Ancestors, so please make sure this consulting company understands.

NCTC has no further comments on this project.

Fred Collins
NCTC

From: Brandi Cummings [<mailto:bcummings@co.slo.ca.us>]
Sent: Friday, July 13, 2018 11:59 AM
To: fcollins_northernchumash.org
Subject: RE: AB52, NCTC -- DRC2018-00103 GUITIERREZ North County Referral

Hi Fred,

Please see the attached archaeological report on this one.



Best,

Brandi Cummings

Environmental Resource Specialist

Planning & Building, County of San Luis Obispo

Tel: (805) 781-1006

[Website](#) | [Facebook](#) | [Twitter](#) | [Map](#)

From: Fred Collins <fcollins@northernchumash.org>
Sent: Wednesday, July 11, 2018 7:42 AM
To: Brandi Cummings <bcummings@co.slo.ca.us>
Subject: RE: AB52, NCTC -- DRC2018-00103 GUITIERREZ North County Referral

Hello Brandi,

Please send any archaeological reports or records search, thank you.

Fred Collins
NCTC

From: Mail for PL_Referrals Group [<mailto:plreferrals@co.slo.ca.us>]
Sent: Friday, July 6, 2018 3:54 PM
To: fcollins_northernchumash.org
Cc: Brandi Cummings
Subject: AB52, NCTC -- DRC2018-00103 GUITIERREZ North County Referral

County of San Luis Obispo
Department of Planning & Building

DRC2018-00103 GUITIERREZ, North County Referral, Minor Use Permit, Paso Robles, CA
APN: 015-053-035

[DIRECT LINK to GUITIERREZ Referral Package](#)

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

The deadline for consultation request is:
August 5, 2018

The County of San Luis Obispo is notifying you of the proposed project listed above. The project application was recently filed with the Planning Department for review and approval. State law under

Assembly Bill 52 (Public Resources Code Section 21080.3.1) allows California Native American tribes 30 days to request consultation regarding possible significant effects that implementation of the proposed project may have on tribal cultural resources. The attached letter is your official notification and provides target timelines for the AB 52 Consultation Process.

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



Date: July 10, 2018
To: Brandi Cummings, Project Planner
From: Glenn Marshall, Development Services
Subject: Public Works Revised Comments on DRC2018-00103 Guitierrez MUP, Penman Springs Rd., Paso Robles, APN 015-053-035

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

Public Works Comments:

- A. The project is located outside a Flood Hazard area, a Road Improvement Fee area, and a Stormwater Management area.
- B. Applying Santa Barbara County trip rates the project is expected to generate 35 ADT with 4 PHT based on the following:
 - 1ac outdoor cultivation (2 trips)
 - 0.5ac greenhouse cultivation (33 trips)
 - No manufacturing (0 trips)
 - No distribution (0 trips)Project impacts to County maintained roads are not expected.
- C. The proposed project is within a drainage review area. Drainage plan may be required and will be reviewed at the time of Building Permit submittal by Public Works. The applicant should review Chapter 22.52.110 or 23.05.040 of the Land Use Ordinance prior to future submittal of development permits.
- D. If the project site disturbs 1.0 acre or more the applicant must enroll for coverage under California's Construction General Permit, which may require preparation of a project Stormwater Control Plan even though its located outside a Stormwater Management Area.
- E. The site is within the Salinas Valley Groundwater Basin and is therefore subject to the Sustainable Groundwater Management Act (SGMA). However, the Groundwater Sustainability Agency responsible for overseeing SGMA compliance has not completed the planning efforts that will define the need for any groundwater mitigation requirements. In the interim, consideration of the project's impacts on the groundwater basin should be included in the project's CEQA analysis.

Recommended Project Conditions of Approval:

Access

1. **On-going condition of approval (valid for the life of the project)**, to minimize project related traffic impacts in accordance with the project description, the project permit is restricted as follows:
 - a. One (1) acre maximum outdoor cultivation.
 - b. One half (1/2) acre maximum indoor (greenhouse) cultivation
 - c. Operational hours between 6:00 a.m. to 3:30 p.m., Monday thru Friday
 - d. No other onsite uses permitted including, but not limited to: manufacturing, distribution, retail, tours, events, etc.
2. **Within 30-days of the land use permit approval**, the applicant shall submit to the Department of Public Works an encroachment permit application, plans, fees, and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plans are to include, as applicable:
 - a. Reconstruct, if necessary, the existing Penman Springs Road driveway approach to current B-1a and A-5 drawings.
3. **Prior to commencing land use permit operations**, all work in the public right-of-way must be constructed or reconstructed to the satisfaction of the Public Works Inspector and in accordance with the County Public Improvement Standards; the project conditions of approval, including any related land use permit conditions; and the approved improvement plans.
4. **Prior to commencing land use permit operations**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.
5. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; landscaping; agricultural operations; etc. without a valid Encroachment Permit issued by the Department of Public Works.

Drainage

6. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) or 23.05.040 (Drainage) of the Land Use Ordinance.
7. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.

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**DEVELOPER'S STATEMENT FOR
CALIFORNIA PRODUCTION SERVICES / CHOBOIAN CONDITIONAL USE PERMIT
DRC2019-00180 (FORMERLY GUITIERREZ MINOR USE PERMIT DRC2018-00103)**

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.

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

The following mitigation measures address impacts that may occur as a result of the development of the project.

Air Quality

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 NOX exempt area fleets) may be eligible by proving alternative compliance;
- All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
- Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- Electrify equipment when feasible;

- Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
- Use alternatively fueled construction equipment 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 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 California Department of Fish and Wildlife (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 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. Should there be evidence of kit fox activity within 150 feet of the edge of the project boundaries, the survey shall detail out such activity, and what field measures are necessary to avoid significant impacts. 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 BR-X (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 U.S. Fish and Wildlife Service 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 prior to tree removal activities and shall verify whether migratory birds are nesting in the site. If nesting activity is detected, the following measures shall be implemented:

- a. The project shall be modified via the use of protective buffers, delaying

construction activities, or other methods designated by the qualified biologist to avoid direct take of identified nests, eggs, and/or young protected under the Migratory Bird Treaty Act and/or California Fish and Game Code.

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

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.

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may

require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.



Signature of Agent(s)

8/21/19

Date

Justin Borba

Name (Print)



Nathaniel Heintz-Hargitt

8/21/19



COUNTY OF SAN LUIS OBISPO

DEPARTMENT OF AGRICULTURE / WEIGHTS & MEASURES

Martin Settevendemie, Agricultural Commissioner / Sealer of Weights & Measures

DATE: July 23, 2018
TO: Brandi Cummings, Project Manager
FROM: Lynda L. Auchinachie, Agriculture Department
SUBJECT: Guitierrez Minor Use Permit DRC2018-00103 (2085)

The applicant is requesting a minor use permit to allow for phased development of cannabis cultivation with the first phase consisting of a one-acre outdoor cannabis cultivation site and two approximately 3,000 square foot greenhouse structures; and phase 2 would include two additional greenhouses. The 20-acre project site is located east of Paso Robles within the Agriculture land use category.

The proposal has been reviewed for ordinance and policy consistency as well as potential impacts to on and off-site agricultural resources and operations. The following conditions of approval are recommended:

- 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 Guide (FOTG). Practices shall not adversely affect slope stability or groundwater recharge and shall prevent off-site 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.
- 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.
- Parking area 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.

The above comments and recommendations are based on policies in the San Luis Obispo County Agriculture Element, the Conservation and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA) and on current departmental objectives to conserve agricultural resources and to provide for public health, safety and welfare, while mitigating negative impacts of development to agriculture.

If you have any questions, please call me at 805.781.5914.

Mindy Fogg

From: Brandi Cummings <bcummings@co.slo.ca.us>
Sent: Friday, July 13, 2018 12:04 PM
To: Rob Mullane; Mindy Fogg
Subject: FW: DRC2018-00103 GUITIERREZ, NORTH COUNTY E-Referral, MINOR USE PERMIT, TEMPLETON

Building comments on Guitierrez.

Best,



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

From: Michael Stoker
Sent: Monday, July 09, 2018 11:40 AM
To: Brandi Cummings <bcummings@co.slo.ca.us>
Subject: Re: DRC2018-00103 GUITIERREZ, NORTH COUNTY E-Referral, MINOR USE PERMIT, TEMPLETON

Brandi,

Please find buildings recommendations for DRC2018-00103 below. Please let me know if you have any questions.

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

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

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

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

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

thanks



Date: July 10, 2018
To: Brandi Cummings, Project Planner
From: Glenn Marshall, Development Services
Subject: Public Works Revised Comments on DRC2018-00103 Guitierrez MUP, Penman Springs Rd., Paso Robles, APN 015-053-035

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

Public Works Comments:

- A. The project is located outside a Flood Hazard area, a Road Improvement Fee area, and a Stormwater Management area.
- B. Applying Santa Barbara County trip rates the project is expected to generate 35 ADT with 4 PHT based on the following:
 - 1ac outdoor cultivation (2 trips)
 - 0.5ac greenhouse cultivation (33 trips)
 - No manufacturing (0 trips)
 - No distribution (0 trips)Project impacts to County maintained roads are not expected.
- C. The proposed project is within a drainage review area. Drainage plan may be required and will be reviewed at the time of Building Permit submittal by Public Works. The applicant should review Chapter 22.52.110 or 23.05.040 of the Land Use Ordinance prior to future submittal of development permits.
- D. If the project site disturbs 1.0 acre or more the applicant must enroll for coverage under California's Construction General Permit, which may require preparation of a project Stormwater Control Plan even though its located outside a Stormwater Management Area.
- E. The site is within the Salinas Valley Groundwater Basin and is therefore subject to the Sustainable Groundwater Management Act (SGMA). However, the Groundwater Sustainability Agency responsible for overseeing SGMA compliance has not completed the planning efforts that will define the need for any groundwater mitigation requirements. In the interim, consideration of the project's impacts on the groundwater basin should be included in the project's CEQA analysis.

Recommended Project Conditions of Approval:

Access

1. **On-going condition of approval (valid for the life of the project)**, to minimize project related traffic impacts in accordance with the project description, the project permit is restricted as follows:
 - a. One (1) acre maximum outdoor cultivation.
 - b. One half (1/2) acre maximum indoor (greenhouse) cultivation
 - c. Operational hours between 6:00 a.m. to 3:30 p.m., Monday thru Friday
 - d. No other onsite uses permitted including, but not limited to: manufacturing, distribution, retail, tours, events, etc.
2. **Within 30-days of the land use permit approval**, the applicant shall submit to the Department of Public Works an encroachment permit application, plans, fees, and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plans are to include, as applicable:
 - a. Reconstruct, if necessary, the existing Penman Springs Road driveway approach to current B-1a and A-5 drawings.
3. **Prior to commencing land use permit operations**, all work in the public right-of-way must be constructed or reconstructed to the satisfaction of the Public Works Inspector and in accordance with the County Public Improvement Standards; the project conditions of approval, including any related land use permit conditions; and the approved improvement plans.
4. **Prior to commencing land use permit operations**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.
5. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; landscaping; agricultural operations; etc. without a valid Encroachment Permit issued by the Department of Public Works.

Drainage

6. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) or 23.05.040 (Drainage) of the Land Use Ordinance.
7. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.

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