Negative Declaration & Notice Of Determination

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

ENVIRONMENTAL DETERMINATION NO. ED Number 18-061 **DATE:** December 5, 2018

PROJECT/ENTITLEMENT: Nouel Riel Cellars Inc., Minor Use Permit; DRC2018-00018

APPLICANT NAME:	Nouel Riel Cellars, Inc	**Email:** gary@nouelrielcellars.com
ADDRESS:	736 S. Center Street, Reno, NV 89501	
CONTACT PERSON:	Gary M. Spackman	**Telephone:** (702)235-5542

PROPOSED USES/INTENT: A request by **Nouel Riel Cellars Incorporated and Coastal Elevations** for a Minor Use Permit (DRC2018-00018) to establish up to 20,000 square feet of indoor cannabis cultivation on a portion of a 41-acre project site. On-site development would include construction of four new greenhouses totaling 19,920-square feet combined, and conversion of an existing 2,635-square foot barn for drying and storage of cannabis. The project would also use an existing 80-square foot storage shed and a new 160-square foot storage container for materials storage (e.g., pesticides, fertilizer, soil amendments, and potting materials). The project would employ up to six people and would operate seven days per week between the hours of 7:00 AM and 6:00 PM. A modification from the parking standards set forth in Land Use Ordinance Section 22.18.050.C.1 is requested to reduce the required number of spaces from 40 to 12. The project site is located at 7755 Airport Road on the west side of Airport Road approximately 500 feet south of Estrella Road and 2.7 miles southeast of the community of San Miguel. The site is located in the Salinas River Sub-area of the North County Planning Area.

LOCATION: The project is located at 7755 Airport Road, Paso Robles, CA

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 of Fish and Wildlife

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

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

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County_____ 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.

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. Nouel Riel Cellars Minor Use Permit ED 18-061 (DRC2018-00018)

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

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

Rob Mullane, AICP			12/5/2018
Prepared by (Print)	Signature		Date
Megan Martin, Supervising Planner		Ellen Carroll, Environmental Coordinator (for)	12/5/2018
Reviewed by (Print)	Signature		Date

Project Environmental Analysis

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

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

A. PROJECT

DESCRIPTION: The proposed project is a request by Nouel Riel Cellars Incorporated for a Minor Use Permit (DRC2018-00018) for 20,000 square feet of indoor cannabis cultivation. The project includes 19,920 square feet of new greenhouse area for indoor cannabis cultivation, and use of an existing 2,632-square-foot barn for drying and storage operations. An 80-square foot existing storage shed would be relocated on-site, and a 160-square-foot storage container would be installed. Both of these storage structures would be used for supplemental material storage (e.g., pesticides, fertilizer, soil amendments, and potting materials). The project would employ up to six people and would operate seven days per week between the hours of 7:00 AM and 6:00 PM.

The project would be located in the Agriculture land use category on a 41-acre property at 7755 Airport Road approximately four miles from the City of Paso Robles in the Salinas River Sub Planning Area of the North County Planning Area. The project site's regional location in the San Luis Obispo County area is shown in Figure 1, and the site is shown in Figure 2. The site plan is shown in Figure 3. Approximately 2.05 acres (89,220 square feet) of vineyard would be removed to accommodate the project (see Figures 2 and 3).

The project would include four Next G3N Greenhouses each measuring 41.5 feet by 120 feet for a total of 19,920 square feet. Grading would occur to level the greenhouse pads; however, no permanent foundations would be built. Figure 3 depicts the proposed site plan. The greenhouses are designed to be a Light Deprivation/Multi Energy screen greenhouse, with energy and water efficient design components. The greenhouses would provide a complete growing system that includes incorporated heating/cooling components, LED lighting control, and side and roof ventilation. They would also include ventilation controls such as roof scrubbers. The greenhouses would implement a closed loop aeration system to promote air circulation within the facility instead of bringing in air from outside, and a MicroCool system to trap and neutralize odors.

Motion-activated LED lights would be installed on the corners and sides of the greenhouse and on the exterior of greenhouse doorways to enhance safety and video surveillance activities. A pole-mounted light would be mounted on a 10-foot high pole at the northwest corner of the parking area. Additional 10-foot poles with pole-mounted lights would be installed at each gate, unless a gate-mounted light alternative provides adequate illumination for security purposes.

The property is enclosed by an eight-foot high deer fence on all sides except the Airport Road frontage to the east, where there is no fencing currently. The Airport Road property boundary to the east would be fenced using four-foot high decorative wrought iron panels as would the driveway to the residence. The four-foot high wrought iron panels would be raised eight inches off the ground to allow

for San Joaquin kit fox and other small wildlife passage onto and through the property. This would result in a total fence height of 4 feet 8 inches.

Access to the site is provided via Airport Road. There is a main driveway serving the residence along the northern property line, and a farm road along the southern property line. Neither the driveway nor any of the internal farm roads are currently paved. The project would be accessed by the southern access road, which would be widened to 20 feet and improved with a decomposed granite surface or with a Class II aggregate base. Fourteen-foot-wide decorative estate gates are proposed at the driveway entrances near the northeast and southeast corners of the property.

Eleven standard parking stalls and one ADA-compliant stall would be located in the southern part of the property adjacent and east of the existing frost protection pond (see Figure 4).

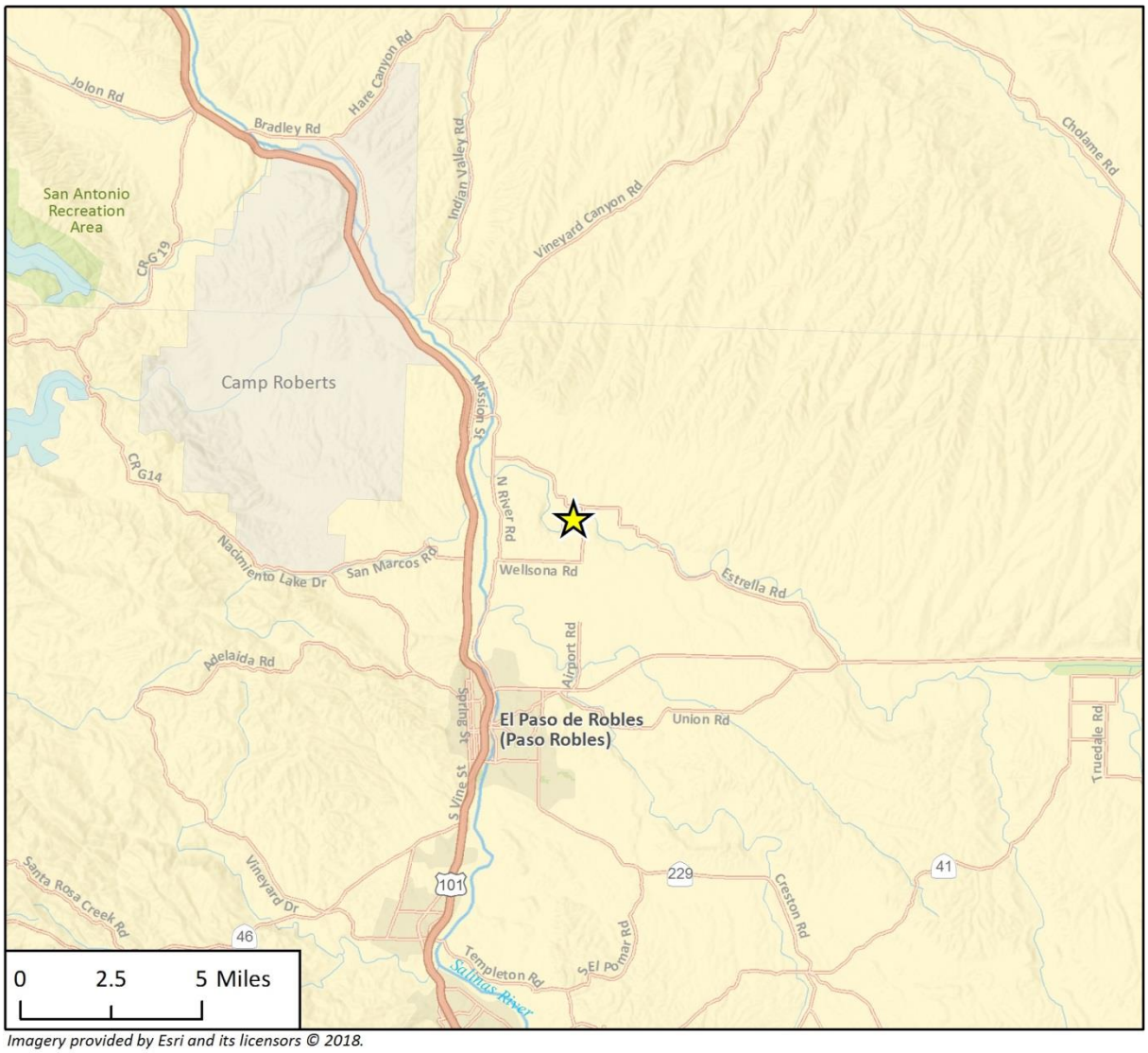
Solid waste would be stored in a four-cubic yard trash bin stored near the northwest corner of the barn. Trash service would be provided by San Miguel Garbage Services.

Portable restrooms and related services would be provided by MarBorg Industries. These would include free-standing male, female and ADA Compliant Wheelchair Portable Restrooms, with associated sinks and other amenities.

The project would not include sales on-site and would not have exterior signage fronting Airport Road or signage at the ingress and egress points to the cultivation site.

Ordinance Modification: The project request includes a modification from the parking provisions set forth in Section 22.18.050.C.1 of the County Land Use Ordinance (LUO), which describes parking requirements for agricultural uses. The type of commercial agricultural use that best matches the proposed cannabis cultivation is “Nursery Specialties.” A ratio of one parking space per 500 square feet of floor area is the minimum requirement for nursery specialties. The proposed greenhouses and buildings would total 19,920 square feet, which with the application of this parking standard, would require the applicant to provide 40 parking spaces. The project proposes 12 parking spaces, as depicted on Figure 4. Up to six employees may be on site at various times during the day. Therefore, 12 spaces are proposed as sufficient to meet the parking demands of the project.

Figure 1 – Regional Location



Imagery provided by Esri and its licensors © 2018.

Project Location

N

Figure 2 – Project Site

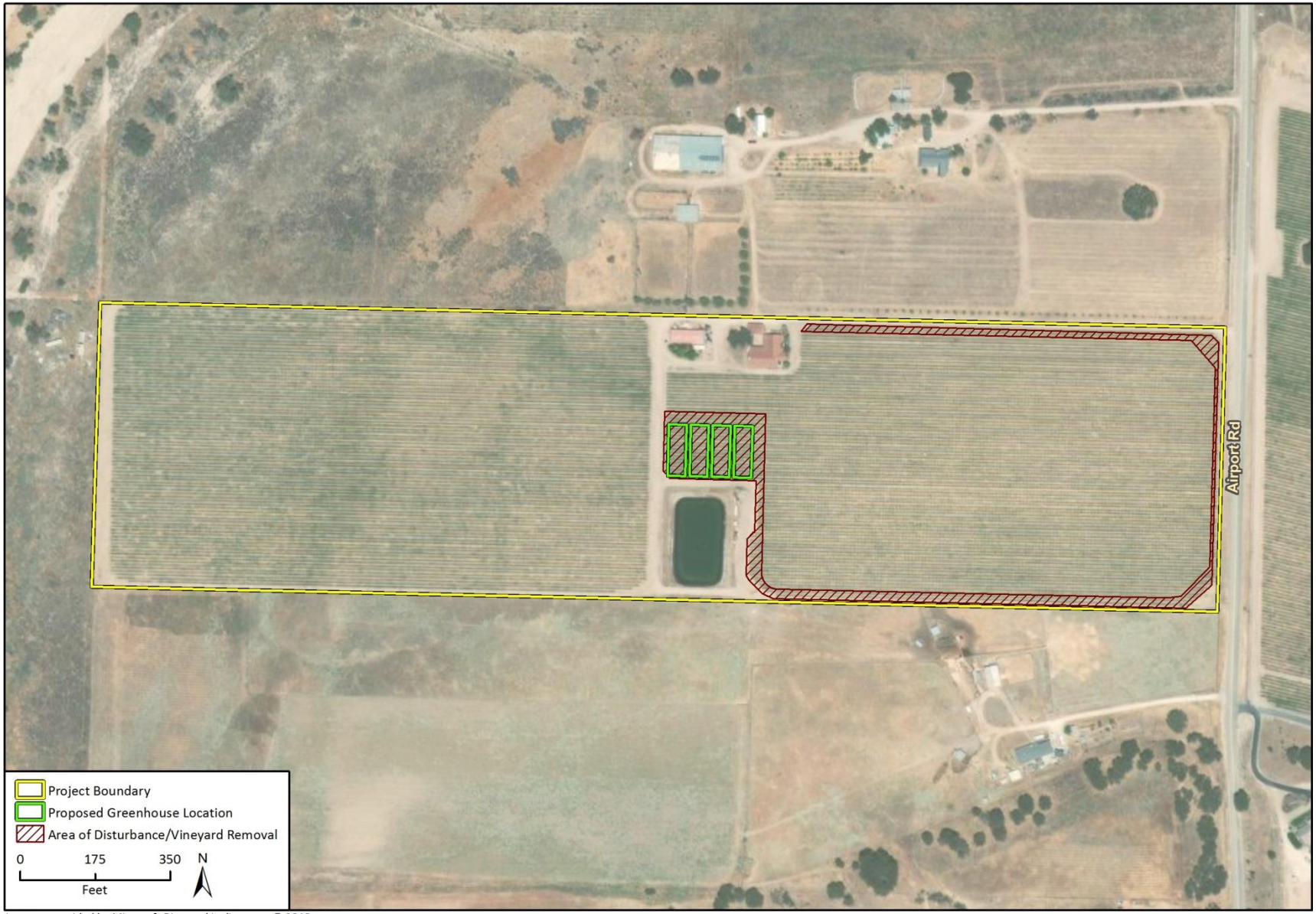


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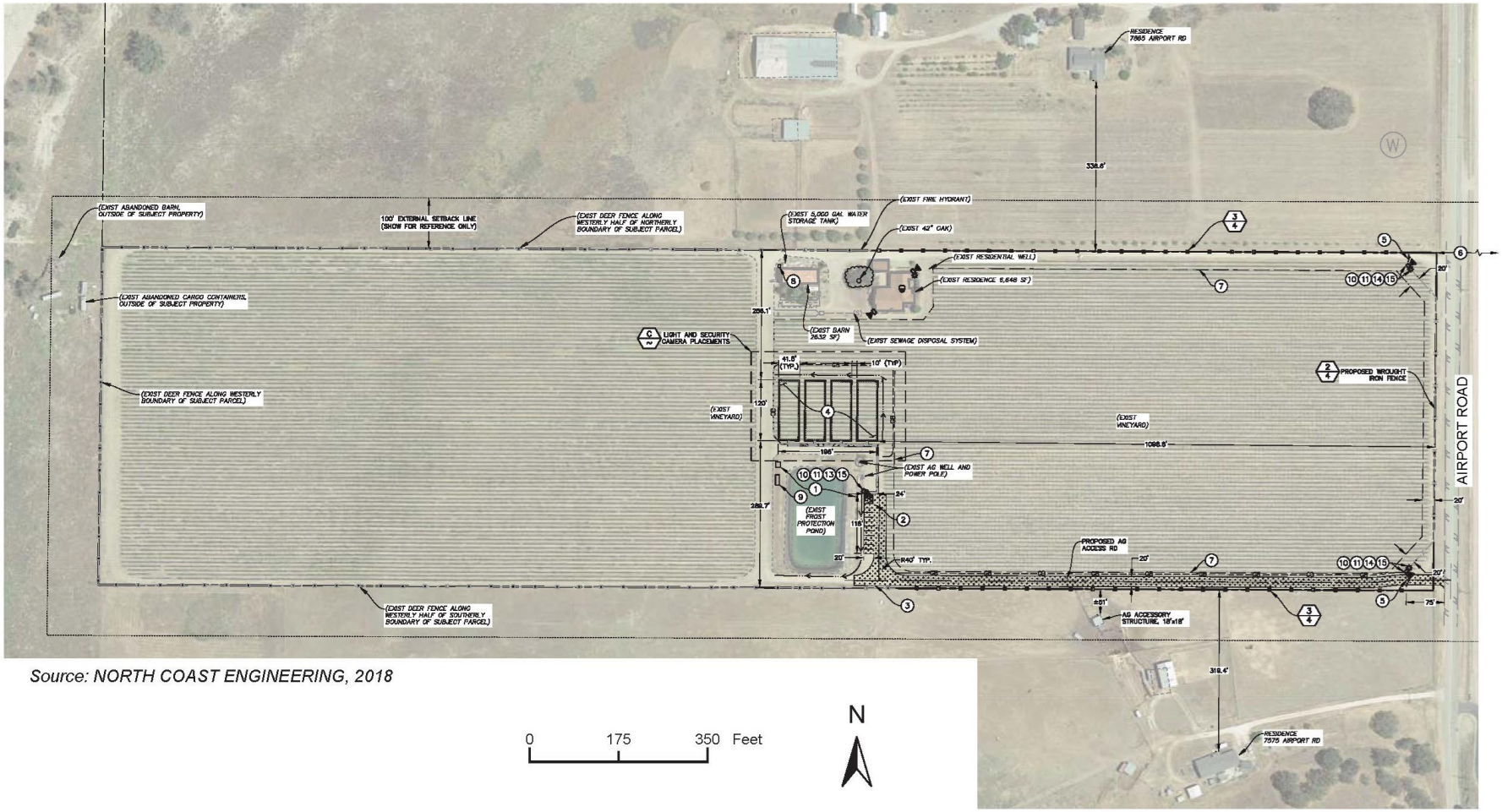
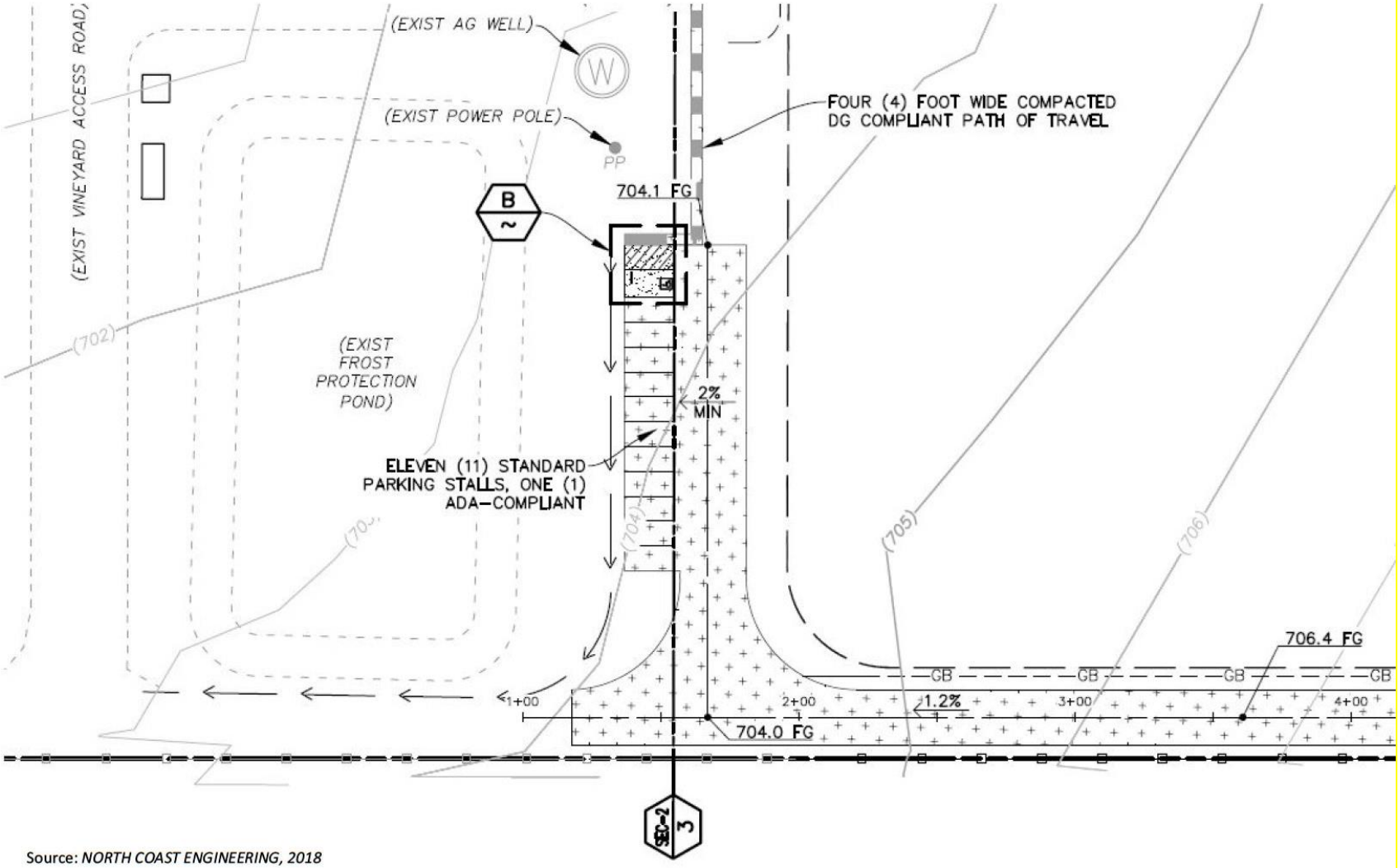
Fig 2 Project Location

Figure 3 – Proposed Site Plan



Source: NORTH COAST ENGINEERING, 2018

Figure 4 – Proposed On-site Parking



Source: *NORTH COAST ENGINEERING, 2018*

ASSESSOR PARCEL NUMBER(S): 027-191-043

Latitude: 35 degrees 42' 48" N Longitude: 120 degrees 38' 37" W **SUPERVISORIAL DISTRICT** # 1

B. EXISTING SETTING

PLAN AREA: North County **SUB**: Salinas River **COMM:** N/A

LAND USE CATEGORY: Agriculture

COMB. DESIGNATION: Airport Review Flood Hazard

PARCEL SIZE: 41 acres

TOPOGRAPHY: Nearly level

VEGETATION: Agriculture; Herbaceous; Urban-built up

EXISTING USES: Agricultural uses(Vineyards); Reservoir; single-family residence(s); accessory structures

SURROUNDING LAND USE CATEGORIES AND USES:

North: Agriculture; single-family residence(s) and agricultural uses	*East:* Agriculture; single-family residence(s) and agricultural uses
South: Agriculture; single-family residence(s) and agricultural uses	*West:* Agriculture; Unknown

C. ENVIRONMENTAL ANALYSIS

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

COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST

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

Aesthetics

Setting. The project site is located along, but only partially visible from, Airport Road. The site, as with most of the surrounding uses, is currently utilized for agricultural purposes, with relatively flat to gently sloping topography. As viewed from Airport Road, vineyards line the project frontage, with distant ridgelines and hillsides in the background. A frost protection pond lies south of the proposed greenhouse location, and a single family residence and barn are located in the northern center of the site. One blue oak (*Quercus douglasii*) tree exists adjacent to the on-site residence/barn. The project site is not located in a designated scenic area, and there are no geological or physical features located onsite. Lastly, Table VR-2 of the Conservation and Open Space Element provides a list of Suggested Scenic Corridors; none of the roadways in the vicinity of the project site are listed on Table VR-2.

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 removal of 2.05 acres (89,220 square feet) of grape vines and installation of 19,920-square feet of greenhouse structures within a predominantly agricultural area. The proposed greenhouses would be up to 19 feet in height and would be located on the interior of the site. The proposed greenhouse structures would be of similar shape and form to the greenhouses located at

the property north of the project site. In addition, the proposed greenhouses would be of similar size and scale as the existing residence and would be set back from Airport Road such that they would only be partially visible from it due to intervening vineyards. In compliance with LUO Section 22.40.050 D. 6, cannabis plants associated with cultivation shall not be easily visible from offsite. In this case, all cannabis related activities will occur within secure buildings where the plants will not be visible. The project would be compatible with adjacent uses and surrounding visual character (agricultural and rural residential uses).

Motion-activated LED lighting would be placed on the corners and sides of the greenhouse and on the exterior of greenhouse doorways. In addition, security lighting would be placed on a maximum ten foot pole or attached to the gate post at entry. 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 four greenhouse structures and new vehicles onsite would generate additional glare on the site. The majority of the lighting associated with the project would be in the green-house area. Lighting at the project access gate would be downward directed and consistent with other entry gate lighting in the vicinity of the site and consistent with LUO Section 22.10.060 B through F. Due to the siting of new structures towards the center of the project site and relatively large size (41 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) Convert prime agricultural land, per NRCS soil classification, to non-agricultural use?	☐	☐	☒	☐
b) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?	☐	☐	☒	☐
c) Impair agricultural use of other property or result in conversion to other uses?	☐	☐	☒	☐
d) Conflict with existing zoning for agricultural use, or Williamson Act program?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☒

Agricultural Resources

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

Land Use Category: Agriculture

Historic/Existing Commercial Crops: Grape Varietal

State Classification: Prime farmland, Farmland

In Agricultural Preserve? Yes, Estrella

of Statewide Importance, and Unique Farmland | Agricultural Preserve Area
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 1 and then described in detail below.

Table 1 – Classifications and Acreages of Soils On-site

Soil	Classification	Acres
Arbuckle-Positas complex (15 to 30 percent slopes)	Other Productive Soils	2.9 acres
Hanford and Greenfield soils (2 to 9 percent slopes)	Prime Farmland Farmland of Statewide Importance	20.2 acres
Hanford and Greenfield gravelly sandy loams (0 to 2 percent slopes)	Prime Farmland	8.4 acres
Metz loamy sand (0 to 5 percent slopes)	Farmland of Statewide Importance	9.0 acres
Source: Classifications based on Table SL-2 of the County General Plan's Conservation/Open Space Element		

Based on the County's Conservation/Open Space Element, the project site contains Prime Farmland, Farmland of Statewide Importance, and soils classified as "Other Productive Soils" (see Figure 5).

Based on Natural Resources Conservation Service Soil classifications, the soil type(s) and characteristics on the site include:

Arbuckle-Positas complex (15 to 30 percent slopes) +/- 2.9 acres

> Present on hilly soils on terraces at elevations of 600 to 1,500 feet. The surface layer is approximately 10 inches deep with subsoil about 43 inches thick. Arbuckle soil has moderately slow permeability with rapid runoff and high risk of erosion. The Positas soil has very slow permeability and also features rapid runoff and high risk of erosion. These soils are typically used for cultivated crops, rangeland, and urban land. This soil is not classified as prime farmland.

Hanford and Greenfield soils (2 to 9 percent slopes) +/- 20.2 acres

> Typically present on terraces at elevations of 600 to 1,500 feet. The surface layer is approximately 10 inches deep with subsoil about 43 inches thick. This soil unit is well drained with low surface runoff and low risk of erosion. These soils are typically used for cultivated crops, rangeland, and urban land. This soil is classified as farmland of statewide importance.

Hanford and Greenfield gravelly sandy loams (0 to 2 percent slopes) +/- 8.4 acres

> Typically consists of soil on terraces at elevations of 600 to 1,500 feet. Mean annual precipitation is 12 to 20 inches. This soil unit is typically very deep and well drained, featuring slow surface runoff and low risk of erosion. These soils are typically used for cultivated crops, rangeland, and urban land. This soil is classified as prime farmland if irrigated.

Metz loamy sand (0 to 5 percent slopes) +/- 9.0 acres

> A very deep, nearly level to gently sloping, well-drained soil formed in alluvium from mixed rocks. Often found on flood plains, it typically occurs at elevations of 600 to 1,500 feet. The surface layer is typically about 9 inches thick. Permeability is moderately rapid and the effective

rooting depth is approximately 60 inches. Surface runoff tends to be slow, resulting in a low risk of erosion. This soil is used for cultivated crops, rangeland, and urban land. This soil is classified as farmland of statewide importance.

Impact. The project site is in a predominantly rural and agricultural area with agricultural activities occurring on the property and immediate vicinity. Approximately two acres (89,200 square feet) of vineyard would be removed to accommodate project greenhouses, access road and parking areas. The access road and parking areas would be improved with a decomposed granite surface or Class II aggregate base. As discussed in the Setting, the project site is not under Williamson Act Contract; however, the site is currently within the Estrella Agricultural Preserve Area. Development of on-site greenhouses would not violate the agricultural preserve agreement between the land owner and County.

The project site is located within the Agriculture (AG) land use category and would continue to support agricultural uses; however, a total of 19,920 square feet (0.46 acres) of Prime Farmland/Farmland of Statewide Importance would be converted from vineyards to cannabis cultivation. In order to widen the access road to twenty feet, Prime Farmland/Farmland of Statewide Importance would be affected to accommodate the increase in width.

Per the memo from Lynda Auchinachie dated April 30, 2018, the Agriculture Department has reviewed the project for ordinance and policy consistency as well as potential impacts to on and off-site agricultural resources and operations. The Department recommends the following 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.

- Parking area should maximize the use of pervious and semi pervious surfaces to promote groundwater recharge, minimize erosion and sedimentation, and protect farmland for agricultural use.

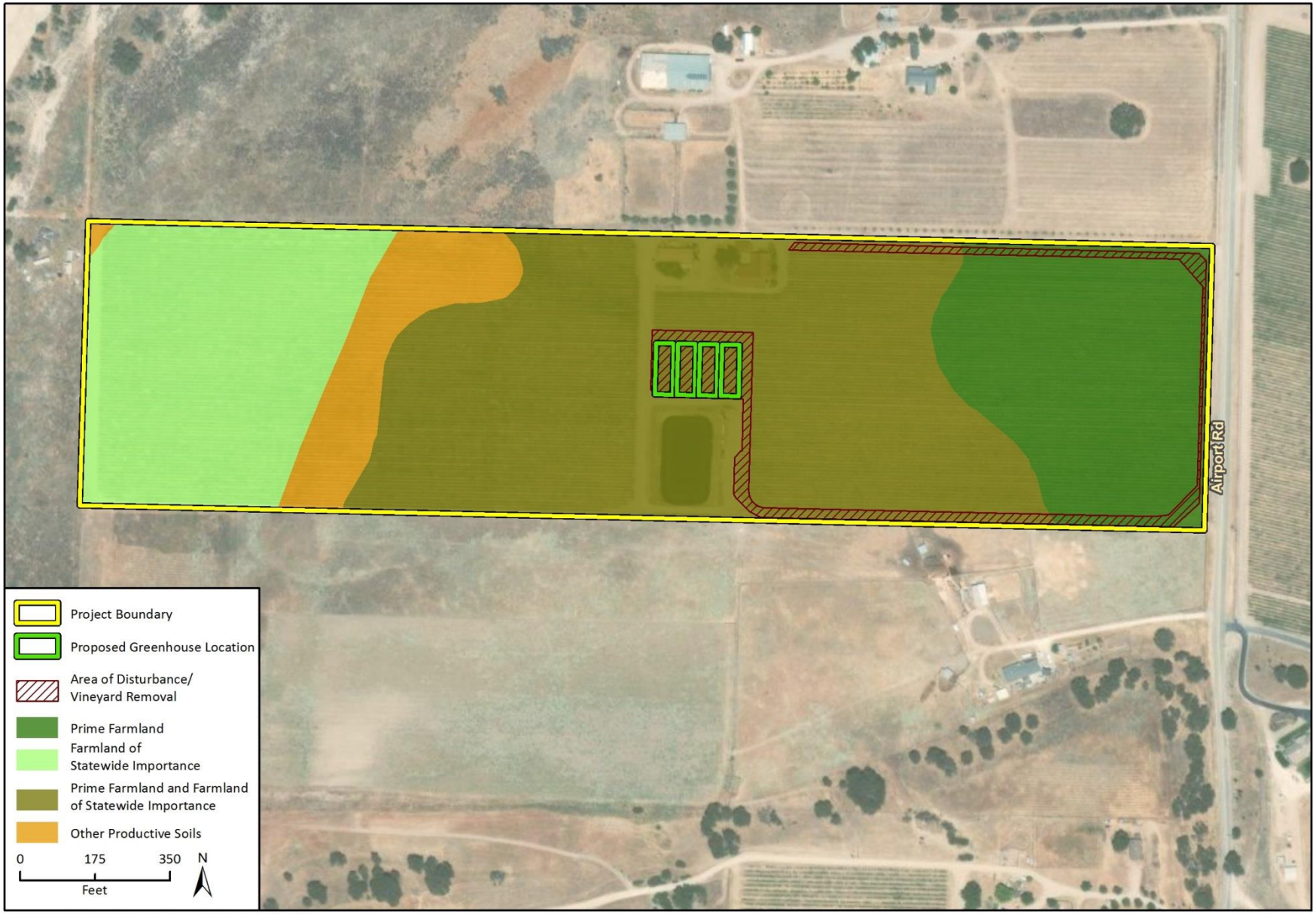
- Throughout the life of the project, best management water conservation practices shall be maintained.

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

The conversion of vineyard acreage for greenhouse cannabis cultivation (0.46 acres), the widened access road, and the removal of vineyard (2.05 acres) to offset water consumption (eastern portion of the site; see Figure 5) would not result in the permanent loss of Farmland of Statewide Importance or Prime Farmland because the project would not introduce paved surfaces or permanently built structures which would preclude future agricultural activities on the site. These design features, combined with the conditions of approval from the Agriculture Department would ensure that significant impacts to agricultural resources are avoided.

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.

Figure 5 – Project Site and Mapped Farmlands



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Additional data provided by California Department of Conservation, 2016.

Fig 4 Farmlands

3. AIR QUALITY

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

Air Quality

Setting. The project site is located in the South Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (APCD). The APCD is in non-attainment for the 24-hour state standard for particulate matter (PM_{10}) and the eight-hour state standard for ozone (O_3) (SLOAPCD 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.

The APCD developed and updated their CEQA Air Quality Handbook (2012) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. The Handbook includes screening criteria for project impacts.

According to the Handbook, a project with grading in excess of 4.0 acres and moving 1,200 cubic yards of earth per day can exceed the construction threshold for respirable particulate matter (PM_{10}).

The nearest sensitive receptors to the site are single-family residences located approximately 600 feet north and 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 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 of carbon dioxide equivalent emissions per year (MT CO_2e/year) would be the most applicable threshold. In addition to the residential/commercial threshold options proposed above, a bright-line numerical value threshold of 10,000 MT CO_2e/year was adopted for stationary source (industrial) projects.

It should be noted that projects that generate less than the above mentioned thresholds would 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 would be "regulated" either by CARB, the Federal Government, or other entities. For example, new vehicles would be subject to increased fuel economy standards and emission reductions, large and small appliances would be subject to more strict emissions standards, and energy delivered to consumers would 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 would be subject to emission reductions.

Under CEQA, an individual project's GHG emissions would 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 X acres (89,220 square feet) to allow for the construction of a new greenhouse, accessory structures, and improvements to the access roadway. 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. However, the project is within 1,000 feet of sensitive receptors and the SCCAB is in non-attainment for PM_{10}; therefore, standard mitigation measures apply. To address potential construction impacts per the SLOPACD CEQA Air Quality Handbook, the project would be required to reduce localized fugitive dust, ozone precursors, and diesel particulate matter emissions. Adherence to Fugitive Dust Control Measures outlined in the Handbook would ensure the project shall implements dust control measures to reduce PM_{10} emissions in accordance with SLOAPCD requirements. Dust control measures would include, but are not limited to: watering/spraying to reduce dust emissions, soil stabilizers and other best management practices (jute netting, chemical binders), reduced vehicle speeds onsite, and sweeping and washing streets. In addition, the project would employ Standard Control Measures for Construction Equipment, which include but are not limited to: maintaining all equipment in proper tune according to manufacturer's specifications, use of diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, restricting vehicle idling time, staging and queuing areas located 1,000 feet away from sensitive receptors, and using electric equipment when feasible. With implementation of mitigation measures AQ-1 and AQ-2, construction related impacts would be less than significant.

Prior to commencement of permitted activities, the southern access road on the project site would be improved with a decomposed granite surface or with a Class II aggregate base and to ensure a consistent 20-foot width. Based on the APCD's thresholds for unpaved road distances, the project would not generate a significant number of vehicle trips (17 average daily trips) or result in a distance (approximately 1,000 feet) of unpaved access road that exceeds the threshold of 25 pounds of PM_{10} emissions per day.

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. The project would remove approximately two acres of vineyard, which has the potential to slightly reduce carbon sequestration; however, the amount of removed vineyard is minor given that the majority of the 41 acre site would remain unchanged and that new cultivation in the proposed greenhouses would sequester carbon.

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, all cannabis operations would occur indoors where environmental controls and odor management systems would be in effect. The greenhouses would implement a closed loop aeration system. A closed loop aeration system is used to promote air circulation within the facility, preventing the spread of odor by keeping odor inside the facility rather than allowing it to go outside of the facility through air vents. The greenhouse fans would also be fitted with a ring of MicroCool nozzles which would neutralize odors into water fog, where it would trap airborne odors and biodegrade the odor. Implementation of these applicant-proposed features would address the potential impact of spreading objectionable odors. 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. This impact would be less than significant.

Mitigation/Conclusion. Implementation of mitigation measures AQ-1 and AQ-2, which specify fugitive dust control measures and standard control measures for construction equipment are 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) Result in a loss of unique or special status species* or their habitats?	☐	☒	☐	☐
b) Reduce the extent, diversity or quality of native or other important vegetation?	☐	☒	☐	☐
c) Impact wetland or riparian habitat?	☐	☐	☐	☒
d) Interfere with the movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?	☐	☐	☒	☐
e) Conflict with any regional plans or policies to protect sensitive species, or regulations of the California Department of Fish & Wildlife or U.S. Fish & Wildlife Service?	☐	☐	☒	☐
f) Other: _____	☐	☐	☐	☒

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

Biological Resources

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

On-site Vegetation: The Study Area consists of wine grape vineyards. Vegetation near the Study Area consists primarily of shrubs. Nonnative annual grasses and upland shrubs with scattered trees are present in and northeast of the project area.

Name and distance from blue line creek(s): Estrella River is located between 0.3 to 0.5 mile from three sides of the project site (west, north, and east).

Habitat(s): Vineyard, Anthropogenic, Agricultural Pond

Site's tree canopy coverage: The site lacks substantial tree coverage, although one blue oak (*Quercus douglasii*) tree exists adjacent to the on-site residence.

Althouse and Meade, Inc. prepared a Biological Resources Report for the project site in July 2018. Site visits for biological resources were conducted by Althouse and Meade, Inc. on May 15, 2018 and June 27, 2018. Biological surveys of the site were conducted one to two months following the last rainfall of the season in the project area.

According to the Biological Resources Report, no wetlands or riparian habitat exist on the project site, although a vinyl-lined manmade pond for frost protection exists on the south-central portion of the site. Based on the previous extensive disturbance on the site, lack of current presence, and type of soils present, the Biological Resources Report determined that presence of special status plant species is unlikely (Althouse and Meade, Inc. 2018).

Based on field observations and a California Natural Diversity Database (CNDDB) search (June 2018), the following special status animal species were identified with having some potential to occur on site based on the presence of suitable habitat:

- Burrowing Owl (*Athene cunicularia*), Species of Special Concern
- San Joaquin Whipsnake (*Masticophis flagellum ruddocki*), Species of Special Concern
- Coast Horned Lizard (*Phrynosoma blainvillii*), Species of Special Concern
- Western Spadefoot Toad (*Spea hammondii*), Species of Special Concern
- American Badger (*Taxidea taxus*), Species of Special Concern
- San Joaquin Kit Fox (*Vulpex macrotis mutica*), Endangered/Threatened

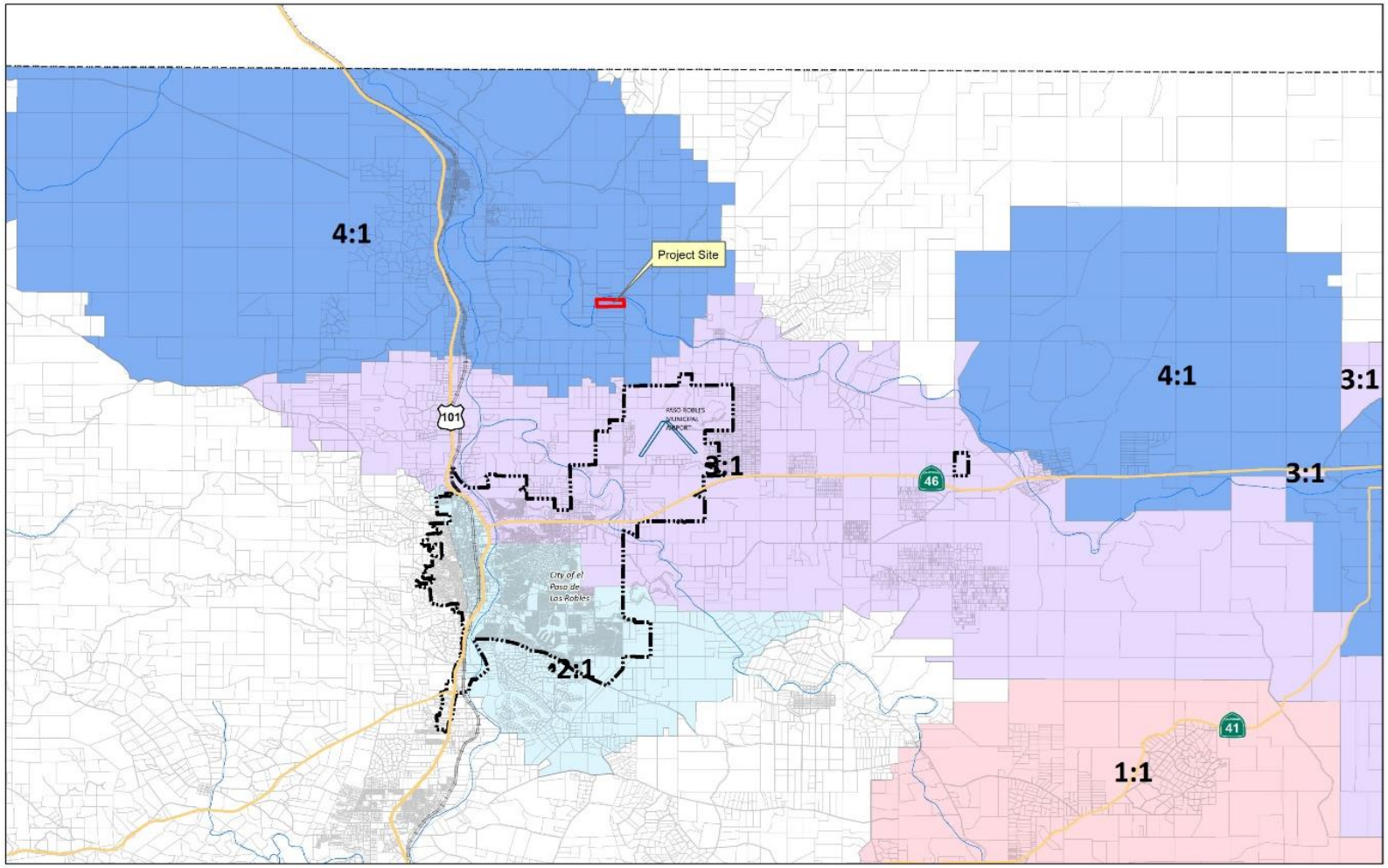
No special status wildlife species were detected on the project site during the site observations (Althouse and Meade, Inc. 2018). Based on an analysis of known ecological requirements for the 32 special status wildlife species reported or known from the region and habitat conditions that were observed in the project area, one species has moderate potential to occur (San Joaquin whipsnake), five species have low potential to occur in the project area (burrowing owl, western spadefoot, coast horned lizard, American badger, and San Joaquin kit fox), and the remaining twenty-six species have no potential to occur (Althouse and Meade, Inc. 2018).

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 6), 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.

If the project occurs on a site of 40 acres or more, a habitat evaluation must be prepared by a qualified biologist. The habitat evaluation is submitted to the County who reviews the application for completeness and conducts a site visit. The habitat evaluation is then submitted to the California Department of Fish and Wildlife (CDFW) for review and comment. CDFW then determines the mitigation ratio for the project which in turn determines the total amount of acreage needed to mitigate for the loss of habitat based on the total area of permanent disturbance. Mitigation for the loss of kit fox habitat may be provided by one of the following:

1. Establishing a conservation easement on-site or off-site 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.

Figure 6-- Project Site In Relation to San Joaquin Kit Fox Mitigation Ratios



Impact.

The project would require the removal of approximately two acres of vineyard (2.05 acres) on the site. The lined pond will not be impacted by the project. Removal of vineyards could result in adverse impacts to nesting birds if conducted during nesting season (March 15 through August 15). Mitigation has been identified to reduce this potential impact. Vegetation removal could also adversely affect coast horned lizard, western spadefoot, and San Joaquin whipsnake, if such species are present. Mitigation has been identified to reduce this potential impact.

As shown in Figure 6, the project site lies within the known habitat for San Joaquin kit fox. Therefore, construction of the proposed greenhouses and access road improvements could directly or indirectly impact San Joaquin Kit Fox and their habitat. Because the project site is greater than 40 acres, a Kit Fox Habitat Evaluation form was prepared for project DRC2018-00018 on May 16th, 2018 by Althouse and Meade and submitted as part of the project application. The evaluation resulted in a score of 66. Since the project is located in an area where the standard mitigation ratio is four to one, all impacts to kit fox habitat should be mitigated at a ratio of four acres conserved for each acre impacted (4:1). The project would result in two acres of site disturbance of kit fox habitat. Therefore, the standard mitigation requirement for the project is: two acres X [4:1] = eight acres. However, based on the Kit Fox Habitat Evaluation Form, the applicant is seeking a reduced ratio pending approval from the CDFW. Depending on the recommendation from CDFW, the final mitigation ratio may be as low as 2:1 (for a total of four acres of mitigation) or as high as 4:1 (for a total of eight acres of mitigation).

Mitigation measures are recommended to ensure compliance with the County's Kit Fox mitigation requirements. The mitigation options identified in mitigation measures BR-6 – BR-15 apply to the proposed project only; should the project change, the mitigation obligation may also change and a reevaluation of the mitigation measures would be required.

San Joaquin kit fox is unlikely to be present in the project area due to low suitability habitat. Although San Joaquin kit fox has not been observed in the vicinity for many years, the historic and potential habitat suitable for kit fox as defined by CDFW and the County of San Luis Obispo (2018) could be utilized by the species if range recovery of the species extends into the Paso Robles area. To mitigate this potential impact, mitigation is required for San Joaquin kit fox.

There is limited foraging habitat available for American badger in the project area, and this species is unlikely to be present. However, if badgers are present at time of construction activities, they may be disturbed by project activities. Mitigation measures are required to avoid or minimize this impact.

The project would not impact habitat connectivity or wildlife movement as the property is already fenced. New wrought iron perimeter fencing on the project's eastern boundary would be elevated eight inches above grade to allow for passage of wildlife including small mammals. The proposed project would not create new barriers, and habitat connectivity and wildlife movement would not be affected (Althouse and Meade, Inc. 2018).

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 impact would be insignificant.

Mitigation/Conclusion. Potential impacts to biological resources are considered less than significant with incorporation of the mitigation measures that require pre-work training and surveys/site monitoring, and implementation of best management practices for project construction activities, avoidance measures for nesting birds, amphibians and reptiles, and American badger, and mitigation measures for kit fox. These mitigation measures are included in Exhibit B and include mitigation measures BIO-1 through BIO-15.

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

Cultural Resources

Setting. The project site 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.

Cultural Resource Management Services (CRMS) conducted and prepared a Phase I Archaeological Inventory Survey/Report, which included a records and literature search, as well as a field inspection of the site. The literature and records search was conducted at the Central Coast Information Center (CCIC), University of California, Santa Barbara. CRMS 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 searches did not reveal any listed environment properties or any archaeological sites within the study area or within a 0.25-mile radius of the project site. A field inspection conducted by CRMS in June 2018 did not indicate the presence of any cultural resources.

In order to meet AB 52 Cultural Resources requirements, outreach to Native American tribes groups was conducted (Salinan, Xolon Salinan, Yak Tityu Tityu Northern Chumash, and the Northern Chumash Tribal Council). The Northern Chumash Tribal Council (NCTC) replied stating that the project is near a water source and that if unknown resources were uncovered, procedures regarding halting work and proper notification to agencies would need to be conducted (Collins April 6, 2018). In addition, CRMS notes in their Survey/Report that they followed up with NCTC as well as the Xolon-Salinan Tribe, both of whom had no further comment.

Impact. The CRMS record search and field inspection 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. 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, the Department of Building and Planning shall be notified, work in the area shall halt until these materials 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) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?	☐	☐	☒	☐
b) Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone", or other known fault zones*?	☐	☐	☒	☐
c) Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?	☐	☐	☒	☐
d) Include structures located on expansive soils?	☐	☐	☒	☐
e) Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?	☐	☐	☒	☐
f) Preclude the future extraction of valuable mineral resources?	☐	☐	☒	☐
g) Other: _____	☐	☐	☐	☒

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

Geology and Soils

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

Topography: Nearly level to gently sloping

Within County's Geologic Study Area?: No

Landslide Risk Potential: Low

Liquefaction Potential: Moderate

Nearby potentially active faults?: No Distance? Not applicable

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

Shrink/Swell potential of soil: Low

Other notable geologic features? None

The project site is not located within the 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 to moderate. The project site is not located in an Alquist Priolo Fault Zone, and no active fault lines cross the project site (CGS 2018). Based on a Geotechnical Engineering Report prepared in 2005 for the

single-family residence located on-site, soils lie in the “Very Low” expansion range in accordance with the International Building Code. An updated geotechnical report is required for the project prior to issuance of a building permit to evaluate the geological stability of the specific area of work (LUO Section 22.14.070 (c)).

The San Luis Obispo County Mineral Designation Maps show the northeastern portion of the project site as being located in the Mining Disclosure Zone of the Estrella Sand Pit (ID 57), but outside of the Energy/Extractive Area. However, the project disturbance area and the development footprint of the greenhouses (central in the site) are not located in the Mining Disclosure Zone; 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. As proposed, project construction would result in the disturbance of approximately 2.05 acres or 90,000 square feet (for vegetation removal, driveway improvements, and construction of the greenhouses). Grading would include both cut and fill activities. Maximum cut depth would be approximately 1.5 feet, and maximum fill depth would be approximately two feet. To properly level the site during grading, the project would require 620 cubic yards of cut, and 540 cubic yards of fill. The 80 cubic yards of excess cut material would be spread evenly across the site. During vegetation removal and 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 the site location and conditions described above, the project is not expected to be particularly susceptible to landslides, earthquakes, subsidence, soil expansion, or similar hazards.

Mitigation/Conclusion. Prior to issuance of building permits, the applicant would be required to obtain an updated geotechnical report assessing current geologic conditions on the site such as soil stability hazards. During construction, the applicant will be required to follow recommendations in the geotechnical report, which would address potential adverse impacts and ensure that workers not be exposed to geologic hazards. In addition, the applicant will be required to prepare drainage plans (such as a SWPPP) and adhere to the best management practices in the erosion and sedimentation control plans/SWPPP. Implementation of plan and ordinance requirements would mitigate potential impacts associated with geology and soils to a less than significant level. No significant impacts to geology and soil are expected to occur, and no additional mitigation measures are necessary.

7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on, or adjacent to, a site which is included on a list of hazardous material/waste sites compiled pursuant to Gov't Code 65962.5 ("Cortese List"), and result in an adverse public health condition?	☐	☐	☒	☐
e) Impair implementation or physically interfere with an adopted emergency response or evacuation plan?	☐	☐	☒	☐
f) 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?	☐	☐	☒	☐
g) Increase fire hazard risk or expose people or structures to high wildland fire hazard conditions?	☐	☐	☒	☐
h) Be within a 'very high' fire hazard severity zone?	☐	☐	☒	☐
i) Be within an area classified as a 'state responsibility' area as defined by CalFire?	☐	☐	☒	☐
j) Other: _____	☐	☐	☐	☒

Hazards and Hazardous Materials

Setting. To comply with Government Code Section 65962.5 (known as the "Cortese List) the following databases/lists were checked in September 2018 for potential hazardous waste or substances occurring at the project site:

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

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

According to CalFire's San Luis Obispo County Fire Hazard Severity Zone map, the project site is in a Local Responsibility Area for fire service, and, not in 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 five miles to the southeast. According to San Luis Obispo General Plan Safety Element Emergency Response Map, average emergency response time to the project time is 10 to 15 minutes (San Luis Obispo County 1999).

The project is within the Airport Review Area. The closest airport to the site is the Paso Robles Municipal Airport, which is located approximately two miles to the south. No landfills exist within 0.5 miles of the project site.

The nearest school to the project site is Pleasant Valley Elementary School approximately 1.3 miles to the east.

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 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. Accordingly, the applicant proposes the following material handling and waste management measures which would ensure the safe use and handling of chemical/industrial materials:

- Containment of all stored non-solid chemical/industrial materials or wastes (e.g., particulates, powders, shredded paper, etc.) that can be transported or dispersed by the wind or contact with storm water during handling;
- Covering waste disposal containers and material storage containers that contain chemical/industrial materials when not in use;
- Cleaning all spills of chemical/industrial materials or wastes that occur during handling in accordance with the spill response procedures; and
- Observing and cleaning as appropriate, any outdoor material or waste handling equipment or containers that may be contaminated by contact with chemical/industrial materials or wastes.

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 not located in a "high" severity risk area which could present a significant fire safety risk. The project is not expected to conflict with any regional emergency response or evacuation plan, as the greenhouses would be set back from Airport Road, and a hammerhead turn is proposed for emergency response vehicles to adequately access the greenhouse.

Although the project site is located in the County designated Airport Review area, the project site is not located in any Safety Zones (1 through 6), Airport Influence Area, or Safety Compatibility Zones as designated for the Paso Robles Airport. In addition, the project site is not underlain by any of the designated Aircraft Flight Paths. Therefore, the project would 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. No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

8. NOISE

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

Noise

Setting. The project is not within close proximity of loud noise sources, as the project site and surrounding area consist of agricultural uses and scattered residences on agricultural land. The nearest sensitive receptors to the project site include residences approximately 600 feet to the north and south of the project. 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. The nearest airport to the project site is the Paso Robles Municipal Airport, located approximately two (2) miles south of the project. The

project site is located outside of the 55, 60, 65, 70, and 75 dBA contours, as identified on the Noise Contour Maps generated for the Paso Robles Airport. In addition, the project site is not located underneath any of the established Aircraft Flight Paths for the Airport (City of Paso Robles 2007).

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 70 dBA at 25 feet from the source. With attenuation of noise levels with distance, equipment-related noise levels at the property line 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 Airport 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.

As discussed in the Setting, the project site is located approximately two miles south of the Paso Robles Airport, and is not located in any of the airports identified noise contours or located beneath any designated Aircraft Flight Paths. Due to the proximity of the site away from the Airport, the project would not subject workers to excessive aviation related noise levels.

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

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

Population/Housing

Setting. In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG)

program, which provides limited financing to projects relating to affordable housing throughout the County. The County's Inclusionary Housing Ordinance requires provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions. As of 2018, per the Department of Finance's Population and Housing estimates, the County of San Luis Obispo contains approximately 280,101 persons, and approximately 121,661 total housing units (DOF 2018).

Impact. The project site includes one single-family residence. The single-family residence would continue to remain in place throughout construction and operation of the project. The proposed project would not result in the removal or construction of any housing. The project is expected to employ approximately six persons. It is expected the employees would come from the existing population of 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 project would be conditioned to provide payment of the housing impact fee for commercial projects. No mitigation measures are necessary.

10. PUBLIC SERVICES/UTILITIES

	Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a)	***Fire protection?***	☐	☐	☒	☐
b)	***Police protection (e.g., Sheriff, CHP)?***	☐	☐	☒	☐
c)	***Schools?***	☐	☐	☒	☐
d)	***Roads?***	☐	☐	☒	☐
e)	***Solid Wastes?***	☐	☐	☒	☐
f)	***Other public facilities?***	☐	☐	☒	☐
g)	***Other:*** _____	☐	☐	☐	☐

Public Services

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

Police: County Sheriff Location: SLO SO Sheriff - North Patrol Station (Approximately 11 miles south of the subject parcel)

Fire: City of Paso Robles Hazard Severity: Not Applicable Response Time: 10-15 minutes

Location: 80 Paso Robles AAB (Approximately 2.5 miles South of Subject Parcel)

School District: Paso Robles Joint Unified School District. and San Luis Obispo Joint Community College District

Impact.

Fire Services

The California Department of Forestry and Fire Protection (CalFire) provides mutual and automatic aid supporting the County of San Luis Obispo. The nearest CalFire station (Station 52) is located five miles to the southeast at 4050 Branch Drive. According to CalFire's San Luis Obispo County Fire Hazard Severity Zone map, the project site is not located in a Fire Hazard Severity Zone.

Although not anticipated, the potential for fire to occur at the project's construction site is possible. It is expected that the electrical, plumbing and mechanical systems in the greenhouses would be properly installed in compliance with all California Fire Code, California Building Code, Public Resources Code and any other applicable fire laws, thereby reducing the potential for a fire. The construction site would also be subject to County requirements relative to water availability and accessibility to firefighting equipment. Adherence to these requirements during construction would reduce the potential for fire hazards during construction. The projects incremental impacts to Fire Department services would be insignificant, and would not require new or altered facilities to service the site.

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 project includes the incorporation of motion-sensor security lighting, security cameras, and a locked fence surrounding the greenhouses. Incorporation of these security techniques would serve to reduce the need for police/sheriff enforcement. Since the site is currently in the existing service range, would not require additional police protection or law enforcement services, and would not trigger changes that would affect police protection services, 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

Regional access to the site is provided by Airport Road which is a County-owned, paved road. Per the San Luis Obispo County Municipal Code, Chapter 13.01 – Road Improvement Fee, the applicant is required to pay a one-time City traffic impact fee pursuant to the City of Paso Robles' traffic impact fee program. Payment of fees would reduce the project's incremental contribution for utilizing area roadways.

Solid Waste

The nearest landfill to the site is the Paso Robles Landfill, located approximately seven miles to the southeast. The project would remove approximately two acres of vineyard vegetation, which would be recycled as agricultural greenwaste at the landfill. The landfill has a remaining capacity of approximately four millions cubic yards as of 2017. The incremental amount of greenwaste generated by the project would be within the service capacity of the landfill. Operation of the project would generate solid waste, such as pesticide containers, fertilizer containers, packaging materials, and other solid non-toxic refuse waste which would be disposed of in four-yard capacity commercial dumpsters. The dumpsters would be regularly serviced on contract with San Miguel Garbage Company, a Commercial & Residential Garbage service. Additional individual containers would be provided for recyclable byproducts such as cans and foil, paper, plastic and glass, and located in areas of easy access for Garbage Company's equipment. The project would be routinely serviced by a solid waste services provider, and since operation of the project is not expected to generate a substantial amount of solid waste, impacts are considered insignificant.

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 the cumulative impacts to less than significant levels. No mitigation measures are required.

11. RECREATION

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

Recreation

Setting. The County's Parks and Recreation Element does not denote any trails or potential trails through the proposed project. The project is not proposed in a location that would affect any trail, park, recreational resource, coastal access, and/or Natural Area.

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

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

12. TRANSPORTATION/CIRCULATION

Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase vehicle trips to local or area wide circulation system?	☐	☐	☒	☐
b) Reduce existing "Level of Service" on public roadway(s)?	☐	☐	☒	☐
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	☐	☐	☒	☐
d) Provide for adequate emergency access?	☐	☐	☒	☐
e) Conflict with an established measure of effectiveness for the performance of the circulation system considering all modes of transportation (e.g. LOS, mass transit, etc.)?	☐	☐	☒	☐
f) Conflict with an applicable congestion management program?	☐	☐	☐	☒

12. TRANSPORTATION/CIRCULATION	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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 site is located along Airport Road, about 0.25 miles south of Estrella Road. The County has established the acceptable Level of Service (LOS) on roads for rural areas as "C" or better. Airport Road is a County maintained road from Tower Road to Estrella Road (C5237). According to the County's South County Circulation Study and Traffic Impact Fee Update, the project site is located in Fee Area 1. The project would pay traffic impact fees to the City of Paso Robles based on per square-foot rates prior to issuance of a County building permit.

Impact.

Trip Generation, Levels of Service, Congestion

As described in the project's traffic study prepared by Central Coast Transportation Consultants (2018), the proposed project is estimated to generate a net increase of 17 average daily trips (ADT), including four trips during the PM peak hour (see Table 2).

Table 2 – Project Trip Generation Estimates

			PM Peak Hour		
Activity	**Size**	**Daily**	**In**	**Out**	**Total**
Employee Commute[1]	Six (6) Employees	15	1	1	2
Materials Delivery	1 Delivery	2	1	1	2
	Total	**17**	**2**	**2**	**4**

[1] ITE Land Use Code #140, Manufacturing. Average rates used.
Source: ITE Trip Generation Manual, 10th Edition, 2017; CCTC 2018.

The existing traffic volume for Airport Road, north of Tower Road, is approximately 1,508 vehicles per day. Based on the project's relatively low trip generation and low number of existing average daily trips on Airport Road, the project would not noticeably impact traffic operation, would not reduce levels of service on nearby roads, conflict with adopted policies, plans or programs for transportation, and would not cause congestion on the local circulatory network. Since the project would not generate foot or bicycle traffic, or generate public transit demand, and since no public transit facilities, pedestrian or bicycle facilities exist in the area, the project would have no impact on levels of service/conditions for these facilities.

Access and Hazards

The applicant would reconstruct the existing site access driveway approach in accordance with County drawings B-1 rural driveway and A-5 series sight distance standards, to maintain visibility entering/exiting Airport Road. As discussed in the Project Description, fire service hammerhead turn-around would be constructed southeast of the parking area in compliance with County of San Luis Obispo/Cal Fire design specifications. The construction of the hammerhead turn-around would ensure that access to the greenhouses is maintained for emergency response vehicles. The project does not propose any features that would delay or disrupt emergency vehicles or result in unsafe conditions.

Airport Traffic

As discussed above, the number of trips generated by the project would be incremental, and would not result in congestion along Airport Road. Therefore implementation of the project would not lead to impairment of emergency response vehicles accessing the Paso Robles Airport or result in decreases of levels of service. The project site is not located in any runway protection/safety compatibility or object free zones. There would be no impact regarding aviation related hazards/patterns.

Mitigation/Conclusion. Given the project's proximity to the City of Paso Robles, it is subject to City's traffic mitigation fee program requirements. The applicant is required to pay the applicable traffic impact fee to the City, and payment would become a condition of approval for the project. Payment of this fee would negate the requirement to develop a Transportation Management Plan, which includes monitoring and annual reporting of the project's traffic generation. No significant traffic impacts were identified, and no mitigation measures above what are already required by existing regulations are necessary.

13. WASTEWATER

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

Setting/Impact. Construction and operation-related wastewater would be accommodated by licensed (MarBorg Industries) 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/Conclusion. No significant impacts to wastewater would occur, and no mitigation measures are required.

14. WATER & HYDROLOGY

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

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 not located within an Area of Severe Decline. Therefore, the water use offset is 1:1 and will be achieved by the removal of 2.05 acres of grape vines, as discussed below under Water Quantity.

The topography of the site is nearly level to gently sloping. The closest creek from the proposed development is the Estrella River, located approximately 0.3 to 0.5 miles away on three sides of the project site (west, north, and east). As described in the NRCS Soil Survey, the soil surface is considered to have low to moderate erodibility.

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.

DRAINAGE – The following relates to the project's drainage aspects:

Within the 100-year Flood Hazard designation? Yes

Closest creek? Estrella River Distance? Approximately 0.3 – 0.5 miles west, north, and east

Soil drainage characteristics: Well drained to moderately drained

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Section 22.52.110 or CZLUO Section 23.05.042) 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.

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

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Section 22.52.120) to minimize these impacts. When required, the plan must be prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts.

Impact

Water Quality/Hydrology

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

- ✓ Approximately 2.05 acres (89,220 square feet) of site disturbance is proposed and the

movement of approximately 620 cubic yards of cut material and 540 cubic yards of fill material;

- ✓ The project would be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- ✓ The project would 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 more than 100 feet from the closest creek or surface water body;
- ✓ Bio/drainage swales would be installed as a part of the drainage plan;
- ✓ Stockpiles would be properly managed during construction to avoid material loss due to erosion;
- ✓ All hazardous materials and/or wastes would be properly stored on-site, which include secondary containment should spills or leaks occur.

Implementation of these County standards would reduce the project's water quality impacts to less than significant.

Water Quantity

Water Demand: As discussed in the Setting, above, the project site is located in an area where a 1:1 water use offset is required. A water use offset clearance involves crop conversion on a single site with a single owner. A property owner may choose to apply for an offset clearance when they are currently growing one crop, but wish to switch to a different crop. The current acreage devoted to vineyard would be reduced to offset the additional water consumption from the cannabis activity thereby fulfilling the offset requirements of LUO 3246.

The applicant has prepared a Water Consumption Offset study which calculated water usage based on the proposed activities and the existing vineyard activities.

A single 5,000-square foot greenhouse would cultivate 800 plants; cycling every 13 weeks (grow cycle per plant lasts 13 weeks), thereby consuming 33,600 gallons of water annually. Given that the total greenhouse use consists of four, 5,000-square foot greenhouses, annual water consumption is 403,200 gallons of water. This equates to a cannabis-related water demand of 1.23 acre feet per year of water. Tables illustrating water demand are shown below in Tables 3, 4, and 5.

Table 3 – Water Use - Gallons Per Plant

One Plant			
Grow Cycle 13 Weeks	Gallons Per Day	Days	Total Gallons
Week 1 ending Week 2	0.125	14	1.75
Week 3 ending Week 4	0.250	14	3.5
Week 5 ending Week 6	0.375	14	5.25
Week 7 ending Week 13	0.750	14	31.50
Total Cycle Seed to Harvest		84	42.00

Table 4 – Water Use – 800 Plants Per Greenhouse

Greenhouses – 800 Plants – 5,000 Square Feet			
Grow Cycle 13 Weeks	Gallons Per Day	Days	Total Gallons 800 Plants
Each Plant - 0.125	100	14	1,400
Each Plant - 0.250	200	14	2,800
Each Plant - 0.375	300	14	4,200
Each Plant - 0.750	600	42	25,200
Each Plant – 1.5		84	33,600

Table 5 – Water Use – All Greenhouses

Greenhouses – 800 Plants – 5,000 Square Feet			
3-13 Week Cycles	Gallons Per Cycle	Cycles	Total Gallons 800 Plants
1 Greenhouse	33,600	3	100,800
2 Greenhouses	67,200	3	201,600
3 Greenhouses	100,800	3	302,400
4 Greenhouses	134,400	3	403,200

North Coast Engineering analyzed water demand changes in compliance with Groundwater Ordinance Resolution 2015-288. To satisfy the projects 1:1 offset ratio, a removal of 85,210 square feet (1.956 acres) in vineyard area would be required. The net change in water demand from the project is a net decrease of 0.72 acre feet per year. The project would not result in an increased demand on water supply, and the project would comply with the County's 1:1 water offset requirement.

Water Supply: Water on-site is supplied by a domestic well producing 15 to 20 gallons per minute (residence) and one agriculture well producing 310 gallons per minute, a half-acre irrigation pond, and one 5,000 gallon fiberglass holding tank that supplies water to a fire hydrant located on the northern edge of the property line near the existing residence. Based on the Water Consumption Offset study, the existing water supply is adequate for both residential and agricultural uses.

Flood Hazard

The project site lies within the Flood Hazard combining designation as delineated by the official maps of the Land Use Element. Although the westerly portion of the project site is located in the 100-year flood hazard area, the project would be located in the center of the site and outside the 100-year flood hazard area (see Figure 6).

Seiche/Tsunami/Mudflow

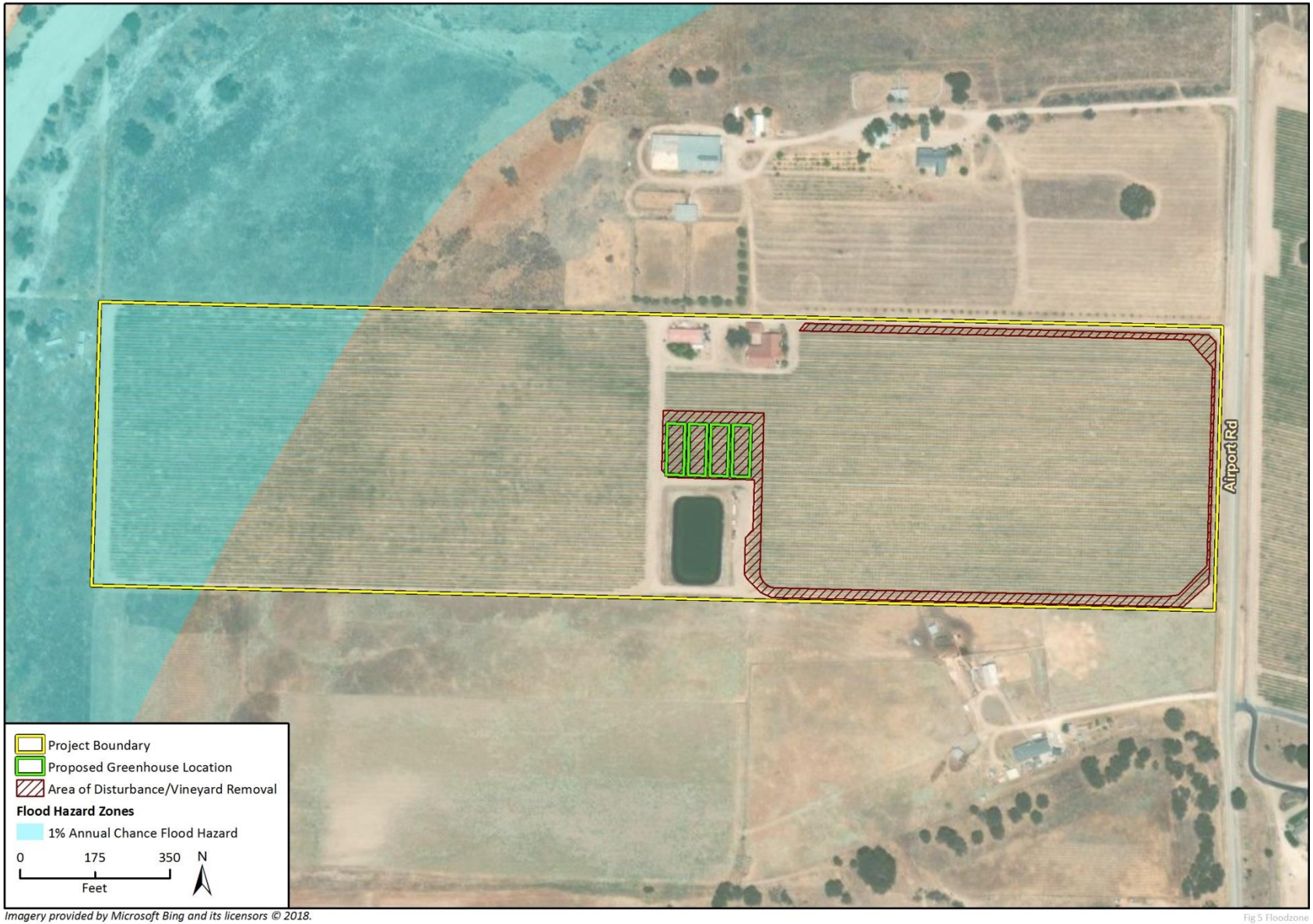
The project site is located approximately 23 miles inland from the Pacific Ocean and is not located in the Coastal Zone. Due to proximity, there is no risk from tsunami. The nearest large body of water with seiche potential is Lake Nacimiento; however the project site is located over 15 miles away to the east. Since the project site is relatively flat and is not located adjacent to hillsides, mudflow risks would be insignificant.

Mitigation/Conclusion. The applicant would be required to prepare a drainage plan and sedimentation and erosion control plan in accordance with the County of San Luis Obispo LUO. Compliance with these existing regulations would ensure potential impacts related to drainage, sedimentation, and erosion would be less than significant; therefore, water quality-related impacts would be less than significant.

During operation, the project would not increase the demand or use of groundwater and would not otherwise result in water loss. The project would comply with the County's required 1:1 water offset by removal of a sufficient area of existing vineyards to offset the new water demand resulting from the proposed cannabis cultivation activities. No substantial long-term adverse impacts on water supply or quantity would occur.

The project would not require connection to any existing water or stormwater facilities and would not affect or exceed the capacity of existing facilities or community water service provider. Although a portion of the project site is within the 100-year flood zone, no structures would be built in the flood hazard area, thereby reducing the risk of flooding or inundation. Therefore, potential impacts related to water service providers and flooding would be less than significant.

Figure 7 – Flood Hazard Areas



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

Fig 5 Floodzone

15. LAND USE

Will the project:

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

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

1. LUO Section 22.94.080 – Salinas River Sub-area Standards
2. LUO Section 22.94.020 A – Combining Designation Standards – Airport Review (AR)
3. LUO Chapter 22.94 – North County Planning 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 rural residential and 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 Land Use Ordinance, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, APCD for Clean Air Plan, 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. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

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

16. MANDATORY FINDINGS OF SIGNIFICANCE *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?	☐	☒	☐	☐
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	☐	☐	☒	☐
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Impact

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

b) The potential for adverse cumulative effects were considered in the response to each question in Sections 1 through 15 of this form. 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 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. As a result of this evaluation, there is no substantial evidence that there are adverse effects to human beings associated with this project. Therefore, the project has been determined not to meet this Mandatory Finding of Significance.

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

Exhibit A - Initial Study References and Agency Contacts

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

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

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

☒ Project File for the Subject Application

County documents

- ☐ Coastal Plan Policies
- ☒ Framework for Planning (Coastal/Inland)
- ☒ General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:
  - ☒ Agriculture Element
  - ☒ Conservation & Open Space Element
  - ☐ Economic Element
  - ☒ Housing Element
  - ☒ Noise Element
  - ☐ Parks & Recreation Element/Project List
  - ☒ Safety Element
- ☒ Land Use Ordinance (Inland/Coastal)
- ☐ Building and Construction Ordinance
- ☒ Public Facilities Fee Ordinance
- ☐ Real Property Division Ordinance
- ☒ Affordable Housing Fund
- ☐ Airport Land Use Plan
- ☐ Energy Wise Plan
- ☒ Select Planning Area and Update EIR
- ☐ 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 and Environmental Services. *Biological Report for 7755 Airport Road.* July 2018.

Buena Geotechnical Services, LLC. *Geotechnical Engineering Report for Proposed Single Family Residence at 7755 Airport Road.* March 2005.

Central Coast Transportation Consulting. 7755 Airport Road Cannabis Greenhouse Trip Generation. July 2018.

Cultural Resources Management Services, *Archaeological Inventory Survey of a +/- 5 Acre Portion of a 40 Acre Parcel at 7755 Airport Road, Paso Robles, San Luis Obispo County, California*. June 2018.

Southwest Business Services. *Nouel Riel Cellars - Water Consumption Offset Study*. February 2018.

Other References

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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: **Fugitive Dust Control Measures**. Construction projects shall implement the following dust control measures so as to reduce PM_{10} emissions in accordance with SLOAPCD requirements. The measures shall be shown on grading and building plans.

- Reduce the amount of the disturbed area where possible;
- Water trucks or sprinkler systems shall be used during construction in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;
- All dirt stock pile areas shall be sprayed daily as needed;
- Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD;
- All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible after grading unless seeding or soil binders are used;
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible;

MM AQ-2: **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: **Pre-work Training and Surveys/Site Monitoring.** Pre-work training shall be conducted by a qualified biologist annually prior to start of construction. Training shall include a list and display of photographs illustrating special status species that could occur on site and procedures to follow should any such species be observed in the work area.

Pre-work surveys and site monitoring shall be conducted annually by a qualified biologist at sites with potential to harbor rare, threatened, or endangered species. The monitor shall inspect the site as needed prior to work to determine that no impact to special status species will occur. Species not listed as rare, threatened, or endangered may be relocated to a safe zone with similar habitat outside the work area. If endangered or threatened animal species are encountered in the work area, CDFW and/or USFWS will be notified. Following consultation with the CDFW and/or the USFWS, if allowed, the qualified biologist will move special status animal species found within the work area to a place that is safe from work activities and is of appropriate habitat type.

MM BIO-2: **Best Management Practices.** The following Best Management Practices (BMPs) shall be implemented for project construction activities within the project work areas.

a. All vehicles and equipment should be in good working condition and free of leaks.

b. No pets or firearms should be allowed at the project site during construction activities.
c. During project activities, all trash that may attract predators should be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris should be removed from work areas.
d. Erosion control and landscaping specifications should allow only natural-fiber, biodegradable meshes and coir rolls, (i.e. no plastic-mesh temporary erosion control measures) to prevent impacts to the environment and to fish and terrestrial wildlife.

MM BIO-3: **Avoidance Measures for Nesting Birds.** Within one week of removing vegetation or ground disturbance, if work occurs between March 15 and August 31, nesting bird surveys shall be conducted. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no project-related activities shall occur within 100 feet of nests until chicks are fledged. A pre-construction survey report shall be submitted to the County of San Luis Obispo within 5 business days following completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the project site and nest locations shall be included with the report. The project biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions.

MM BIO-4: **Avoidance Measures for Amphibians and Reptiles.** Areas of suitable habitat within the project work areas shall be searched for coast horned lizard, western spadefoot, and San Joaquin whipsnake by a qualified biologist immediately prior to project activities. Any such species present in the work area shall be allowed to leave the work area on their own volition or shall be moved out of harm's way by a qualified biologist. Any loose substrate in which lizards could bury themselves shall be gently raked with a hand tool (e.g., a garden rake) to a depth of two inches to locate any lizards that could be under the surface immediately prior to project activity.

MM BIO-5: **Avoidance Measures for American Badger.** Within 30 days of beginning work on the site (including staging and mobilization), a qualified biologist shall complete a survey for badger dens. The results of the survey shall be sent to the County of San Luis Obispo. In order to avoid the potential direct take of adults and nursing young, no ground disturbance shall occur within 50 feet of an active badger den as determined by a qualified biologist between March 1 and June 30. Construction activities between July 1 and March 1 shall comply with the following measures to avoid direct take of adult and weaned juvenile badgers:

a. Conduct a biological survey of the anticipated disturbance areas between 2 weeks and 4 weeks prior to construction. The survey should cover the entire area proposed for disturbance. Surveys should focus on both old and new den sites. If dens are too long to see the end, a fiber optic scope (or other method approved by the qualified biologist) can be used to assess the presence of badgers. Alternatively, motion-activated wildlife cameras shall be used to determine occupancy status. If the camera method is used, cameras must be used for four consecutive nights to make a determination on den activity and occupancy status.

b. Inactive dens shall be excavated by hand with a shovel to prevent badgers from reusing them during construction.
c. Badgers shall be discouraged from using currently active dens prior to the grading of the site by partially blocking the entrance of the den with sticks, debris and soil for 3 to 5 days or through use of a 1-way door. After badgers have stopped using active dens within the development area, the dens shall be hand excavated with a shovel to prevent re-use.

MM BIO-6: **Kit Fox Mitigation Fees.** Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo and CDFW that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of eight (8) acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Wildlife (Department) and the County.

   Note: mitigation alternative (a.) is based on a 4:1 mitigation ratio. The California Department of Fish and Wildlife may recommend a lower mitigation ratio based upon the San Joaquin kit fox habitat evaluation. The minimum ratio would be 2:1, which would require four (4) acres of habitat conservation.

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

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

   Mitigation alternative (b) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-unit of $2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

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

   Mitigation alternative (c) can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo

Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-credit of $2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

MM BIO-7: **Kit Fox Pre-Construction Monitoring Activities.** Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. preconstruction) transect survey of the work area and 250-foot buffer for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within 250 feet of the work area.

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BIO-8 through BIO-15. Site disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see Mitigation Measure BIO-7c). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

c. Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact USFWS and the CDFW for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the USFWS and CDFW determines it is appropriate to resume work. If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the USFWS and CDFW. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant shall be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

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

    i. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Dens will be avoided by the following distances: potential or atypical den-50 feet; known den-100 feet; pupping den-250

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

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

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

MM BIO-8: **Kit Fox Speed Limit Signage.** Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate the following as a note on the project plans: “Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox”. Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.

MM BIO-9: **Kit Fox Night Construction Limitation.** During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

MM BIO-10: **Kit Fox Worker Education Training program.** Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). This can be combined with the training described under BIO-1. At a minimum, as the program relates to the kit fox, the training shall include the kit fox’s life history, all mitigation measures specified by the County, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

MM BIO-11: **Kit Fox Entrapment Avoidance.** During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavations, steep-walled holes and trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

In addition, during the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored

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

MM BIO-12: **Kit Fox Trash Removal Procedures.** During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of only in closed containers. These containers shall be regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

MM BIO-13: **Pesticide and Herbicide Minimization Procedures.** 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.

MM BIO-14: **Kit Fox Mortality Procedures.** 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 County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and CDFW by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the USFWS and CDFW for care, analysis, or disposition.

MM BIO-15: **Kit Fox Fencing Requirements.** Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12 inches.

b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards

c. Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

DATE: 12/4/2018
REVISED:

DEVELOPER'S STATEMENT & MITIGATION MONITORING/REPORTING PROGRAM FOR NOUEL RIEL CELLARS, INC. ED18-061 (DRC2018-00018)

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

Per Public Resources Code Section 21081.6, the following measures also constitute the mitigation monitoring and/or reporting program that would reduce potentially significant impacts to less than significant levels. These measures would 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.

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MM AQ-1: **Fugitive Dust Control Measures**. Construction projects shall implement the following dust control measures so as to reduce PM_{10} emissions in accordance with SLOAPCD requirements. The measures shall be shown on grading and building plans.

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

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a. All vehicles and equipment should be in good working condition and free of leaks.
b. No pets or firearms should be allowed at the project site during construction activities.
c. During project activities, all trash that may attract predators should be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris should be removed from work areas.
d. Erosion control and landscaping specifications should allow only natural-fiber, biodegradable meshes and coir rolls, (i.e. no plastic-mesh temporary erosion control measures) to prevent impacts to the environment and to fish and terrestrial wildlife.

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MM BIO-5: **Avoidance Measures for American Badger.** Within 30 days of beginning work on the site (including staging and mobilization), a qualified biologist shall complete a survey for badger dens. The results of the survey shall be

sent to the County of San Luis Obispo. In order to avoid the potential direct take of adults and nursing young, no ground disturbance shall occur within 50 feet of an active badger den as determined by a qualified biologist between March 1 and June 30. Construction activities between July 1 and March 1 shall comply with the following measures to avoid direct take of adult and weaned juvenile badgers:

a. Conduct a biological survey of the anticipated disturbance areas between 2 weeks and 4 weeks prior to construction. The survey should cover the entire area proposed for disturbance. Surveys should focus on both old and new den sites. If dens are too long to see the end, a fiber optic scope (or other method approved by the qualified biologist) can be used to assess the presence of badgers. Alternatively, motion-activated wildlife cameras shall be used to determine occupancy status. If the camera method is used, cameras must be used for four consecutive nights to make a determination on den activity and occupancy status.
b. Inactive dens shall be excavated by hand with a shovel to prevent badgers from reusing them during construction.
c. Badgers shall be discouraged from using currently active dens prior to the grading of the site by partially blocking the entrance of the den with sticks, debris and soil for 3 to 5 days or through use of a 1-way door. After badgers have stopped using active dens within the development area, the dens shall be hand excavated with a shovel to prevent re-use.

MM BIO-6: **Kit Fox Mitigation Fees.** Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo and CDFW that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of eight (8) acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Wildlife (Department) and the County.

   Note: mitigation alternative (a.) is based on a 4:1 mitigation ratio. The California Department of Fish and Wildlife may recommend a lower mitigation ratio based upon the San Joaquin kit fox habitat evaluation. The minimum ratio would be 2:1, which would require four (4) acres of habitat conservation.

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

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

   Mitigation alternative (b) can be completed by providing funds to The

Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-unit of $2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

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

Mitigation alternative (c) can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-credit of $2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

MM BIO-7: **Kit Fox Pre-Construction Monitoring Activities.** Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. preconstruction) transect survey of the work area and 250-foot buffer for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within 250 feet of the work area.

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BIO-8 through BIO-15. Site disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see Mitigation Measure BIO-7c). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

c. Prior to or during project activities, if any observations are made of San

Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact USFWS and the CDFW for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the USFWS and CDFW determines it is appropriate to resume work. If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the USFWS and CDFW. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant shall be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

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

   i. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Dens will be avoided by the following distances: potential or atypical den-50 feet; known den-100 feet; pupping den-250 feet. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of distance measured outward from the den or burrow entrances, dependent on the use and activity of the den (i.e. potential, known, active, or natal den), to be determined by the kit fox biologist.

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

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

MM BIO-8: **Kit Fox Speed Limit Signage.** Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate the following as a note on the project plans: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.

MM BIO-9: **Kit Fox Night Construction Limitation.** During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

MM BIO-10: **Kit Fox Worker Education Training program.** Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site

disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). This can be combined with the training described under BIO-1. At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the County, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

MM BIO-11: **Kit Fox Entrapment Avoidance.** During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavations, steep-walled holes and trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

In addition, during the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved. If necessary, the pipe may be moved only once to remove it from the path of activity, until the kit fox has escaped.

MM BIO-12: **Kit Fox Trash Removal Procedures.** During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of only in closed containers. These containers shall be regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

MM BIO-13: **Pesticide and Herbicide Minimization Procedures.** 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.

MM BIO-14: **Kit Fox Mortality Procedures.** 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 County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and CDFW by telephone. In addition, formal notification shall be provided in writing within

three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the USFWS and CDFW for care, analysis, or disposition.

MM BIO-15: **Kit Fox Fencing Requirements.** Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12 inches.

b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards

c. Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

NOAH KIEL CELLARS INC. — DECEMBER 5TH 2018

Signature of Owner(s) **Name (Print)** **Date**

GARY M SPACKMAN, CHAIRMAN CEO

Signature of Owner(s) **Name (Print)** **Date**

DATE: 12/4/2018
REVISED:

DEVELOPER'S STATEMENT & MITIGATION MONITORING/REPORTING PROGRAM FOR NOUEL RIEL CELLARS, INC. ED18-061 (DRC2018-00018)

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

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

Air Quality

MM AQ-1: **Fugitive Dust Control Measures**. Construction projects shall implement the following dust control measures so as to reduce PM_{10} emissions in accordance with SLOAPCD requirements. The measures shall be shown on grading and building plans.

- Reduce the amount of the disturbed area where possible;
- Water trucks or sprinkler systems shall be used during construction in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;
- All dirt stock pile areas shall be sprayed daily as needed;
- Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD;
- All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible after grading unless seeding or soil binders are used;
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum

vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;

- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible;

MM AQ-2: **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: **Pre-work Training and Surveys/Site Monitoring.** Pre-work training shall be conducted by a qualified biologist annually prior to start of construction. Training shall include a list and display of photographs illustrating special status species that could occur on site and procedures to follow should any such species be observed in the work area.

Pre-work surveys and site monitoring shall be conducted annually by a qualified biologist at sites with potential to harbor rare, threatened, or

endangered species. The monitor shall inspect the site as needed prior to work to determine that no impact to special status species will occur. Species not listed as rare, threatened, or endangered may be relocated to a safe zone with similar habitat outside the work area. If endangered or threatened animal species are encountered in the work area, CDFW and/or USFWS will be notified. Following consultation with the CDFW and/or the USFWS, if allowed, the qualified biologist will move special status animal species found within the work area to a place that is safe from work activities and is of appropriate habitat type.

MM BIO-2: **Best Management Practices.** The following Best Management Practices (BMPs) shall be implemented for project construction activities within the project work areas.

a. All vehicles and equipment should be in good working condition and free of leaks.
b. No pets or firearms should be allowed at the project site during construction activities.
c. During project activities, all trash that may attract predators should be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris should be removed from work areas.
d. Erosion control and landscaping specifications should allow only natural-fiber, biodegradable meshes and coir rolls, (i.e. no plastic-mesh temporary erosion control measures) to prevent impacts to the environment and to fish and terrestrial wildlife.

MM BIO-3: **Avoidance Measures for Nesting Birds.** Within one week of removing vegetation or ground disturbance, if work occurs between March 15 and August 31, nesting bird surveys shall be conducted. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no project-related activities shall occur within 100 feet of nests until chicks are fledged. A pre-construction survey report shall be submitted to the County of San Luis Obispo within 5 business days following completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the project site and nest locations shall be included with the report. The project biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions.

MM BIO-4: **Avoidance Measures for Amphibians and Reptiles.** Areas of suitable habitat within the project work areas shall be searched for coast horned lizard, western spadefoot, and San Joaquin whipsnake by a qualified biologist immediately prior to project activities. Any such species present in the work area shall be allowed to leave the work area on their own volition or shall be moved out of harm's way by a qualified biologist. Any loose substrate in which lizards could bury themselves shall be gently raked with a hand tool (e.g., a garden rake) to a depth of two inches to locate any lizards that could be under the surface immediately prior to project activity.

MM BIO-5: **Avoidance Measures for American Badger.** Within 30 days of beginning work on the site (including staging and mobilization), a qualified biologist shall complete a survey for badger dens. The results of the survey shall be

sent to the County of San Luis Obispo. In order to avoid the potential direct take of adults and nursing young, no ground disturbance shall occur within 50 feet of an active badger den as determined by a qualified biologist between March 1 and June 30. Construction activities between July 1 and March 1 shall comply with the following measures to avoid direct take of adult and weaned juvenile badgers:

a. Conduct a biological survey of the anticipated disturbance areas between 2 weeks and 4 weeks prior to construction. The survey should cover the entire area proposed for disturbance. Surveys should focus on both old and new den sites. If dens are too long to see the end, a fiber optic scope (or other method approved by the qualified biologist) can be used to assess the presence of badgers. Alternatively, motion-activated wildlife cameras shall be used to determine occupancy status. If the camera method is used, cameras must be used for four consecutive nights to make a determination on den activity and occupancy status.
b. Inactive dens shall be excavated by hand with a shovel to prevent badgers from reusing them during construction.
c. Badgers shall be discouraged from using currently active dens prior to the grading of the site by partially blocking the entrance of the den with sticks, debris and soil for 3 to 5 days or through use of a 1-way door. After badgers have stopped using active dens within the development area, the dens shall be hand excavated with a shovel to prevent re-use.

MM BIO-6: **Kit Fox Mitigation Fees.** Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo and CDFW that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of eight (8) acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Wildlife (Department) and the County.

   Note: mitigation alternative (a.) is based on a 4:1 mitigation ratio. The California Department of Fish and Wildlife may recommend a lower mitigation ratio based upon the San Joaquin kit fox habitat evaluation. The minimum ratio would be 2:1, which would require four (4) acres of habitat conservation.

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

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

   Mitigation alternative (b) can be completed by providing funds to The

Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-unit of $2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

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

Mitigation alternative (c) can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-credit of $2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

MM BIO-7: **Kit Fox Pre-Construction Monitoring Activities.** Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. preconstruction) transect survey of the work area and 250-foot buffer for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within 250 feet of the work area.

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BIO-8 through BIO-15. Site disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see Mitigation Measure BIO-7c). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

c. Prior to or during project activities, if any observations are made of San

Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact USFWS and the CDFW for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the USFWS and CDFW determines it is appropriate to resume work. If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the USFWS and CDFW. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant shall be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

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

   i. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Dens will be avoided by the following distances: potential or atypical den-50 feet; known den-100 feet; pupping den-250 feet. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of distance measured outward from the den or burrow entrances, dependent on the use and activity of the den (i.e. potential, known, active, or natal den), to be determined by the kit fox biologist.

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

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

MM BIO-8: **Kit Fox Speed Limit Signage.** Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate the following as a note on the project plans: “Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox”. Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.

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disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). This can be combined with the training described under BIO-1. At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the County, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

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In addition, during the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved. If necessary, the pipe may be moved only once to remove it from the path of activity, until the kit fox has escaped.

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Signature of Owner(s)	**Name (Print)**	**Date**

Signature of Owner(s)	**Name (Print)**	**Date**

DATE: 12/4/2018
REVISED:

DEVELOPER'S STATEMENT & MITIGATION MONITORING/REPORTING PROGRAM FOR NOUEL RIEL CELLARS, INC. ED18-061 (DRC2018-00018)

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.

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vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;

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a. All vehicles and equipment should be in good working condition and free of leaks.
b. No pets or firearms should be allowed at the project site during construction activities.
c. During project activities, all trash that may attract predators should be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris should be removed from work areas.
d. Erosion control and landscaping specifications should allow only natural-fiber, biodegradable meshes and coir rolls, (i.e. no plastic-mesh temporary erosion control measures) to prevent impacts to the environment and to fish and terrestrial wildlife.

MM BIO-3: **Avoidance Measures for Nesting Birds.** Within one week of removing vegetation or ground disturbance, if work occurs between March 15 and August 31, nesting bird surveys shall be conducted. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no project-related activities shall occur within 100 feet of nests until chicks are fledged. A pre-construction survey report shall be submitted to the County of San Luis Obispo within 5 business days following completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the project site and nest locations shall be included with the report. The project biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions.

MM BIO-4: **Avoidance Measures for Amphibians and Reptiles.** Areas of suitable habitat within the project work areas shall be searched for coast horned lizard, western spadefoot, and San Joaquin whipsnake by a qualified biologist immediately prior to project activities. Any such species present in the work area shall be allowed to leave the work area on their own volition or shall be moved out of harm's way by a qualified biologist. Any loose substrate in which lizards could bury themselves shall be gently raked with a hand tool (e.g., a garden rake) to a depth of two inches to locate any lizards that could be under the surface immediately prior to project activity.

MM BIO-5: **Avoidance Measures for American Badger.** Within 30 days of beginning work on the site (including staging and mobilization), a qualified biologist shall complete a survey for badger dens. The results of the survey shall be

sent to the County of San Luis Obispo. In order to avoid the potential direct take of adults and nursing young, no ground disturbance shall occur within 50 feet of an active badger den as determined by a qualified biologist between March 1 and June 30. Construction activities between July 1 and March 1 shall comply with the following measures to avoid direct take of adult and weaned juvenile badgers:

a. Conduct a biological survey of the anticipated disturbance areas between 2 weeks and 4 weeks prior to construction. The survey should cover the entire area proposed for disturbance. Surveys should focus on both old and new den sites. If dens are too long to see the end, a fiber optic scope (or other method approved by the qualified biologist) can be used to assess the presence of badgers. Alternatively, motion-activated wildlife cameras shall be used to determine occupancy status. If the camera method is used, cameras must be used for four consecutive nights to make a determination on den activity and occupancy status.
b. Inactive dens shall be excavated by hand with a shovel to prevent badgers from reusing them during construction.
c. Badgers shall be discouraged from using currently active dens prior to the grading of the site by partially blocking the entrance of the den with sticks, debris and soil for 3 to 5 days or through use of a 1-way door. After badgers have stopped using active dens within the development area, the dens shall be hand excavated with a shovel to prevent re-use.

MM BIO-6: **Kit Fox Mitigation Fees.** Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo and CDFW that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of eight (8) acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Wildlife (Department) and the County.

   Note: mitigation alternative (a.) is based on a 4:1 mitigation ratio. The California Department of Fish and Wildlife may recommend a lower mitigation ratio based upon the San Joaquin kit fox habitat evaluation. The minimum ratio would be 2:1, which would require four (4) acres of habitat conservation.

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

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

   Mitigation alternative (b) can be completed by providing funds to The

Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-unit of $2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

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

Mitigation alternative (c) can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-credit of $2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

MM BIO-7: **Kit Fox Pre-Construction Monitoring Activities.** Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. preconstruction) transect survey of the work area and 250-foot buffer for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within 250 feet of the work area.

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BIO-8 through BIO-15. Site disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see Mitigation Measure BIO-7c). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

c. Prior to or during project activities, if any observations are made of San

Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact USFWS and the CDFW for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the USFWS and CDFW determines it is appropriate to resume work. If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the USFWS and CDFW. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant shall be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

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

   i. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Dens will be avoided by the following distances: potential or atypical den-50 feet; known den-100 feet; pupping den-250 feet. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of distance measured outward from the den or burrow entrances, dependent on the use and activity of the den (i.e. potential, known, active, or natal den), to be determined by the kit fox biologist.

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

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

MM BIO-8: **Kit Fox Speed Limit Signage.** Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate the following as a note on the project plans: “Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox”. Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.

MM BIO-9: **Kit Fox Night Construction Limitation.** During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

MM BIO-10: **Kit Fox Worker Education Training program.** Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site

disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). This can be combined with the training described under BIO-1. At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the County, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

MM BIO-11: **Kit Fox Entrapment Avoidance.** During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavations, steep-walled holes and trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

In addition, during the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved. If necessary, the pipe may be moved only once to remove it from the path of activity, until the kit fox has escaped.

MM BIO-12: **Kit Fox Trash Removal Procedures.** During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of only in closed containers. These containers shall be regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

MM BIO-13: **Pesticide and Herbicide Minimization Procedures.** 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.

MM BIO-14: **Kit Fox Mortality Procedures.** 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 County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and CDFW by telephone. In addition, formal notification shall be provided in writing within

three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the USFWS and CDFW for care, analysis, or disposition.

MM BIO-15: **Kit Fox Fencing Requirements.** Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12 inches.

b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards

c. Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

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Signature of Owner(s) **Name (Print)** **Date**

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Signature of Owner(s) **Name (Print)** **Date**