NEGATIVE DECLARATION & NOTICE OF DETERMINATION

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

ENVIRONMENTAL DETERMINATION NO. ED Number 19-047 **DATE:** February 22, 2019

PROJECT/ENTITLEMENT: Delgado Conditional Use Permit DRC2017-00108

APPLICANT NAME: Larry Nasareno Montenegro Delgado **Email:** mrsmontenegro102308@gmail.com
ADDRESS: HCR 69 Box 3047, Santa Margarita, CA 93453
CONTACT PERSON: Larry Nasareno Montenegro Delgado **Telephone:** 805-458-3222

PROPOSED USES/INTENT: A request by Larry Nasareno Montenegro Delgado for a Conditional Use Permit (DRC2017-00108) for 22,000 square feet of indoor cannabis cultivation, three acres of outdoor cannabis cultivation, indoor and outdoor cannabis nursery areas, non-volatile manufacturing of cannabis, and distribution of cannabis. The project includes a total of 57,600 square feet of greenhouse area which includes a 28,800-square foot greenhouse for indoor cannabis cultivation and a 28,800-square foot greenhouse for indoor cannabis nursery. A total of 77,657 square feet would be utilized for the outdoor nursery area. A 6,000-square foot processing building would be located adjacent to the greenhouses, and would be used for the non-volatile extraction process, as well as for drying, curing, trimming, packaging, and labelling of non-manufactured cannabis product. Three 864-square foot temporary office trailers are also proposed.
LOCATION: The project site is located in the Agriculture land use category on a 42-acre property at 8380 Carrisa Highway (APN 072-301-007) in the Carrizo Planning Area.

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

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

OTHER POTENTIAL PERMITTING AGENCIES:

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 Planning Commission, and has made the following determinations regarding the above described project:

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

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

Signature	Name	Date	Public Agency
	Megan Martin (mamartin@co.slo.ca.us 805-781-4163)		County of San Luis Obispo

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. Delgado Conditional Use Permit ED19-047 (DRC2017-00108)

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	R A Mullane		2/25/19
Prepared by (Print)	Signature		Date
Megan Martini	Megan Martini	(for)	2/28/19
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 Larry Nasareno Montenegro Delgado for a Conditional Use Permit (DRC2017-00108) for 22,000 square feet of indoor cannabis cultivation, three acres of outdoor cannabis cultivation, indoor and outdoor cannabis nursery areas, non-volatile manufacturing of cannabis, and distribution of cannabis. The project includes a total of 57,600 square feet of greenhouse area which includes a 28,800-square foot greenhouse for indoor cannabis cultivation and a 28,800-square foot greenhouse for indoor cannabis nursery. A total of 77,657 square feet would be utilized for the outdoor nursery area. A 6,000-square foot processing building would be located adjacent to the greenhouses, and would be used for the non-volatile extraction process, as well as for drying, curing, trimming, packaging, and labelling of non-manufactured cannabis product. Three 864-square foot temporary office trailers are also proposed.

Two single-family residences exist on site and would remain. The project would employ up to 15 people and would operate seven days per week, 24 hours per day, although the majority of business operations would occur between the hours of 7:00 AM and 10:00 PM. Employees would work in two shifts, 7:00 AM - 3:00 PM, and 2:00 PM -10:00 PM.

The project site is located in the Agriculture land use category on a 42-acre property at 8380 Carrisa Highway (APN 072-301-007) in the Carrizo Planning Area. The project site's regional location in the San Luis Obispo County area is shown in **Error! Reference source not found.**, and an aerial of the site is shown in **Error! Reference source not found.**.

As shown in **Error! Reference source not found.** and summarized in Table 1, the project would include two greenhouses each totaling 28,800 square feet. The greenhouses would be constructed to accommodate automated light depravation/augmentation, automated irrigation/fertigation, and mechanical ventilation which meets NEMA 3 electrical/mechanical code requirements. The indoor cannabis mixed-light greenhouses would have ventilation controls installed, with additional features such as carbon scrubbers or other methods of eliminating offsite nuisance odors. The 6,000-square foot processing building would include the following uses: secure product storage; drying room; trimming and packaging area; non-volatile extraction area; restrooms for employees; secure DVR room; and secure point of sale room.

Table 1 – Project Components

Project Components	Quantities
Greenhouses (2)	
Indoor Cultivation	28,800 sq.ft. with a max. 22,000 sq.ft. canopy
Indoor Nursery	28,800 sq.ft.
Outdoor Cultivation	3 acre canopy
Outdoor Nursery	1.78 acres
Processing Building (1)	6,000 sq.ft.
Temporary Office Trailers (3)	864 sq. ft./trailer
Composting Area	23,000 sq.ft.
Other Solid Waste	18,000 sq.ft.
Area of Disturbance	10 acres (435,600 sq.ft.)
Cut and Fill	2,000 cubic yards
Employees	15

Motion control lights with wireless digital video cameras would be mounted along the perimeter of outdoor cultivation premises. Lighting would be placed facing downward around the perimeter of all greenhouses and buildings at 30-foot increments. One sign (four feet by eight feet) would be posted at the site entry and would display the following: business name, business address, emergency contact phone number, hours of operation, and “Anyone entering this site must register upon entry.”

The outdoor cultivation areas located on site would be fully enclosed with six-foot wood fencing having lockable gates. In addition, a 40-inch wildlife-friendly fence would be installed on the eastern edge of the property to promote habitat connectivity.

Access to the site is provided via an existing driveway from Highway 58. The applicant would improve the existing site access driveway approach in accordance with Caltrans standards. A fire equipment turnaround would be constructed adhering to County of San Luis Obispo/Cal Fire design specifications, which would ensure that access to the greenhouses is maintained for emergency response vehicles.

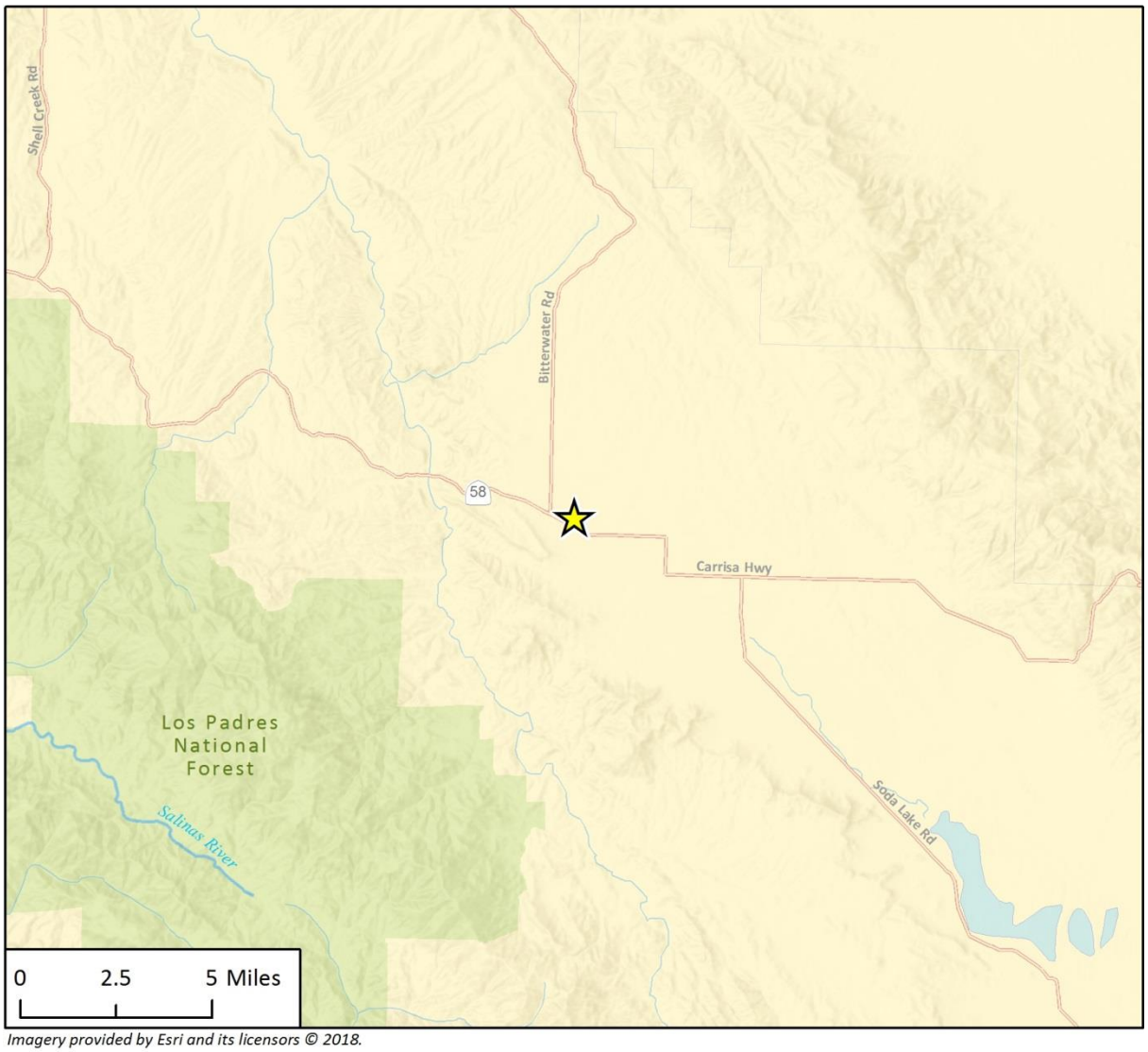
On-site parking would be provided to accommodate up to 15 employees, two vendors, one guest, and two product loading zones. Parking would be located on an all-weather surface, clearly demarking standard 9-foot by 18-foot parking spaces, product loading areas, accessibility standards, and one van-accessible parking area and loading area. Also included would be one ADA-compliant parking space.

Solid waste would be stored in a 18,000-square foot fenced area, located northwest of the proposed greenhouses. A 23,000-square foot fenced area for composting cannabis greenwaste material would be located adjacent to the solid waste storage area. Trash service would be provided by West Coast Construction and Cleanup.

Ordinance Modifications:
The project request includes a modification from the setback provisions set forth in Section 22.40.050.D.3.b of the County Land Use Ordinance (LUO), which establishes a minimum 300-foot setback from the property line for outdoor cultivation. As described in Sections 22.40.050.D.3.e and 22.40.050.E.7, the setback may be modified with a Use Permit if specific conditions of the site and/or vicinity make the required setback unnecessary or ineffective; and if the modification of the setback will not allow nuisance odor emissions from being detected offsite. The requested modification is for a reduced setback from 300 feet to of 30 feet from the western property line, and from 300 feet to 258 feet from the eastern property line. The project originally was designed to meet the required 300-foot setback from all property lines. However, consultation with the CDFW resulted in the determination that the revised design would better reduce project impacts to the movement of wildlife, including that of San Joaquin Kit Fox, when compared with the original design. Nuisance odors would not be an issue west of the project site since the property to the west is owned by the same landowner as the proposed project and is also the subject of an outdoor cannabis cultivation use permit application. Neighbors to the east would not be affected by nuisance odors since the adjacent property is vacant and the nearest residence is 2,145 feet from the proposed cultivation site.

The project request also includes a modification from the parking provisions set forth in Section 22.18.050.C.1 of the County 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 63,600 square feet, which with the application of this parking standard, would require the applicant to provide 128 parking spaces. The project proposes 19 parking spaces. Up to 15 employees may be on site at various times during the day. Therefore, 19 spaces are proposed as sufficient to meet the parking demands of the project.

Figure 1 – Regional Location

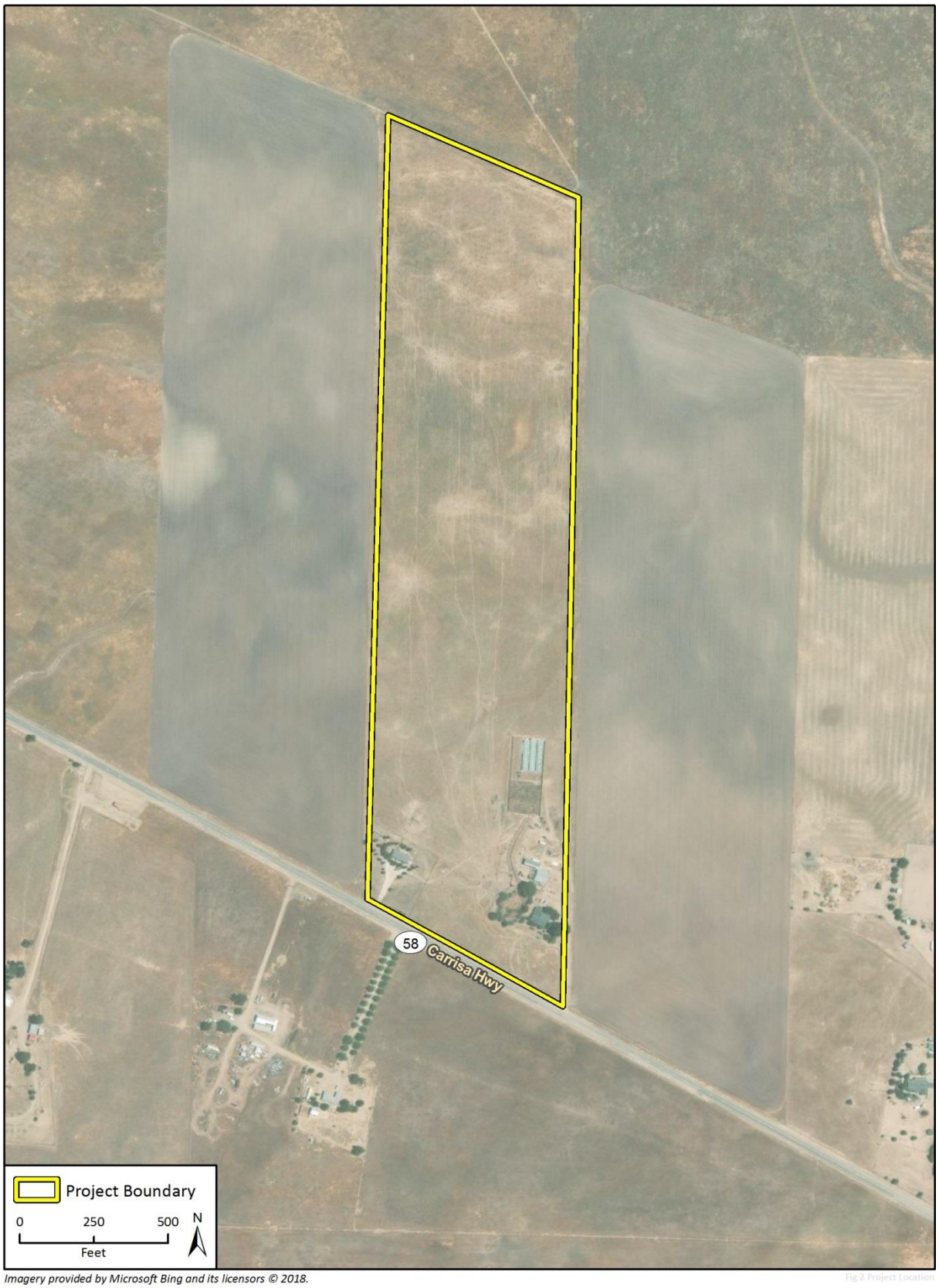


Imagery provided by Esri and its licensors © 2018.

Project Location

N

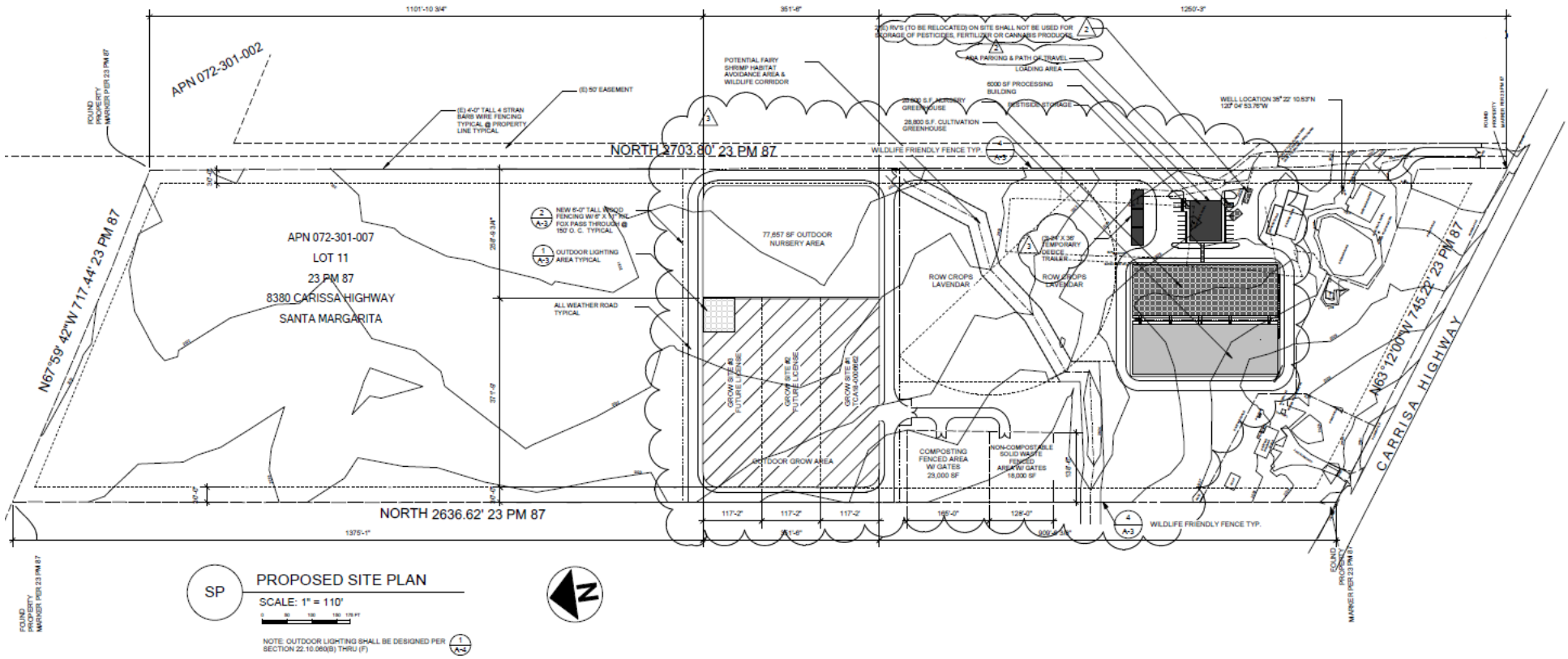
Figure 2 – Project Site Aerial



Imagery provided by Microsoft Bing and its licensors © 2018.

Fig 2 Project Location

Figure 3 – Site Plan



ASSESSOR PARCEL NUMBER(S): 072-301-007

Latitude: 35.36958 degrees N Longitude: 120.08230 degrees W **SUPERVISORIAL DISTRICT** # 5

B. EXISTING SETTING

PLAN AREA: Carrizo **SUB**: **COMM:** Santa Margarita

LAND USE CATEGORY: Agriculture

COMB. DESIGNATION: None

PARCEL SIZE: 41.7acres

TOPOGRAPHY: Nearly level

VEGETATION: Agriculture, Herbaceous

EXISTING USES: Agricultural uses

SURROUNDING LAND USE CATEGORIES AND USES:

North: Agriculture;	*East:* Agriculture;
South: Agriculture;	*West:* Agriculture;

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 Highway 58 and is accessed by an existing driveway. Views from Highway 58 through the Carrizo Plain/California Valley are expansive, with the Temblor and Caliente Ranges forming the visual backdrop. The site, as with most of the surrounding properties, is currently utilized for agricultural activities. The site was historically farmed for barley. Agricultural uses on surrounding properties include hay and barley. The topography of the site is relatively flat to gently sloping. The majority of the property is undeveloped, with two single family residences, a small man-made pond feature, and ancillary structures located in the southern portion nearest Highway 58. Ornamental trees are located adjacent to the residences. The project site is not located in a designated scenic area, and there are no unique geological or physical features located on site. Highway 58 in the project vicinity is not a State Designated Scenic Highway. Lastly, Table VR-2 of the Conservation and Open Space Element provides a list of Suggested Scenic Corridors; none of the roadways in the vicinity of the project site are listed in Table VR-2.

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

The project involves the installation of 57,600 square feet of greenhouse structures within a predominantly agricultural area. The greenhouses would be up to 20.5 feet in height and would be located on the interior of the site. In addition, a 6,000-square foot building would be constructed for processing. The proposed structures would be of similar size and scale as the existing residences and would be set back from Highway 58 such that they would only be partially visible from it. Traffic counts taken by Caltrans for Highway 58 at Soda Lake Road in 2016 indicate an average daily traffic volume of 600 trips with a peak hour volume of 90. This suggests that the project site will be viewed frequently by motorists travelling on the Highway. However, the roadway in the vicinity of the project site is relatively straight and traffic speeds are high, around 55 miles per hour (mph) or more. Assuming a speed of 55 mph, a vehicle would pass by the project site in about 9 seconds and the potential impacts to views from the highway would be very brief.

In compliance with LUO Section 22.40.050 D. 6, cannabis plants associated with cultivation would not be easily visible from offsite. Indoor cannabis related activities would occur within secure buildings where the plants would not be visible. In addition, the outdoor cultivation area would enclosed within six-foot wooden fencing to minimize visibility. The project would be compatible with adjacent uses and surrounding visual character (agricultural and rural residential uses).

Security lighting would be placed along building perimeters as well as in the employee parking areas. The lighting, equipped with downward positioned shields, would illuminate the ground plane and would not direct light into the sky. Each security lighting fixture would not exceed 1,000 total lumens, and would be directed downwards to reduce spillover. While this lighting could be visible from adjacent properties, compliance with California Title 24 outdoor lighting energy efficiency requirements would reduce this impact to a less than significant level. The introduction of two greenhouse structures and new vehicles on-site would generate additional glare on the site. The majority of the lighting associated with the project would be in the greenhouse area. The project will be conditioned such that no indoor/greenhouse lighting shall be visible from off site. 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. As such, 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?	☐	☐	☒	☐

2. AGRICULTURAL RESOURCES *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
e) Other: _____	☐	☐	☐	☒

Agricultural Resources

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

Land Use Category: Agriculture

State Classification: Prime Farmland if Irrigated

Historic/Existing Commercial Crops: Barley and hay

In Agricultural Preserve? No

Under Williamson Act contract? No

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

Table SL-2 of the Conservation/Open Space Element lists the important agricultural soils of San Luis Obispo County. Soils on the project site and total acreages are shown here in Table 1 and then described in detail below.

Table 1 – Classifications and Acreages of Soils On-site

Soil	Classification	Acres
Yeguas-Pinspring Complex (2-5 % slope)	Prime Farmland Highly Productive Rangeland Soils	28.8 acres
Yeguas-Pinspring Complex (0-2 % slope)	Prime Farmland Highly Productive Rangeland Soils	12.9 acres
Source: Classifications based on Table SL-2 of the County General Plan's Conservation/Open Space Element		

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

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

Yeguas-Pinspring Complex *(*2-5 % slope) +/- 28.8 acres

The parent material of this soil type is alluvium derived from sandstone, shale, and basalt. The drainage class of this unit is well drained, and it is composed mostly of loam, clay, and clay loam. This soil type tends to occur on alluvial flats, and toeslopes, at elevations between 2,000 and 2,300 feet of 609 to 701 meters. This soil type is considered prime farmland if irrigated.

Yeguas-Pinspring Complex *(*0-2 % slope) +/- 12.9 acres

The parent material of this soil type is alluvium derived from sandstone, shale, and basalt. The drainage class of this unit is well drained, and it is composed mostly of loam, clay, and clay loam. This soil type tends to occur on alluvial fans and alluvial flats. This soil has medium runoff potential and moderately low wind erodibility potential. This soil type is considered prime farmland if irrigated.

Impact. The project site is in a predominantly rural and agricultural area with agricultural activities (e.g., barley and hay) occurring on the property and immediate vicinity. As discussed in the Setting, the project site is not under Williamson Act Contract or in an Agricultural Preserve.

The project site is located within the Agriculture (AG) land use category and would continue to support agricultural uses; however, Prime Farmland would be affected to accommodate the greenhouse structures, outdoor nursery area, and ancillary structures.

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.

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

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

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

Although the site contains Prime Farmland, permanent structures (e.g. the two existing residences and proposed processing building) would only impact approximately 0.2 acre. Approximately 4.8 acres would be utilized for outdoor cultivation and nursery uses, thereby temporarily converting 4.8 acres of prime soils to a non-agricultural use (e.g., commercial cannabis operations). The impermanent conversion of prime soils, combined with the conditions of approval from the Agriculture Department, would ensure that impacts to agricultural resources are less than significant.

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

3. AIR QUALITY

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	☐	☒	☐	☐
b) Expose any sensitive receptor to substantial air pollutant concentrations?	☐	☒	☐	☐

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

Air Quality

Setting. The project site is located in the South Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (APCD). The APCD is in non-attainment for the 24-hour state standard for particulate matter (PM10) and the eight-hour state standard for ozone (O3) (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 receptor to the site is a single-family residence located approximately 800 feet southwest of the proposed greenhouses.

Greenhouse Gas (GHG) Emissions are said to result in an increase in the earth's average surface temperature. This is commonly referred to as global warming. The rise in global temperature is

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

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

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

1. Qualitative GHG Reduction Strategies (e.g. Climate Action Plans): A qualitative threshold that is consistent with AB 32 Scoping Plan measures and goals; or,
2. Bright-Line Threshold: Numerical value to determine the significance of a project's annual GHG emissions; or,
3. Efficiency-Based Threshold: Assesses the GHG impacts of a project on an emissions per capita basis.

For most projects the Bright-Line Threshold of 1,150 Metric Tons CO2/year (MT CO2e/yr) will be the most applicable threshold. In addition to the residential/commercial threshold options proposed above, a bright-line numerical value threshold of 10,000 MT CO2e/yr was adopted for stationary source (industrial) projects.

It should be noted that projects that generate less than the above mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the California Air Resources Board (or other regulatory agencies) and will be "regulated" either by CARB, the Federal Government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio standards and the Clean Car standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.

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

Impact.

Construction Activities: As proposed, the project would result in the disturbance of approximately 10 acres to allow for the construction of two new greenhouses, a processing building, and improvements to the access road. This would result in the creation of dust during the construction phase, as well as short- and long-term vehicle emissions. The project would disturb more than four acres of area, and as such, would be above the thresholds triggering construction-related mitigation. Further, the project is within 1,000 feet of sensitive receptors and the SCCAB is in non-attainment for PM_{10}; therefore, the project would result in a potentially significant impact and standard mitigation measures apply. To address potential construction impacts per the SLOPACD CEQA Air Quality Handbook, the project would be required to reduce localized fugitive dust, ozone precursors, and diesel particulate matter

emissions. Adherence to Fugitive Dust Control Measures outlined in the Handbook would ensure the project 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.

Upon the addition of the proposed greenhouses and processing/manufacturing building, a new asphalt drive approach would be constructed. The property is less than 5% slope throughout the property. As such, the slope of this section of the road is under 12% grade and, according to Cal Fire, Standard 4, Access Roads and Driveways, would not require non-skid paved surface. Since the property is flat and clear of obstruction, a negligible amount of earthwork would be involved. As such, the road improvement would be below the general thresholds triggering construction-related mitigation.

Operational Activities: From an operational standpoint, based on Table 1-1 of the CEQA Air Quality Handbook (2012), the project would exceed operational thresholds triggering mitigation. According to Table 3-2 of the CEQA Air Quality Handbook (2012), the project would exceed PM10 operational thresholds. The project includes 0.5-mile of unpaved roadways and would result in 17 PM peak hour trips. Given the distance of unpaved roadways on the site, the project would exceed the threshold of 11.9 trips. As such, mitigation is required to minimize operational impacts.

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

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

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

To comply with the above ordinance provisions, the indoor cannabis mixed-light greenhouses would be equipped with ventilation controls with mitigation measures such as carbon scrubbers or other methods capable of eliminating nuisance odor from being detected on site. Project design features and compliance with ordinance provisions would ensure that any impacts related to objectionable odors are insignificant. 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 MM AQ-1, MM AQ-2, and MM AQ-3,

which specify fugitive dust control measures, standard control measures for construction equipment, and unpaved access road measures, are required to reduce construction and operational 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 property is situated in an area surrounded by diverse habitat conditions, including various terrestrial and aquatic habitats, as well as developed and highly modified areas (i.e., Topaz Solar Farm). In total, two soil map units are present according to the USDA NRCS Web Soil Survey. Three natural vegetation communities were documented within the survey area as well as other land cover types, including developed areas. Although the property is subjected to regular anthropogenic disturbances (i.e., farming and grazing), the diversity of surrounding adjacent habitats provide suitable habitat for various common and special-status plant and wildlife species. Historic and current land management practices have greatly reduced the potential for sensitive biological resources to occur on site.

A biological resources assessment (BRA) was prepared by Terra Verde Environmental Consultants, June 2018 that included an assessment of the existing conditions as well as the sensitive biological resources that are known to occur or have potential occur within the parcel. The BRA included a preliminary assessment of potential hydrological features on-site, seasonally timed botanical surveys and wildlife inventories and evaluations. The areas surveyed included the entire 42-acre parcel, including the proposed project area, an approximate 100-foot buffer on all sides where access was feasible, and a visual scan of the surrounding habitat features. Table 2 indicates the dates of each field effort conducted by Terra Verde. On August 20, 2018, biologists from Rincon Consultants, Inc conducted a reconnaissance site visit to verify the existing conditions and results presented in the BRA prepared by Terra Verde Environmental Consultants (2018), and make supplemental observations.

Table 2 Summary of Terra Verde field surveys

Date	Survey Type	Survey Area
January 9, 2018	Botanical and wildlife inventory, habitat assessment	42-acre parcel and 100-foot buffer
April 26, 2018	Botanical and wildlife inventory, SJKF Habitat Evaluation, habitat assessment, preliminary jurisdictional determination	
May 18, 2018	Follow-up botanical inventory	42-acre parcel

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

On-site Vegetation: Grassland, ruderal vegetation, and a man-made pond with associated vegetation (arroyo willows and cattails)

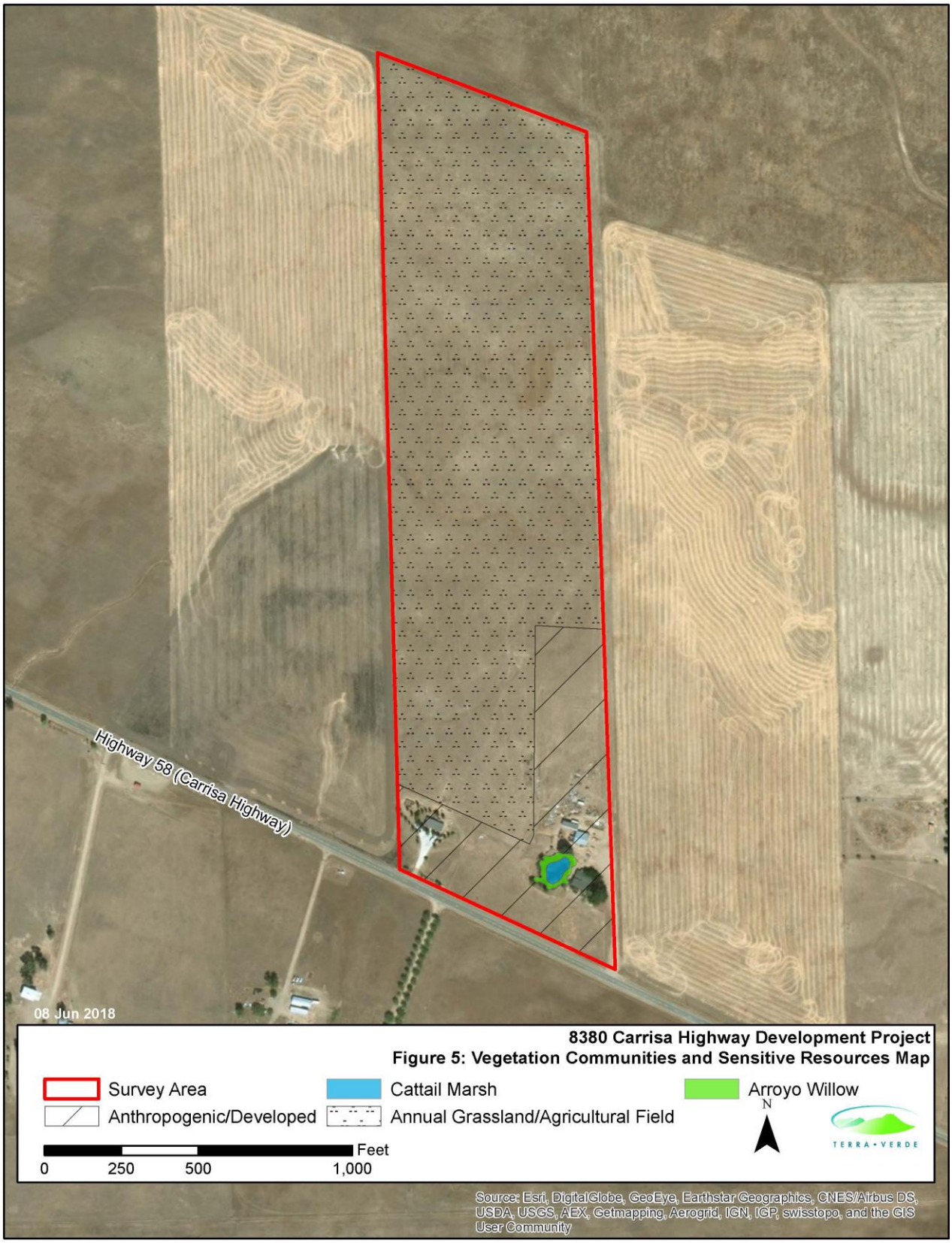
Name and distance from blue line creek(s): One unnamed USGS blue line feature (also labeled as a USFWS riverine wetland) and one emergent wetland feature were identified approximately 780 feet and 151 feet east of the property, respectively. No USGS blue line features are present on the subject property; however, several shallow isolated swale features and one man-made perennial pond feature that supports wetland vegetation occur on site (Terra Verde Environmental Consultants, 2018). See below for additional information.

Habitat(s): See Vegetation Communities section below.

Site's tree canopy coverage: Approximately 1% within the 42 acre parcel. Trees on-site are associated with the existing man-made pond and structures. No trees occur within proposed impact areas.

Vegetation Communities. Four vegetation communities/land cover types occur within the parcel and include annual grassland/agricultural field, arroyo willow thicket, cattail marshes and anthropogenic developed (Figure 4). Brief descriptions and the approximate area each occupies on the 42-acre parcel are below.

Figure 4 – Vegetation Communities



Annual Grassland/Agricultural Field (33.33 acres)

A majority of the parcel was comprised of an agricultural field that supported nonnative and native annual grassland species, at least periodically, throughout the year. This area of the property is subject to regular anthropogenic disturbance (tilling), at which time vegetation cover is limited. Annual grassland species that occur include slender wild oat (*Avena barbata*; Cal-IPC Mod), ripgut brome (*Bromus diandrus*; Cal-IPC Mod), rattail sixweeks grass (*Festuca myuros*; Cal-IPC Mod), and red brome (*Bromus madritensis* subsp. *rubens*; Cal-IPC High), with occasional common herbs such as vinegar weed (*Trichostema lanceolatum*), turkey-mullein (*Croton setiger*), and Salinas River tarweed (*Deinandra pentactis*) occurring as associates. During surveys conducted by Terra Verde environmental Consulting in April and May, the agricultural field was previously tilled and supported limited vegetation. Species observed during the spring surveys included slender wild oat, ripgut brome, rattail sixweeks grass, and red brome, with redstem filaree (*Erodium cicutarium*; Cal-IPC Lim), Mediterranean hoary mustard (*Hirschfeldia incana*; Cal-IPC Mod), shining pepper grass (*Lepidium nitidum*), and smooth cat's ear (*Hypochaeris glabra*) scattered throughout. The agricultural field showed signs of past and current anthropogenic disturbances, including grazing, disking, and evidence of land manipulation.

Isolated depressions within the annual grassland also contain scattered wetland species (i.e., indicator status of FAC, FACW, and OBL) indicative of seasonally ponded conditions within the annual grassland habitat. However, these wetland-associated species are only sparsely scattered within these areas as well as subject to annual disturbance and did not represent sufficient dominance to classify them as a separate vegetation community.

Although the area comprised of this vegetation community is subject to regular disturbance the species composition and coverage, when cover is present, most closely corresponds with Bromus (*diandrus, hordeaceus*) – *Brachypodium distachyon* Semi- Natural Herbaceous Stands (annual brome grasslands) in the MCV classification system.

Arroyo Willow Thicket (0.14 acre)

This community occurs as discontinuous patches around the margins of the manmade pond feature. The shrub layer is dominated by Arroyo willow (*Salix lasiolepis*; FACW) and mule fat (*Baccharis salicifolia*; FAC) with scattered occurrences of ornamental plantings including cherry (*Prunus* sp.), and walnut (*Juglans* sp.). This community intergrades closely with the cattail marsh habitat as described below. This species composition was used in determining the vegetation community classification, which most closely corresponds with the *Salix lasiolepis* Shrubland Alliance (Arroyo willow thickets) in the MCV classification system.

Cattail Marshes (0.10 acre)

This community occurs in and along the margins of the open water habitat of the man-made pond feature. This community is dominated by cattail (*Typha* sp.; OBL) and typically occurs in semi-permanently flooded freshwater or brackish marshes in clayey or silty soils. The cattail marsh most closely corresponds with the *Typha (angustifolia, domingensis, latifolia)* Herbaceous Alliance (Cattail Marshes) in the MCV classification system.

Anthropogenic/Developed (8.43 acres)

This land cover type occurs in the southern portion of the survey area in association with the residential home sites, cultivation facilities, and access roads. Ornamental trees, including pine (*Pinus* sp.), cherry, and walnut were also observed in this community adjacent to the existing home sites. Herbaceous weedy species were observed in sparse cover in roads and adjacent to ancillary structures including cheeseweed (*Malva parviflora*) and redstem filaree. Anthropogenic/Developed areas observed on site do not correspond to a natural vegetation community but may provide marginally suitable habitat for nesting birds and wildlife foraging and cover.

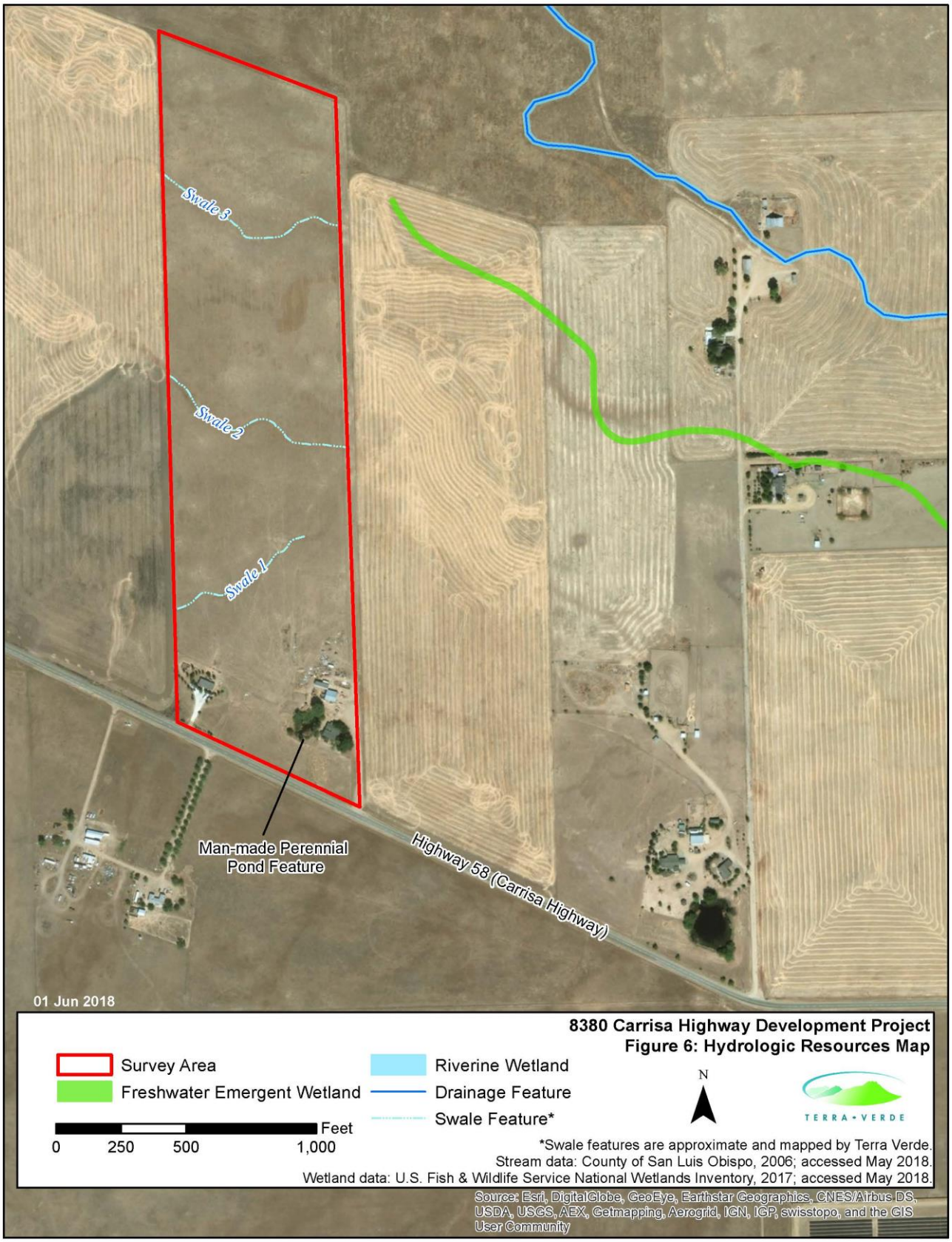
Wetlands, Drainages, and Other Potential Aquatic Habitats. No USGS blue line features are present on the property; however, several shallow isolated swale features and one man-made perennial pond feature that supports wetland vegetation were observed on site.

Specifically, one distinct swale feature (Swale 1) and two faint swale features (Swale 2 and Swale 3) were observed transecting the property from west to east (Figure 5). All three swales are isolated and do not exhibit a hydrological connection to drainages. The swales also show signs of disturbance associated with historic and current land use practices (i.e., grazing and agricultural operations) that have modified the landscape over time. No changes in vegetation were observed within any of the swale features as compared to the upland habitat (annual grassland/agricultural field). The swale features do not exhibit an ordinary high watermark, signs of flow, or a significant nexus to traditionally navigable waters. These features may have historically maintained connectivity with adjacent waters (Google Earth, 1994 – 2017); however, it is evident that past and current land uses on site and in the immediately surrounding areas have modified the overall site topography and historic hydrologic flow patterns, thereby isolating these features and in some cases altering them such that they are only marginally detectable on the landscape.

Within portions of the distinct swale, Terra Verde Environmental Consulting observed an area as potential seasonally ponded depressions. These areas lacked notable wetland characteristics during their April survey efforts, including a dominance of wetland vegetation; however, the field work was completed during a drought year. These features may have historically supported vernal pool habitat; however, historic land use has modified the topography and/or hydrologic regime on site, and frequent disturbance of the ground has disrupted the vegetation community. These features did not support a dominance of wetland vegetation or vernal pool plant species indicative of a vernal pool but may pond long enough.

A man-made perennial pond feature also occurs in the southern portion of the property adjacent to the eastern most residence. The feature has open water and established wetland vegetation (i.e., Arroyo willow thicket and cattails). This feature is isolated from any other water features and is periodically filled from well water by the property owner.

Figure 5 – Hydrologic Resources Map



Special Status Species and Sensitive Communities. The results of the desktop review conducted by Terra Verde Ecological Consulting of the California Valley 7.5-minute quadrangle and eight surrounding quadrangles (La Panza NE, Las Yeguas Ranch, Simmler, Chimineas Ranch, Branch Mountain, Los Machos Hills, La Panza, and La Panza Ranch) indicated that two sensitive natural communities, 42 special-status plant species and 28 special-status wildlife species occur regionally. Special status plants and animals are presented below.

Sensitive communities

Two sensitive communities, Northern clay pan vernal pool and valley sink scrub are documented by the CNDDB within the regional vicinity of the project site, however neither of these two communities occur on site.

Special status plants

Special-status plant species include those that are listed as threatened or endangered on the California or federal Endangered Species Acts, as well as those that are assigned a California Rare Plant Rank (CRPR) by the CNPS. CRPR listing statuses are based on the degree of rarity (Lists 1A through 4) and threat level (0.1, 0.2, and 0.3) as follows (CNPS, 2018b):

- Rank 1A: presumed extirpated in California, and rare or extinct elsewhere
- Rank 1B: rare, threatened, or endangered in California and elsewhere
- Rank 2A: presumed extirpated in California, but more common elsewhere
- Rank 2B: rare, threatened, or endangered in California, but more common elsewhere
- Rank 3: review list of plants about which more information is needed
- Rank 4: watch list of plants with limited distribution

The April and May surveys conducted by Terra Verde Ecological Consultants were completed during the typical blooming period for regionally occurring special-status species with potential to occur within the overall project site. Based on this evaluation and a review of the relevant literature, it was determined that 11 special-status plant species have a potential; however low, to occur within the overall project and survey area, although none were detected during the botanical survey effort. However, the surveys were completed during a drought cycle. These species include:

- Salinas milkvetch (*Astragalus macrodon*; CRPR 4.3)
- Dwarf calycadenia (*Calycadenia villosa*; CRPR 1B.1)
- California jewel flower (*Caulanthus californicus*; Federally endangered, State endangered, CRPR 1B.1)
- Douglas's spineflower (*Chorizanthe douglassii*; CRPR 4.3)
- Small-flowered morning-glory (*Convolvulus simulans*; CRPR 4.2)
- Spiny-sepaled button-celery (*Eryngium spinosepalum*; CRPR 1B.2)
- Diamond-petaled California poppy (*Eschscholzia rhombipetala*; CRPR 1B.1)
- Santa Lucia dwarf rush (*Juncus luciensis*; CRPR 1B.2)
- Pale-yellow layia (*Layia heterotricha*; CRPR 1B.1)
- Munz's tidy-tips (*Layia munzii*; CRPR 1B.2)
- Shining navarretia (*Navarretia nigelliformis* ssp. *radians*; CRPR 1B.2)

The frequent disturbance regime over the recent past on this site has degraded habitat such that it is poorly suited to support special status plants in its current condition.

Special Status Animals

Eighteen sensitive wildlife species were determined to have potential to occur within the project site due to the presence of suitable habitat (Terra Verde Environmental Consultants, 2018), and also based on a field review of the site by Rincon Consultants on August 20, 2018. These species include:

- Townsend's big-eared bat (*Corynorhinus townsendii*; California Species of Special Concern)
- Giant kangaroo rat (*Dipodomys ingens*; Federally Endangered, State Endangered)
- Tulare grasshopper mouse (*Onychomys torridus tularensis*; California Species of Special Concern)
- American badger (*Taxidea taxus*; California Species of Special Concern)
- San Joaquin kit fox (*Vulpes macrotis mutica*; Federally Endangered and State Threatened,)
- Western pond turtle (*Actinemys marmorata*; California Species of Special Concern)
- California glossy snake (*Arizona elegans occidentalis*; California Species of Special Concern)
- San Joaquin coachwhip (*Masticophis flagellum ruddocki*; California Species of Special Concern)
- Coast horned lizard (*Phrynosoma blainvillii*; California Species of Special Concern)
- Tri-colored blackbird (*Agelaius tricolor*; State Candidate (Endangered) and California Species of Special Concern)
- Burrowing owl (*Athene cunicularia*; California Species of Special Concern)
- Golden Eagle (*Aquila chrysaetos*; State Watch List and Fully Protected)
- Ferruginous hawk (*Buteo regalis*; State Watch List)
- California horned lark (*Eremophila alpestris actia*; State Watch List)
- Prairie falcon (*Falco mexicanus*; State Watch List)
- Loggerhead shrike (*Lanius ludovicianus*; California Species of Special Concern)
- Longhorn fairy shrimp (*Branchinecta longiantenna*; Federally endangered)
- Vernal pool fairy shrimp (*Branchinecta lynchi*; Federally threatened)
- Western spadefoot (*Spea hammondii*; California Species of Special Concern)

Of these species tri-colored blackbird, California horned lark and loggerhead shrike were detected during surveys conducted by Terra Verde Ecological Consulting in January, April and May 2018. The trees on-site are suitable nesting habitat for the loggerhead shrike. In addition, the annual grassland is suitable nesting habitat for the California horned lark and burrowing owl. Suitable nesting habitat for the tri-colored blackbird occurs at the man-made pond. The parcel does not contain suitable nesting habitat for the remaining special status bird species listed above (golden eagle, Ferruginous hawk, and prairie falcon). However, these species may be encountered incidentally as they move through and forage in the area. As noted in the assessment provided by Terra Verde Environmental Consulting, the existing structures are suitable roosting sites for Townsend's big eared bat.

Considering the timing of the assessments of the seasonally ponded depressions, it is unknown how long these features contained water after several rain events between the January 9 survey and the April 26 survey by Terra Verde. Therefore, there is potential for listed fairy shrimp species (vernal pool fairy shrimp and longhorn fairy shrimp) and western spadefoot to occur in these areas if water is present for a duration suitable for western spadefoot to breed or fairy shrimp to hatch from cysts found in the soil (e.g. for vernal pool fairy shrimp maturity can take from 18 to 147 days, with an average of 39.7

days).

The man-made pond may also be suitable habitat for the western pond turtle. This species can also be found in adjacent upland areas during movements during dry conditions.

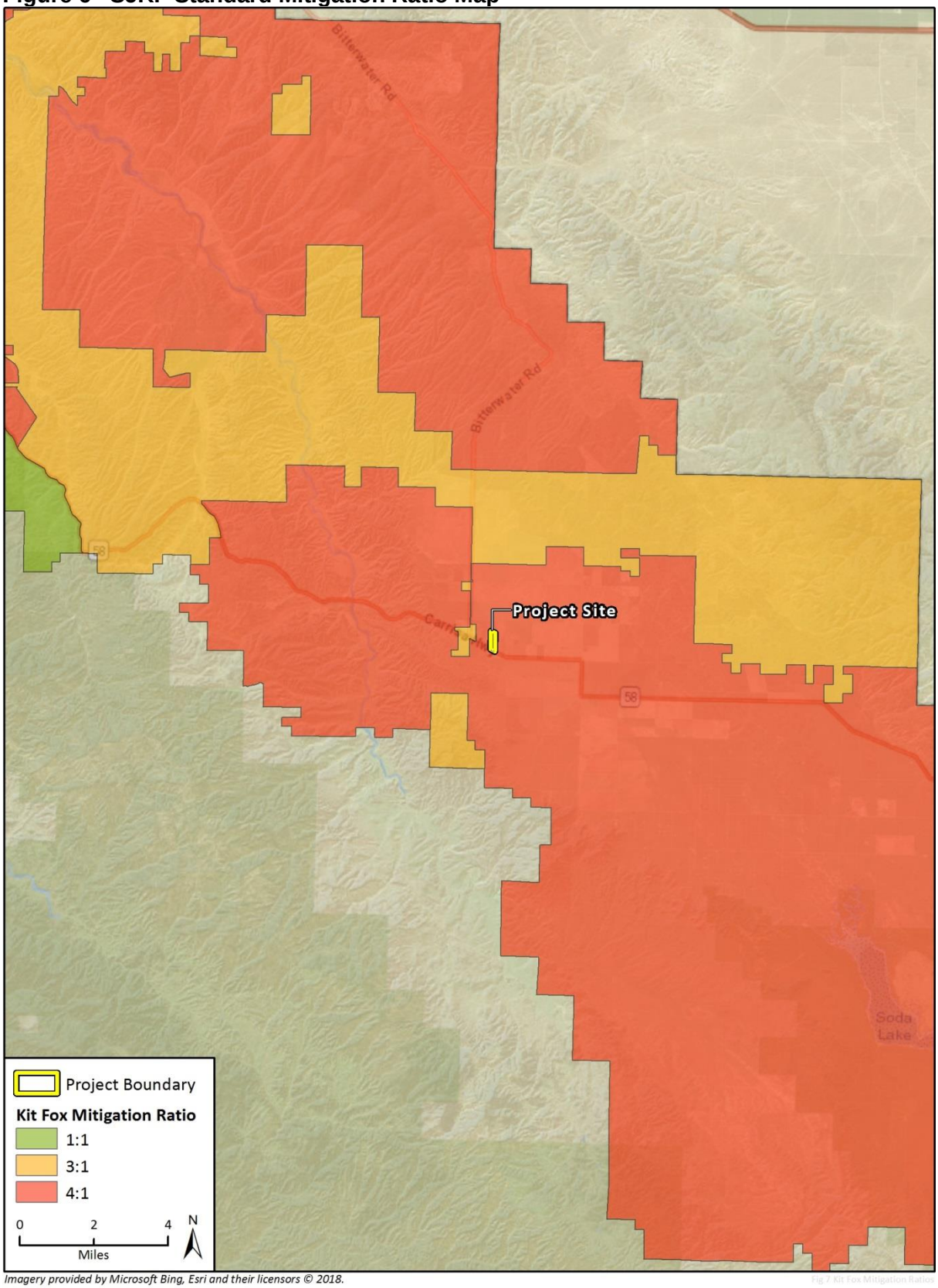
The project site is suitable for use by San Joaquin kit fox (SJKF) as foraging habitat. The County has worked with the California Department of Fish and Wildlife (CDFW) and the US Fish and Wildlife Service (USFWS) to develop mitigation measures that, when implemented, will avoid take and reduce impacts to SJKF habitat to a less than significant level. Based on this program, projects located within the SJKF habitat area that are 40 acres or more in size must be evaluated for SJKF by a qualified biologist. The habitat evaluation would be submitted to County staff, who would then review the application for completeness and conduct a site visit. The required mitigation ratio is determined in consultation with the CDFW. The mitigation ratio for the project 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 SJKF habitat may be provided by one of the following methods:

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.

The County SJKF Standard Mitigation Ratio Map (Figure 6) was referenced to identify SJKF habitat areas, documented sightings, and County-assigned mitigation ratios as it relates to the project area. County staff and consultants also met with CDFW staff on October 4, 2018 to confirm the appropriate project design and mitigation measures. The project is located within the 4:1 standard mitigation ratio area, which is the correct ratio based on the SJKF evaluation. The project would result in approximately ten acres of site disturbance of potential kit fox habitat. Therefore, the mitigation requirement for this project is: ten acres X [4:1] = 40 acres.

The remaining species listed above have potential to occur in upland grassland habitats found on-site.

Figure 6 –SJKF Standard Mitigation Ratio Map



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Additional data provided by County of San Luis Obispo 2018.

Wildlife Movement. Wildlife movement corridors, or habitat linkages, are generally defined as connections between habitat patches that allow for physical and genetic exchange between otherwise isolated animal populations. Such linkages may serve a local purpose, such as providing a linkage between foraging and denning areas, or they may be regional in nature. Some habitat linkages may serve as migration corridors, wherein animals periodically move away from an area and then subsequently return.

The project site is located in an area of the Carrizo Plain that already contains substantial existing barriers, most notably the Topaz solar Farm (Topaz), to large scale animal movement for species such as Tule elk (*Cervus canadensis nannodes*) and pronghorn (*Antilocapra americana*). Topaz is a utility scale solar development project that surrounds the project site on all but the south and west sides of the project site, and several solar array fields are less than ½ mile from the boundary of the property. All of the Topaz solar array fields are fenced in such a way that allow for small mammal movement under these fences, but large ungulates are unable to move through these areas. The Environmental Impact Report for the Topaz project required that certain movement corridors be established between blocks of arrays to allow for some large animal movement through and around the site. However, in practice, these existing movement corridors are not being utilized as much as predicted based on current CDFW studies of radio collared pronghorn in the region. CDFW presented preliminary unpublished information at the Carrizo Colloquium (May 11, 2018) in San Luis Obispo that showed that the pronghorn herd in the Northern Carrizo may be avoiding traveling through the center areas of the Topaz site, despite the creation of corridors for movement. The herd appears to utilize the east side of the Topaz facility with movement patterns oriented northwest and southeast.

Impact.

a)

No special-status plants were observed within the survey area during the site surveys completed between January and May 2018. Despite drought conditions in 2018, based on the lack of observed occurrences and frequency of disturbance in the agricultural field habitat, special-status plant species are not expected to occur. As noted above, non-native species were documented throughout the project area, several of which are listed on the Cal-IPC Inventory and considered invasive. Spreading the seed or asexual propagules of invasive species off the project site or into new areas may have indirect impacts on special-status plant populations and sensitive habitats within the region.

Direct impacts to SJKF, giant kangaroo rat, Tulare grasshopper mouse, and American badger, if present, may occur as a result of construction-related activities including crushing, trampling, and/or entombment. Increased short-and long-term anthropogenic activity in the vicinity of viable populations located outside of the project area also have a potential to indirectly impact these species by removal of habitat, increased light-pollution, and potential primary and secondary exposure to agricultural chemicals including rodenticides. SJKF are not expected to permanently reside on site; however, they may utilize the project site for hunting or movement throughout the year.

Direct impacts to San Joaquin coachwhip, western spadefoot and western pond turtle, if present in upland areas, may occur as a result of crushing, trampling, or entombing during construction related activities. Indirect impacts include an increase in anthropogenic activities and alteration or removal of habitat. No impacts to western pond turtle aquatic habitat are anticipated. If the seasonally ponded depressions contain water in a duration suitable for western spadefoot breeding, the project could also impact breeding individuals, eggs, and tadpoles if present. Similarly, there is a potential for long-term direct and indirect impacts to these species including direct and indirect exposure to agricultural chemicals and/or reduced food source availability.

Direct impacts to listed fairy shrimp species (longhorn fairy shrimp and vernal pool fairy shrimp) and habitat, if present, may occur due to construction and operation of proposed facilities if these activities occur within the seasonally ponded depressions on-site or modify hydrology such that the low areas no longer receive water. In addition, indirect impacts to water quality and from sedimentation may also

occur from activities occurring within 250 feet of these areas.

Direct impacts to bird species, most notably those that can nest within the annual grassland/agricultural field, are most likely to occur if construction activities take place during the typical avian nesting season, generally February 1 through September 15. Other indirect impacts may occur due to habitat loss (e.g., conversion of grassland habitat) or construction-related disturbances that may deter nesting or cause nests to fail. Increased short- and long-term anthropogenic activity including increased light pollution may also result in nest failures or deterring nesting behavior. No direct impacts to bird species with potential to nest at the man-made pond, such as tri-colored blackbird, are expected, however disturbances from noise and other activities in the vicinity have potential to indirectly impact nesting at the man-made pond. No significant impacts to foraging birds are anticipated.

Construction and implementation of the proposed project would result in conversion of approximately 10 acres (439,406 sf) of potential special status wildlife habitat comprised of anthropogenic/developed areas and annual grassland habitat to cannabis uses.

b)

No sensitive vegetation communities are located within the footprint of the new proposed facilities and therefore no impacts are anticipated.

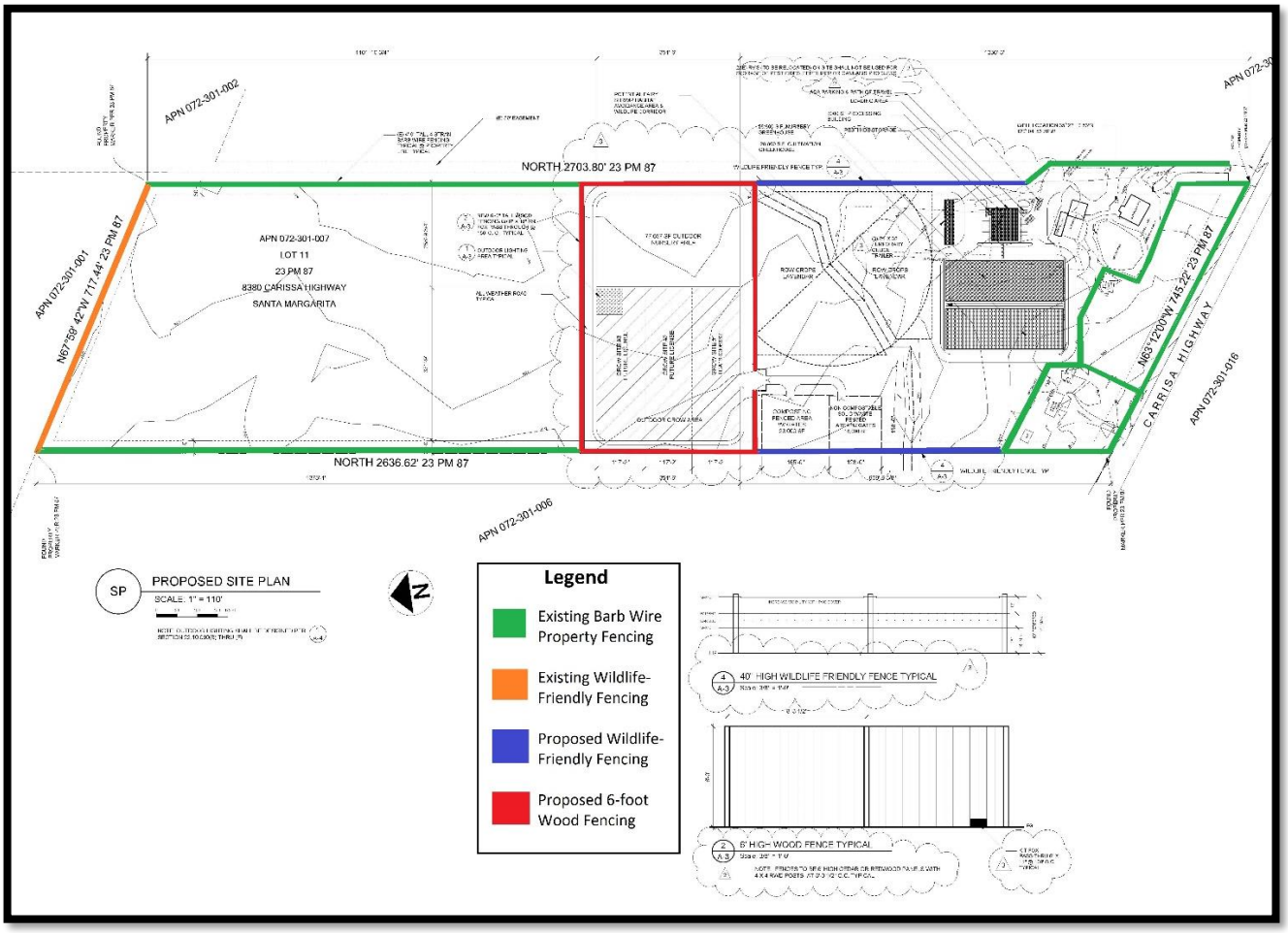
c)

No impacts are proposed to the man-made perennial pond feature or associated wetland vegetation (Arroyo willow thicket and cattail marshes). The isolated swale features (Swale 1 – 3) may be considered waters of the state. Swales 2 and 3 would be avoided entirely. A small portion of Swale 1 may be impacted directly by the siting of greenhouse structures. Further, indirect impacts to this feature may include increased silt or sedimentation. Any direct and/or indirect impacts to these features may be subject to permitting per the Regional Water Quality Control Board Water Quality Order 2004-004. Regulatory compliance in addition to adherence to Best Management Practices outlined in Exhibit B would be necessary to reduce impacts.

d)

Addition of solid fencing at the project site would not represent a significant additional movement impediment for large ungulates in the region because ungulates are not currently using the area for movement. If they were to occupy this area, they could use the blue-line drainage feature to the north as a wildlife corridor for movement. The proposed solid fencing at the project is estimated to be approximately 940 ft long on a north-south axis and will be required to be set back from the property boundary at least 250 feet (Figure 7).

Figure 7 – Fencing Exhibit



The project is not expected to significantly add to cumulative impacts to wildlife movement in the area. Measures are proposed below to mitigate for small animal movement through the solid fencing required to surround the outdoor growing facilities. There are other proposed cannabis facilities in the region, and when all foreseeable proposed facilities are considered in the area surrounding the project site, in aggregate they represent an area that is a fraction of the area available for wildlife movement. All of these proposed cannabis facilities will be required to contain similar measures to allow for small animal movement under solid fencing, and to avoid movement corridors.

e)

No HCPs or NCCPs are implemented at the project location. The project would be required to comply with the California Endangered Species Act, Federal Endangered Species Act, Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act as well as California Fish and Game Code. Therefore, the proposed project is not expected to conflict with a HCP or NCCP or other regional plans or policies or California Fish and Wildlife and U.S. Fish and Wildlife regulations.

Mitigation/Conclusion. Impacts to biological resources would be reduced to less than significant levels with the implementation of mitigation measures outlined in Exhibit B, Mitigation Summary Table. Mitigation measures include pre-work training, best management practices for project construction activities, preconstruction surveys, avoidance and minimization measures for noxious weeds, mitigation measures for SJKF, and protective measures for State waters and wetlands.

5. CULTURAL RESOURCES

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

Cultural Resources

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

Per US Geographical Survey maps, the project site is not within 300 feet of a National Hydrography Dataset (NHD) stream or other features which would be indicative of prehistoric human occupation.

In compliance with AB52 Cultural Resources requirements, outreach to four Native American tribes groups was conducted (Northern Salinan, Xolon Salinan, Yak Tityu Tityu Northern Chumash, and the Northern Chumash Tribal Council). Comments were received from the Northern Chumash Tribal Council on February 5, 2018. The comments indicated that the Northern Chumash Tribal Council (NCTC) recommends that language be inserted into project approval stating that any and all aquaculture be conducted at the highest levels of environmental growing practices, including no chemical dumping or use of pesticides.

Impact. The project is not located in an area that would be considered culturally sensitive due to lack of physical features typically associated with prehistoric occupation. Regarding the NCTC recommended language, no aquaculture is proposed. Thus, significant impacts to archaeological, historical or paleontological resources are not anticipated.

Mitigation/Conclusion. Per County LUO Section 22.10.040, if during any future grading and excavation, buried or isolated cultural materials are unearthed, work in the area shall halt until they can be examined by a qualified archaeologist and appropriate recommendations made. No significant impacts to cultural resources are expected to occur, and no additional mitigation measures are necessary.

6. GEOLOGY AND SOILS

Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?	☐	☐	☒	☐

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

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

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

Topography: Nearly level

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: Not known

Other notable geologic features? None

Geology and Soils

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). Prior to the issuance of a building permit, the site is subject to the preparation of a geological report per the County's Land Use Ordinance (LUO section 22.14.070 (c)) to evaluate the area's geological stability.

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

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

Impact. At full buildout, the project would result in the disturbance of approximately 10 acres for the construction of greenhouses and additional ancillary structures, and improvements to the access road. Grading would include both cut and fill activities. During grading activities, there is a potential for erosion and down-gradient sedimentation to occur. However, the required sedimentation and erosion control plan and SWPPP would minimize these potential impacts.

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

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

7. HAZARDS & 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?	☐	☐	☒	☐

7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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 project applicant consulted the following databases/lists to determine if the project site contains hazardous waste or substances:

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

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

According to CalFire's San Luis Obispo County Fire Hazard Severity Zone map, the project site is within a "high" severity risk area for fire. The closest fire station to the project site is San Luis Obispo County Fire Station 42, which is approximately 5.1 miles from the site. According to San Luis Obispo General Plan Safety Element Emergency Response Map, average emergency response time to the project site is between 5 and 10 minutes (San Luis Obispo County 1999).

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

Impact.

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

Operational Activities: The project does not propose the routine use of hazardous materials and would not generate hazardous wastes. Project operations would involve the intermittent use of small amounts of hazardous materials such as fertilizer and pesticides that are not expected to be acutely hazardous. In addition, the proposed cannabis manufacturing activities will involve the use of non-volatile organic and inorganic compounds. The project will be conditioned to conduct all cannabis activities in compliance with the approved Operations Plan, as well as all required County permits, State licenses, County ordinance, and State law and regulation, including those relating to the use and storage of non-volatile manufacturing compounds. In accordance with LUO Section 22.40.050 D. 3. all applications for cannabis cultivation must include a list of all pesticides, fertilizers and any other hazardous materials expected to be used, along with a storage and hazardous response plan.

As discussed in the Setting above, the project site is not found on the 'Cortese List' (which is a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5). The project is located in a "high" severity risk area which could present a significant fire safety risk. The applicant has submitted a Fire Safety Plan for the project. As described in the Plan, monitored fire sprinkler systems, fire suppression extinguishers, and additional steel water storage are included in the design of the project. Additionally, upon the addition of the proposed processing/manufacturing building and greenhouses, a new all-weather surface 20-foot wide roadway is proposed per Caltrans standards. A fire equipment turnaround per Cal Fire Standard 4, Access Roads and Driveways, would be required and constructed. The property is less than 5% slope throughout, therefore only all-weather roads are proposed. The project is not expected to conflict with any regional emergency response or evacuation plan, as the greenhouses would be set back from highway 58, and a fire equipment turnaround is proposed for emergency response vehicles to adequately access the greenhouse.

The project is not located in an Airport Review area, and would therefore not expose workers to aviation-related hazards.

Mitigation/Conclusion. All requirements would be in accordance with County Ordinances and Cal Fire/San Luis Obispo Fire Department Standards. Compliance with the Fire Safety Plan would reduce fire related impacts to less than significant levels. No significant impacts related to hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

8. NOISE

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?	☐	☐	☒	☐

8. NOISE *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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 other than road noise from Highway 58, as the project site and surrounding area consist of agricultural uses and scattered rural residential homes on agricultural land. The nearest sensitive receptor to the project site includes a single family residence to the southwest, located approximately 800 feet away from the proposed greenhouses. The Noise Element of the County's General Plan includes projections for future noise levels from known stationary and vehicle-generated noise sources. Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area.

Impact.

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

Operational Impacts: The project is not expected to generate loud noises or conflict with the surrounding uses. Noise resulting from the use of wall- or roof-mounted HVAC and odor mitigation equipment would be expected to generate noise levels of approximately 84 dBA at 25 feet from the source. With attenuation of noise levels with distance, equipment-related noise levels at the nearest sensitive receptor would be well below 60 dBA. The project is located within an agricultural area and based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area. Noise generated by vehicular traffic on Highway 58 would be comparable to background noise levels generated by surrounding agricultural operations and existing vehicular traffic. Operation of the project would not expose people to significant increased noise levels in the long term.

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

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

9. POPULATION/HOUSING

Will the project:

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

Population/Housing

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

Impact. The project site includes two existing single-family residences. The residences would continue to be used as a residential use and would not be used for cannabis activities. The proposed project would not result in the removal or construction of any housing. The project is expected to employ up to 15 people. This increase in employment would not result in a substantial increase in employment in the County. Therefore, the project would not result in a need for a significant amount of new housing and would not displace existing housing.

Mitigation/Conclusion. The project would not result in the need for a significant amount of new housing; and would not displace existing housing. The project would be conditioned to provide payment of the housing impact fee for commercial projects. No significant population/housing impacts are anticipated, and 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?	☐	☐	☒	☐

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
e) Solid Wastes?	☐	☐	☒	☐
f) Other public facilities?	☐	☐	☒	☐
g) Other: _____	☐	☐	☐	☒

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

Police: County Sheriff	Location: Templeton (Approximately 38 miles to the northwest)	
Fire: Cal Fire (formerly CDF)	Hazard Severity: High	Response Time: 5-10 minutes
Location: (Approximately 5.1 miles to the project site)		
School District: Atascadero Unified		

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 42) is located five miles to the southeast at 13050 Soda Lake Road. According to San Luis Obispo General Plan Safety Element Emergency Response Map, average emergency response time to the project site is between 5 and 10 minutes (San Luis Obispo County 1999). According to CalFire's San Luis Obispo County Fire Hazard Severity Zone map, the project site is within a "high" severity risk area for fire.

The applicant has submitted a Fire Safety Plan. As described in the Plan, monitored fire sprinkler systems, fire suppression extinguishers, and additional steel water storage are to be included in the design of the project. Additionally, upon the addition of the proposed processing/manufacturing building and greenhouses, a new all-weather surface 20-foot wide roadway is proposed per CalFire standards. A fire equipment turnaround per Cal Fire Standard 4, Access Roads and Driveways, would be required and constructed. The project's incremental impacts to Fire Department services would be insignificant.

Police Services

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

Schools, Parks, Other Facilities

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

Roads

Access to the project site is provided by an existing driveway from Highway 58. As discussed in Section

12, *Transportation/Circulation*, the proposed project would generate up to 17 PM peak hour trips per day during harvest periods. This small amount of additional traffic will not result in a significant change to existing road service or traffic safety levels.

Solid Waste

The project site is served by West Construction and Clean Ups. The applicant proposes recycling and on-site green-waste composting. Cannabis waste material consisting of organic material discarded from the harvesting of the plant (e.g. twigs, stems, trim waste, stalks, roots, and soil containing roots) would be ground/chipped into compostable sized material and stockpiled in an on-site composting yard. Composted material would be mixed together with on-site soil for re-use in future cultivation. The composting area would not allow runoff of water or any waste concentrate, and Best Management Practices (BMP) would be implemented to reduce or eliminate runoff, dust, and odor. Since 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 potential cumulative impacts to less than significant levels. No significant public service impacts are anticipated, and no mitigation measures are necessary.

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

Recreation

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

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

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

12. TRANSPORTATION/CIRCULATION *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Increase vehicle trips to local or areawide circulation system?	☐	☐	☒	☐

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

Transportation

Setting. The project is located along State Highway 58, which is maintained by Caltrans. Data for Highway 58, obtained from Caltrans' *2016 Traffic Volumes on California State Highways,* shows an Annual Average Daily Traffic (AADT) below 1,000 vehicles, both east and west of the project site (Central Coast Transportation Consulting 2018). The project site is not located within the County's road improvement fee area.

Impact.

Trip Generation, Levels of Service, Congestion

A Trip Generation Report was prepared by Central Coast Transportation Consulting (May 2018) pertaining to the number of trips generated by the project during harvest periods. Harvest periods are expected to generate the highest number of peak hour trips, while normal operations would generate far fewer trips. Trip generation was developed based on similar land uses and anticipated operational characteristics for the site. The expected trip generation for the project is summarized in Table 4 below.

Table 4 – Harvest Season Trip Generation

Activity		Size	PM Peak Hour In	PM Peak Hour Out	PM Peak Hour Total
Residential[1]	2	DU	1	1	2
Employee Commute[2]	20	employees	4	9	13
Materials Delivery	1	trip	1	1	2
		Total	*6*	*11*	*17*

1) ITE Land Use Code #210, Single-Family Detached Housing. Average rates used.
2) ITE Land Use Code #140, Manufacturing. Average rates used.
Source: ITE Trip Generation Manual, 10th Edition, 2017; CCTC, 2018.

The proposed project is estimated to generate about 17 PM peak hour trips during the harvest. For comparison, the County-approved trip generation rate for Nursery Greenhouses is 0.025 peak hour trips per thousand square feet, which corresponds to less than two peak hour trips for the greenhouse portion of the project. Traffic volume data for Highway 58 was obtained from Caltrans' *2016 Traffic Volumes on California State Highways.* Data for Highway 58 both west and east of the project site shows an Annual Average Daily Traffic (AADT) below 1,000 vehicles.

The project is expected to have a minor trip generation rate, even during harvest periods. On average, less than one single-unit truck trip in and out per day is expected. Additionally, Highway 58 currently operates well below its capacity. As such, the small amount of additional traffic will not result in a significant change to the existing road service or traffic safety levels. The project does not conflict with adopted policies, plans and programs on transportation.

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

Airport Traffic
The nearest airport to the project site is the Camatta Ranch Airstrip, located approximately fifteen (15) miles to the northeast. The project site is not located in any runway protection/safety or object free zones. There would be no impact regarding aviation related hazards/patterns.

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

13. WASTEWATER

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	☐	☐	☒	☐

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

Wastewater

Setting. Regulations and guidelines on proper wastewater system design and criteria are found within the County's Plumbing Code (hereafter CPC; see Chapter 7 of the Building and Construction Ordinance [Title 19]), the "Water Quality Control Plan, Central Coast Basin" (Regional Water Quality Control Board [RWQCB] hereafter referred to as the "Basin Plan"), and the California Plumbing Code. These regulations include specific requirements for both on-site and community wastewater systems. These regulations are applied to all new wastewater systems.

For on-site septic systems, there are several key factors to consider for a system to operate successfully, including the following:

- ✓ Sufficient land area (refer to County's Land Use Ordinance or Plumbing Code) – depending on water source, parcel size minimums will range from one acre to 2.5 acres;
- ✓ The soil's ability to percolate or "filter" effluent before reaching groundwater supplies (30 to 120 minutes per inch is ideal);
- ✓ The soil's depth (there needs to be adequate separation from bottom of leach line to bedrock [at least 10 feet] or high groundwater [5 feet to 50 feet depending on percolation rates]);
- ✓ The soil's slope on which the system is placed (surface areas too steep creates potential for daylighting of effluent);
- ✓ Potential for surface flooding (e.g., within 100-year flood hazard area);
- ✓ Distance from existing or proposed wells (between 100 and 250 feet depending on circumstances); and
- ✓ Distance from creeks and water bodies (100-foot minimum).

To assure a successful system can meet existing regulation criteria, proper conditions are critical. Above-ground conditions are typically straight-forward and most easily addressed. Below ground criteria may require additional analysis or engineering when one or more factors exist:

- ✓ the ability of the soil to "filter" effluent is either too fast (percolation rate is faster or less than 30 minutes per inch and has "poor filtering" characteristics) or is too slow (slower or more than 120 minutes per inch);
- ✓ the topography on which a system is placed is steep enough to potentially allow "daylighting" of effluent downslope; or
- ✓ the separation between the bottom of the leach line to bedrock or high groundwater is inadequate.

Based on Natural Resource Conservation Service (NRCS) Soil Survey map, the soil type(s) for the project are Yeguas and Pinspring soils. Ideal soil percolation rates are between 30 and 120 minutes

per inch. The main limitation(s) of this soil for wastewater effluent include:

-***poor filtering characteristics*** due to the very permeable nature of the soil, without special engineering will require larger separations between the leach lines and the groundwater basin to provide adequate filtering of the effluent. In this case, based on general knowledge of the area, it is expected that there will be adequate separation for filtering of effluent before reaching any groundwater source.

--***shallow depth to bedrock***, which is an indication that there may not be sufficient soil depth to provide adequate soil filtering of effluent before reaching bedrock. Once effluent reaches bedrock, the chances increase for the effluent to infiltrate cracks that could lead directly to groundwater source or surrounding wells without adequate filtering, or allow for daylighting of effluent where bedrock is exposed to the earth's surface. In this case, due to limited availability of information relating to the shallow depth to bedrock characteristic, the following additional information will be needed prior to issuance of a building permit: soil borings at leach line location(s) showing that there is adequate distance to bedrock. If adequate distance cannot be shown, a County-approved plan for an engineered wastewater system showing how the basin plan criteria can be met will be required.

--***slow percolation***, where fluids will percolate too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be greater than 30 and less than 120 minutes per inch. In this case, a soils report will need to be prepared to identify percolation rates.

Impacts. Based on the following project conditions or design features, wastewater impacts are less than significant:

- ✓ The project has sufficient land area per the County's Land Use Ordinance to support an on-site system;
- ✓ The soil's slope is less than 20%;
- ✓ The leach lines are outside of the 100-year flood hazard area;
- ✓ There is adequate distance between proposed leach lines and existing or proposed wells;
- ✓ The leach lines are at least 100 feet from creeks and water bodies.

The County Department of Environmental Health also reviewed the project and requires as a condition of approval that the applicant verify that the on-site wastewater system will be adequate for the proposed use.

Based on the above discussion and information provided, the site appears to be able to design an on-site system that will meet CPC/Basin Plan requirements. Prior to building permit issuance and/or final inspection of the wastewater system, the applicant will need to show to the county compliance with the County Plumbing Code/ Central Coast Basin Plan, including any above-discussed information relating to potential constraints. Therefore, based on the project being able to comply with these regulations, potential groundwater quality impacts are considered less than significant.

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

14. WATER & HYDROLOGY

Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
QUALITY				
a) Violate any water quality standards?	☐	☐	☒	☐
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, sediment, temperature, dissolved oxygen, etc.)?	☐	☐	☒	☐
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	☐	☐	☒	☐
d) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff?	☐	☐	☒	☐
e) Change rates of soil absorption, or amount or direction of surface runoff?	☐	☐	☒	☐
f) Change the drainage patterns where substantial on- or 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: _____	☐	☐	☐	☒

Water

Setting.

WATER SUPPLY— The project proposes to use an on-site well as its water source. The Environmental Health Division has reviewed the project for water availability and has determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project. Based on available information, the proposed water source is not known to have any significant availability or quality problems.

The topography of the project is nearly level. The closest creek from the proposed development is approximately 1,000 feet away. As described in the NRCS Soil Survey, the soil surface is considered

to have low 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? No

Closest creek? Unnamed Distance? Approximately 1,000 feet

Soil drainage characteristics: Well drained

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

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 as follows:

Soil erodibility: Low

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

Impact – Water Quality/Hydrology

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

- ✓ Approximately 10 acres of site disturbance is proposed;
- ✓ The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- ✓ The project will be disturbing over an acre and will be required to prepare a SWPPP, which will be implemented during construction;
- ✓ The project is not on highly erodible soils, nor on moderate to steep slopes;
- ✓ The project is not within a 100-year Flood Hazard designation;
- ✓ The project is more than 100 feet from the closest creek or surface water body;
- ✓ All disturbed areas will be permanently stabilized with impermeable surfaces and landscaping;
- ✓ Stockpiles will be properly managed during construction to avoid material loss due to erosion;
- ✓ The project is subject to the County's Plumbing Code (Chapter 7 of the Building and Construction Ordinance [Title 19]), and the "Water Quality Control Plan, Central Coast Basin" for its wastewater requirements, where wastewater impacts to the groundwater basin will be less than significant;

- ✓ All hazardous materials and/or wastes will be properly stored on-site, which include secondary containment should spills or leaks occur.

Water Quantity

Full buildout of the proposed project would use approximately 4,809 gallons per day for cannabis cultivation based on the number of drip emitters, watering duration, and weekly cycles per season. In addition, the project would use approximately 609 gallons per day for domestic and seasonal/temporary water use associated with the two existing residences. This results in a total of 5,418 gallons per day, which is equivalent to 6.07 acre-feet per year.

On the project site, an existing well has served the property and has been used for past agricultural uses. The well produces 60 gallons per minute (GPM), with a recovery time of four hours (Filipponi and Thompson Drilling Inc. 2018). The well pump test and water quality analysis from 2018 conclude that the well produces sufficient water to meet the project's water demand. In addition, the project site is not located over an impacted groundwater basin.

Seiche/Tsunami/Mudflow

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

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

15. LAND USE

Will the project:

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) 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: _____	☐	☐	☐	☒

Land Use

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

1. LUO Chapter 22.94 – Carrizo 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 agricultural uses. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County LUO, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, California Fish and Wildlife for the Fish and Game Code, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

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

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

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

16. MANDATORY FINDINGS OF SIGNIFICANCE

Will the project:

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

a) The proposed project does not have the potential to substantially degrade the quality of the environment. Compliance with all the mitigation measures identified in Exhibit B will ensure that project implementation will not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. In addition, the project would not contribute significantly to greenhouse gas emissions or increase energy

consumption. Implementation of the project would not eliminate important examples of the major periods of California history or pre-history. Therefore, the anticipated project-related impacts are less than significant with incorporation of the mitigation measures included in Exhibit B.

b) The potential for adverse cumulative effects were considered in the response to each question in Sections 1 through 15 of this document. In addition to project specific impacts, this evaluation considered the project's potential for incremental effects that are cumulatively considerable. As described in Section 4 above, there were determined to be potentially significant effects related to air quality and biological resources. However, the mitigation measures included in Exhibit B would reduce the effects to a level below significance. As a result of this evaluation, there is no substantial evidence that, after mitigation, there are cumulative effects associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

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

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

Exhibit A - Initial Study References and Agency Contacts

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

Contacted	Agency	Response
☒	County Public Works Department	In File
☒	County Environmental Health Services	In File
☒	County Agricultural Commissioner's Office	In File
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☐	Air Pollution Control District	**Not Applicable**
☐	County Sheriff's Department	**Not Applicable**
☒	Regional Water Quality Control Board	In File
☐	CA Coastal Commission	**Not Applicable**
☒	CA Department of Fish and Wildlife	In File
☐	CA Department of Forestry (Cal Fire)	**Not Applicable**
☐	CA Department of Transportation	**Not Applicable**
☐	Community Services District	**Not Applicable**
☐	Other _____	**Not Applicable**
☒	Other Building Division _____	In File

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

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

☒ 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
- ☒ Carrizo Planning Area
- ☐ Design Plan
- ☐ Specific Plan
- ☒ Annual Resource Summary Report
- ☐ Circulation Study

Other documents

- ☒ Clean Air Plan/APCD Handbook
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
- ☒ Archaeological Resources Map
- ☒ Area of Critical Concerns Map
- ☒ Special Biological Importance Map
- ☒ CA Natural Species Diversity Database
- ☒ Fire Hazard Severity Map
- ☒ Flood Hazard Maps
- ☒ 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

- Terra Verde Environmental Consulting, LLC., Biological Resources Assessment, June 2018
- Central Coast Transportation Consulting, 8380 Carissa Highway Cannabis Greenhouse Trip Generation, May 3, 2018
- Filipponi & Thompson Drilling Inc. Well Test Report. January 18, 2018
- BSK Associates. Water Quality Analysis. February 1, 2018.

Other County References

- California Department of Conservation (CDOC). 2015.CGS Information Warehouse: Regulatory Maps http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps accessed November 2018
- California Department of Finance. 2018. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018 with 2010 Census Benchmark. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/ (accessed September 2018).
- San Luis Obispo County.1999.General Plan Safety Element. https://www.slocounty.ca.gov/getattachment/893b6c58-7550-4113-911c-3ef46d22b7c8/Safety-Element.aspx accessed November 2018

Exhibit B - Mitigation Summary Table

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

Air Quality

MM AQ-1: **Fugitive Dust Control Measures**. During ground-disturbing activities the applicant or project proponent 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.

MM AQ-3: **PM10 Measures.** The applicant shall implement one of the following in order to mitigate the unpaved access roads:

- For the life of the project, pave and maintain the roads, driveways, and/or parking areas; or
- For the life of the project, maintain the unpaved roads, driveways, and/or parking areas with a dust suppressant (see Technical Appendix 4.3 of the CEQA Air Quality Handbook (2012) for a list of the APCD-approved suppressants) such that fugitive dust emissions do not exceed the APCD's 20% opacity limit for greater than 3 minutes in any 60-minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402) will occur;
- Also, to improve the dust suppressant's long-term efficacy, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less.

Biological Resources

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

MM BIO-2: **Site Maintenance and General Operations.** The following measures are required to minimize impacts during active construction:

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

MM BIO-3: **Lighting.** Any temporary construction lighting or permanent lighting introduced for new developments shall avoid night time illumination of suitable habitat features for special-status species (e.g., off-site adjacent grasslands). Temporary construction lighting will be kept to the minimum amount necessary and shall be directed toward active work areas and away from open spaces and/or drainages. To minimize the effects of future exterior lighting on special-status wildlife species, all outdoor lighting fixtures shall be positioned and/or shielded to avoid direct lighting of off-site natural habitat areas.

MM BIO-4: **Noxious Weed Species.** To prevent the potential spread of invasive botanical species identified within the project site, all vehicles and equipment used at the site shall be cleaned of all dirt, mud, and plant debris prior to existing the site (e.g., driven over rumble strips). This will prevent tracking of potential seed stock off the property.

MM BIO-5: **Preconstruction Survey for American Badger and SJKF.** A qualified biologist shall complete a preconstruction survey for these species no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure these special-status wildlife species are not present within proposed works areas. If dens are discovered, they shall be inspected to determine if they are currently occupied. If the qualified biologist determines that potential SJKF dens may be present, an exclusion buffer shall be established in accordance with the distances recommended in the USFWS' 2011 recommendations. The USFWS shall be contacted for further guidance regarding any natal SJKF dens encountered. If active badger dens are found, a minimum of a 50-foot, no activity buffer shall be implemented in the den vicinity. If avoidance is not possible during construction or continued operation, the appropriate resource agency shall be contacted for further guidance.

MM BIO-6: **Preconstruction Survey for Special-status Small Mammals and Burrow Mapping.** A qualified biologist shall complete a preconstruction survey for special-status small mammal species (e.g. giant kangaroo rat and San Joaquin antelope squirrel) no more than two weeks prior to the start of initial project activities to ensure special-status small mammal species are not present within proposed works areas. The survey will include mapping of all potentially active special-status mammal burrows within the proposed work areas, access routes, and staging areas plus a 50 foot buffer. All potentially active burrows will be mapped and flagged. If avoidance of the burrows is not feasible, the appropriate resource agency shall be contacted for further guidance.

MM BIO-7: **Surveys for San Joaquin Coachwhip, Western Spadefoot, and Western Pond Turtle.** A qualified biologist shall conduct a preconstruction survey immediately prior to the start of work within 50 feet of suitable habitat for San Joaquin Coachwhip, and suitable upland habitat for western spadefoot and western pond turtle. Construction monitoring shall also be conducted by a qualified biologist during all initial ground disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal including tree removal, etc.) within suitable habitat. If any of these species are discovered during surveys and monitoring, they will be hand captured by a qualified biologist and relocated to suitable habitat outside the area of impact.

MM BIO-8: **Preconstruction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to activity beginning on site. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged or the nest is no longer deemed active. A non-disturbance buffer of 50 feet will be placed around non-listed, passerine species, and a 250-foot buffer will be implemented for raptor species. All activity will remain outside of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young.

If other special-status avian species (aside from the Burrowing Owl or Tricolored Blackbird) are identified and nesting within the work area, no work will begin until an appropriate buffer is determined in consultation with the local CDFW biologist, and/or the USFWS.

MM BIO-8a: **Focused Preconstruction Survey for Burrowing Owl.** If work is planned to occur within 150 meters (approximately 492 feet) of burrowing owl habitat, within the breeding or no-breeding seasons, a qualified biologist shall conduct a preconstruction survey for the species within 14 days of the onset of construction. A second survey shall be completed immediately prior to construction (e.g., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on Burrowing Owl Mitigation (Staff Report), walking 7 to 20 meter transects through the survey area and scanning the entire visible project area for sign and individuals. These surveys may be completed concurrently with any necessary SJKF, American badger, or other special-status species surveys. If occupied burrowing owl burrows are identified the following buffer distances shall be observed by construction, unless otherwise authorized by CDFW:

Location	Time of Year	Level of Disturbance		
		Low	Medium	High
Nesting Sites	April 1 – Aug 15	656 feet	1,640 feet	1,640 feet
Nesting Sites	Aug 16 – Oct 15	656 feet	656 feet	1,640 feet
Any Occupied Burrow	Oct 16 – Mar 31	164 feet	328 feet	1,640 feet

If avoidance of active burrows is infeasible, the owls can be passively displaced from their burrows according to recommendations made in the Staff Report, and in coordination with CDFW.

MM BIO-8b: **Focused Preconstruction Survey for Tricolored Blackbird.** If work is planned to occur during the typical nesting bird season (e.g., February 15 through September 15), a qualified wildlife biologist shall conduct preconstruction surveys for nesting tricolored blackbird within 10 days prior to the start of implementation to evaluate presence/absence of tricolored blackbird nesting colonies in proximity to project activities. If an active tricolored blackbird nesting colony is found during preconstruction surveys, a minimum 300-foot non-disturbance buffer in accordance with "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015" (CDFW, 2015). This buffer shall remain in place for the duration of the breeding season or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival.

MM BIO-9: **County Standard Mitigation of Impacts to SJKF Habitat.** In accordance with the County Guide to SJKF Mitigation Procedures under CEQA, the applicant shall adopt the Standard Kit Fox CEQA Mitigation Measures and shall include these measures on development plans. The following summarizes those that are applicable to this project:

1. 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 (SJKF) mitigation measures has been implemented:
    a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 40 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Wildlife (Department) and the County.

       This mitigation alternative (a.) requires that all aspects if this program must be in place before County permit issuance or initiation of any ground disturbing activities.
    b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve SJKF 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 CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

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

   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 SJKF 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.

2. A maximum of 25 mph speed limit shall be required at the project site during construction activities.
3. All construction activities shall cease at dusk and not start before dawn.
4. A qualified biologist shall be on-site immediately prior to initiation of project activities to inspect for any large burrows (e.g., known and potential dens) and to ensure no wildlife are injured during project activities. If dens are encountered, they should be avoided as discussed below.
5. Exclusion zone boundaries shall be established around all known and potential SJKF dens.
6. All excavations deeper than two feet shall be completely covered at the end of each working day.
7. All pipes, culverts, or similar structures shall be inspected for SJKF and other wildlife before burying, capping, or moving.
8. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day.
9. All food-related trash shall be removed from the site at the end of each work day.
10. Project-related equipment shall be prohibited outside of designated work areas and access routes.

11. No firearms shall be allowed in the project area.
12. Disturbance to burrows shall be avoided to the greatest extent feasible.
13. The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of endangered species utilizing adjacent habitats and the depletion of prey upon which SJKF depend.
14. Permanent fences shall allow for SJKF passage through or underneath (e.g., an approximate 4-inch passage gap shall remain at ground level.

MM BIO-10: **Annual pre-activity Survey for SJKF, Special-status Small Mammals and Burrow Mapping.** Applicant or project proponent must hire a qualified biologist to complete an annual pre-activity survey for SJKF and special-status small mammal species (e.g. giant kangaroo rat and San Joaquin antelope squirrel) no more than two weeks prior to the start of initial ground disturbance associated with the outdoor grow sites to ensure SJKF and special-status small mammal species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active SJKF and special-status mammal burrows within the grow site areas plus a 50 foot buffer. All potentially active burrows will be mapped and flagged. If avoidance of the burrows is not feasible, the appropriate resource agency shall be contacted for further guidance. In lieu of this annual survey, the applicant may obtain an Incidental Take Permit from the appropriate resource agency.

MM BIO-11: **Protection of State Waters and Wetlands. T**he following measures shall be implemented to further protect hydrologic resources on site:

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1. Prior to project initiation, all applicable agency permits with jurisdiction over the project area (e.g., RWQCB) shall be obtained, as necessary. Any additional permitting standards required by these agencies shall be implemented as necessary throughout the project.
2. Construction activity occurring within and/or within 100 feet of swales and the man-made pond feature shall occur only during the dry season (between June 1 and September 31). For short-term, temporary stabilization, an erosion and sedimentation plan control plan shall be developed outlining Best Management Practices (BMPs), which shall be implemented to prevent erosion and sedimentation into drainages and wetland during construction, Acceptable stabilization methods include the use of weed-free, natural fiber (e.g. non-monofilament) fiber rolls, jute or coir netting, and/or other industry standards. BMPs shall be installed and maintained for the duration of the project.

DATE: February 19, 2019
REVISED: February 22, 2019

DEVELOPER'S STATEMENT & MITIGATION MONITORING/REPORTING PROGRAM FOR DELGADO (COMPASSION CANNABIS COLLECTIVE, INC) ED19-047 (DRC2017-00108)

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**. During ground-disturbing activities the applicant or project proponent 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.

MM AQ-3: **PM10 Measures.** The applicant shall implement one of the following in order to mitigate the unpaved access roads:

- For the life of the project, pave and maintain the roads, driveways, and/or parking areas; or
- For the life of the project, maintain the unpaved roads, driveways, and/or parking areas with a dust suppressant (see Technical Appendix 4.3 of the CEQA Air Quality Handbook (2012) for a list of the APCD-approved suppressants) such that fugitive dust emissions do not exceed the APCD's 20% opacity limit for greater than 3 minutes in any 60-minute period (APCD Rule 401) or prompt nuisance violations

(APCD Rule 402) will occur;

- Also, to improve the dust suppressant's long-term efficacy, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less.

Biological Resources

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

MM BIO-2: **Site Maintenance and General Operations.** The following measures are required to minimize impacts during active construction:

- The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing. No work shall occur outside these limits.
- Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.
- Staging of equipment and materials shall occur in designated areas at least 100 feet from the swales and man-made pond feature, or 50 ft with appropriate Best Management Practices (BMPs) incorporated from the erosion and sedimentation control plan.
- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
- Washing of concrete, paint, or equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.
- Construction equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

MM BIO-3: **Lighting.** Any temporary construction lighting or permanent lighting introduced for new developments shall avoid night time illumination of suitable habitat features for special-status species (e.g., off-site adjacent grasslands). Temporary construction lighting will be kept to the minimum amount necessary and shall be directed toward active work areas and away from open spaces and/or swales. To minimize the effects of future exterior lighting on special-status wildlife species, all outdoor lighting fixtures shall be positioned and/or shielded to avoid direct lighting of off-site natural habitat areas.

MM BIO-4: **Noxious Weed Species.** To prevent the potential spread of invasive botanical species identified within the project site, all vehicles and equipment used at the site shall be cleaned of all dirt, mud, and plant debris prior to existing the site (e.g., driven over rumble strips). This will prevent tracking of potential seed stock off the property.

MM BIO-5: **Preconstruction Survey for American Badger and SJKF.** A qualified biologist shall complete a preconstruction survey for these species no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure these special-status wildlife species are not present within proposed works areas. If dens are discovered, they shall be inspected to determine if they are currently occupied. If the qualified biologist determines that potential SJKF dens may be present, an exclusion buffer shall be established in accordance with the distances recommended in the USFWS' 2011 recommendations. The USFWS shall be contacted for further guidance regarding any natal SJKF dens encountered. If active badger dens are found, a minimum of a 50-foot, no activity buffer shall be implemented in the den vicinity. If avoidance is not possible during construction or continued operation, the appropriate resource agency shall be contacted for further guidance.

MM BIO-6: **Preconstruction Survey for Special-status Small Mammals and Burrow Mapping.** A qualified biologist shall complete a preconstruction survey for special-status small mammal species (e.g. giant kangaroo rat and San Joaquin antelope squirrel) no more than two weeks prior to the start of initial project activities to ensure special-status small mammal species are not present within proposed works areas. The survey will include mapping of all potentially active special-status mammal burrows within the proposed work areas, access routes, and staging areas plus a 50 foot buffer. All potentially active burrows will be mapped and flagged. If avoidance of the burrows is not feasible, the appropriate resource agency shall be contacted for further guidance.

MM BIO-7: **Surveys for San Joaquin Coachwhip, Western Spadefoot, and Western Pond Turtle.** A qualified biologist shall conduct a preconstruction survey immediately prior to the start of work within 50 feet of suitable habitat for San Joaquin Coachwhip, and suitable upland habitat for western spadefoot and western pond turtle. Construction monitoring shall also be conducted by a qualified biologist during all initial ground disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal including tree removal, etc.) within suitable habitat. If any of these species are discovered during surveys and monitoring, they will be hand captured by a qualified biologist and relocated to suitable habitat outside the area of impact.

MM BIO-8: **Preconstruction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to activity beginning on site. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged or the nest is no longer deemed active. A non-disturbance buffer of 50 feet will be placed around non-listed, passerine species, and a 250-foot buffer will be implemented for raptor species. All activity will remain outside

of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young.

If other special-status avian species (aside from the Burrowing Owl or Tricolored Blackbird) are identified and nesting within the work area, no work will begin until an appropriate buffer is determined in consultation with the local CDFW biologist, and/or the USFWS.

MM BIO-8a: **Focused Preconstruction Survey for Burrowing Owl.** If work is planned to occur within 150 meters (approximately 492 feet) of burrowing owl habitat, within the breeding or no-breeding seasons, a qualified biologist shall conduct a preconstruction survey for the species within 14 days of the onset of construction. A second survey shall be completed immediately prior to construction (e.g., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on Burrowing Owl Mitigation (Staff Report), walking 7 to 20 meter transects through the survey area and scanning the entire visible project area for sign and individuals. These surveys may be completed concurrently with any necessary SJKF, American badger, or other special-status species surveys. If occupied burrowing owl burrows are identified the following buffer distances shall be observed by construction, unless otherwise authorized by CDFW:

Location	Time of Year	Level of Disturbance		
		Low	Medium	High
Nesting Sites	April 1 – Aug 15	656 feet	1,640 feet	1,640 feet
Nesting Sites	Aug 16 – Oct 15	656 feet	656 feet	1,640 feet
Any Occupied Burrow	Oct 16 – Mar 31	164 feet	328 feet	1,640 feet

If avoidance of active burrows is infeasible, the owls can be passively displaced from their burrows according to recommendations made in the Staff Report, and in coordination with CDFW.

MM BIO-8b: **Focused Preconstruction Survey for Tricolored Blackbird.** If work is planned to occur during the typical nesting bird season (e.g., February 15 through September 15), a qualified wildlife biologist shall conduct preconstruction surveys for nesting tricolored blackbird within 10 days prior to the start of implementation to evaluate presence/absence of tricolored blackbird nesting colonies in proximity to project activities. If an active tricolored blackbird nesting colony is found during preconstruction surveys, a minimum 300-foot non-disturbance buffer in accordance with "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015" (CDFW, 2015). This buffer shall remain in place for the duration of the breeding season or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival.

MM BIO-9: **County Standard Mitigation of Impacts to SJKF Habitat.** In accordance with the County Guide to SJKF Mitigation Procedures under CEQA, the applicant shall adopt the Standard Kit Fox CEQA Mitigation Measures and

shall include these measures on development plans. The following summarizes those that are applicable to this project:

1. 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 (SJKF) mitigation measures has been implemented:

    a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 40 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Wildlife (Department) and the County.

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

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

    Mitigation alternative (b) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve SJKF 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 CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

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

    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 SJKF 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.

2. A maximum of 25 mph speed limit shall be required at the project site during construction activities.
3. All construction activities shall cease at dusk and not start before dawn.
4. A qualified biologist shall be on-site immediately prior to initiation of project activities to inspect for any large burrows (e.g., known and potential dens) and to ensure no wildlife are injured during project activities. If dens are encountered, they should be avoided as discussed below.
5. Exclusion zone boundaries shall be established around all known and potential SJKF dens.
6. All excavations deeper than two feet shall be completely covered at the end of each working day.
7. All pipes, culverts, or similar structures shall be inspected for SJKF and other wildlife before burying, capping, or moving.
8. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day.
9. All food-related trash shall be removed from the site at the end of each work day.
10. Project-related equipment shall be prohibited outside of designated work areas and access routes.
11. Disturbance to burrows shall be avoided to the greatest extent feasible.
12. The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of endangered species utilizing adjacent habitats and the depletion of prey upon which SJKF depend.
13. Permanent fences shall allow for SJKF passage through or underneath (e.g., an approximate 4-inch passage gap shall remain at ground level.

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1. Prior to project initiation, all applicable agency permits with jurisdiction over the project area (e.g., RWQCB) shall be obtained, as necessary. Any additional permitting standards required by these agencies shall be implemented as necessary throughout the project.
2. Construction activity occurring within swales shall occur only during the dry season (between June 1 and September 31). For short-term, temporary stabilization, an erosion and sedimentation plan control plan shall be developed outlining Best Management Practices (BMPs), which shall be implemented to prevent erosion and sedimentation into swales and wetland areas, including the man-made pond feature during construction, Acceptable stabilization methods include the use of weed-free, natural fiber (e.g. non-monofilament) fiber rolls, jute or coir netting, and/or other industry standards. BMPs shall be installed and maintained for the duration of the project.

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

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DEVELOPER'S STATEMENT & MITIGATION MONITORING/REPORTING PROGRAM FOR DELGADO (COMPASSION CANNABIS COLLECTIVE, INC) ED19-047 (DRC2017-00108)

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- 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;
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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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- For the life of the project, maintain the unpaved roads, driveways, and/or parking areas with a dust suppressant (see Technical Appendix 4.3 of the CEQA Air Quality Handbook (2012) for a list of the APCD-approved suppressants) such that fugitive dust emissions do not exceed the APCD's 20% opacity limit for greater than 3 minutes in any 60-minute period (APCD Rule 401) or prompt nuisance violations

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MM BIO-6: **Preconstruction Survey for Special-status Small Mammals and Burrow Mapping.** A qualified biologist shall complete a preconstruction survey for special-status small mammal species (e.g. giant kangaroo rat and San Joaquin antelope squirrel) no more than two weeks prior to the start of initial project activities to ensure special-status small mammal species are not present within proposed works areas. The survey will include mapping of all potentially active special-status mammal burrows within the proposed work areas, access routes, and staging areas plus a 50 foot buffer. All potentially active burrows will be mapped and flagged. If avoidance of the burrows is not feasible, the appropriate resource agency shall be contacted for further guidance.

MM BIO-7: **Surveys for San Joaquin Coachwhip, Western Spadefoot, and Western Pond Turtle.** A qualified biologist shall conduct a preconstruction survey immediately prior to the start of work within 50 feet of suitable habitat for San Joaquin Coachwhip, and suitable upland habitat for western spadefoot and western pond turtle. Construction monitoring shall also be conducted by a qualified biologist during all initial ground disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal including tree removal, etc.) within suitable habitat. If any of these species are discovered during surveys and monitoring, they will be hand captured by a qualified biologist and relocated to suitable habitat outside the area of impact.

MM BIO-8: **Preconstruction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to activity beginning on site. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged or the nest is no longer deemed active. A non-disturbance buffer of 50 feet will be placed around non-listed, passerine species, and a 250-foot buffer will be implemented for raptor species. All activity will remain outside

of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young.

If other special-status avian species (aside from the Burrowing Owl or Tricolored Blackbird) are identified and nesting within the work area, no work will begin until an appropriate buffer is determined in consultation with the local CDFW biologist, and/or the USFWS.

MM BIO-8a: **Focused Preconstruction Survey for Burrowing Owl.** If work is planned to occur within 150 meters (approximately 492 feet) of burrowing owl habitat, within the breeding or no-breeding seasons, a qualified biologist shall conduct a preconstruction survey for the species within 14 days of the onset of construction. A second survey shall be completed immediately prior to construction (e.g., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on Burrowing Owl Mitigation (Staff Report), walking 7 to 20 meter transects through the survey area and scanning the entire visible project area for sign and individuals. These surveys may be completed concurrently with any necessary SJKF, American badger, or other special-status species surveys. If occupied burrowing owl burrows are identified the following buffer distances shall be observed by construction, unless otherwise authorized by CDFW:

Location	Time of Year	Level of Disturbance		
		Low	Medium	High
Nesting Sites	April 1 – Aug 15	656 feet	1,640 feet	1,640 feet
Nesting Sites	Aug 16 – Oct 15	656 feet	656 feet	1,640 feet
Any Occupied Burrow	Oct 16 – Mar 31	164 feet	328 feet	1,640 feet

If avoidance of active burrows is infeasible, the owls can be passively displaced from their burrows according to recommendations made in the Staff Report, and in coordination with CDFW.

MM BIO-8b: **Focused Preconstruction Survey for Tricolored Blackbird.** If work is planned to occur during the typical nesting bird season (e.g., February 15 through September 15), a qualified wildlife biologist shall conduct preconstruction surveys for nesting tricolored blackbird within 10 days prior to the start of implementation to evaluate presence/absence of tricolored blackbird nesting colonies in proximity to project activities. If an active tricolored blackbird nesting colony is found during preconstruction surveys, a minimum 300-foot non-disturbance buffer in accordance with "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015" (CDFW, 2015). This buffer shall remain in place for the duration of the breeding season or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival.

MM BIO-9: **County Standard Mitigation of Impacts to SJKF Habitat.** In accordance with the County Guide to SJKF Mitigation Procedures under CEQA, the applicant shall adopt the Standard Kit Fox CEQA Mitigation Measures and

shall include these measures on development plans. The following summarizes those that are applicable to this project:

1. 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 (SJKF) mitigation measures has been implemented:

    a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 40 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Wildlife (Department) and the County.

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

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

    Mitigation alternative (b) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve SJKF 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 CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

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

    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 SJKF 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.

2. A maximum of 25 mph speed limit shall be required at the project site during construction activities.
3. All construction activities shall cease at dusk and not start before dawn.
4. A qualified biologist shall be on-site immediately prior to initiation of project activities to inspect for any large burrows (e.g., known and potential dens) and to ensure no wildlife are injured during project activities. If dens are encountered, they should be avoided as discussed below.
5. Exclusion zone boundaries shall be established around all known and potential SJKF dens.
6. All excavations deeper than two feet shall be completely covered at the end of each working day.
7. All pipes, culverts, or similar structures shall be inspected for SJKF and other wildlife before burying, capping, or moving.
8. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day.
9. All food-related trash shall be removed from the site at the end of each work day.
10. Project-related equipment shall be prohibited outside of designated work areas and access routes.
11. Disturbance to burrows shall be avoided to the greatest extent feasible.
12. The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of endangered species utilizing adjacent habitats and the depletion of prey upon which SJKF depend.
13. Permanent fences shall allow for SJKF passage through or underneath (e.g., an approximate 4-inch passage gap shall remain at ground level.

MM BIO-10: **Annual pre-activity Survey for SJKF, Special-status Small Mammals and Burrow Mapping.** Applicant or project proponent must hire a qualified biologist to complete an annual pre-activity survey for SJKF and special-status small mammal species (e.g. giant kangaroo rat and San Joaquin antelope squirrel) no more than two weeks prior to the start of initial ground disturbance associated with the outdoor grow sites to ensure SJKF and special-status small mammal species have not colonized the area and are not present within the grow site areas. The survey will include mapping of all potentially active SJKF and special-status mammal burrows within the grow site areas plus a 50 foot buffer. All potentially active burrows will be mapped and flagged. If avoidance of the burrows is not feasible, the appropriate resource agency shall be contacted for further guidance. In lieu of this annual survey, the applicant may obtain an Incidental Take Permit from the appropriate resource agency.

MM BIO-11: **Protection of State Waters and Wetlands.** The following measures shall be implemented to further protect hydrologic resources on site:

1. Prior to project initiation, all applicable agency permits with jurisdiction over the project area (e.g., RWQCB) shall be obtained, as necessary. Any additional permitting standards required by these agencies shall be implemented as necessary throughout the project.
2. Construction activity occurring within swales shall occur only during the dry season (between June 1 and September 31). For short-term, temporary stabilization, an erosion and sedimentation plan control plan shall be developed outlining Best Management Practices (BMPs), which shall be implemented to prevent erosion and sedimentation into swales and wetland areas, including the man-made pond feature during construction. Acceptable stabilization methods include the use of weed-free, natural fiber (e.g. non-monofilament) fiber rolls, jute or coir netting, and/or other industry standards. BMPs shall be installed and maintained for the duration of the project.

Signature of Owner(s)	Name (Print)	Date
[signature]	Nasareno Montenegro	2/22/19
Signature of Owner(s)	Name (Print)	Date