Notice of Completion & Environmental Document Transmittal

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

SCH # _____

Project Title: DRC2018-00036 Dayspring_Pretty Conditional Use Permit

Lead Agency: County of San Luis Obispo | Contact Person: Megan Martin

Mailing Address: 976 Osos Street, Room 300 | Phone: (805)781-4163

City: San Luis Obispo | Zip: 93408-2040 | County: San Luis Obispo

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Project Location: County: San Luis Obispo | City/Nearest Community: San Miguel

Cross Streets: Mission Lane xs. River Road | Zip Code: 93446

Lat. / Long.: 37.75083° ′ ″ N/ 120.67942° ′ ″ W | Total Acres: 62.94

Assessor's Parcel No.: 027-271-041 | Section: _____ | Twp.: _____ | Range: _____ | Base: _____

Within 2 Miles: State Hwy #: 101 | Waterways: Salinas River

Airports: _____ | Railways: Union Pacifi | Schools: San Miguel Joint Union Elementary School District.

Document Type:

CEQA: ☐ NOP ☐ Early Cons ☐ Neg Dec ☒ Mit Neg Dec ☐ Draft EIR ☐ Supplement/Subsequent EIR ☐ (Prior SCH No.) _____ ☐ Other _____

NEPA: ☐ NOI ☐ EA ☐ Draft EIS ☐ FONSI

Other: ☐ Joint Document ☐ Final Document ☐ Other _____

Local Action Type:

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

Development Type:

☐ Residential: Units _____ Acres _____
☐ Office: Sq.ft. _____ Acres _____ Employees _____
☐ Commercial: Sq.ft. _____ Acres _____ Employees _____
☐ Industrial: Sq.ft. _____ Acres _____ Employees _____
☐ Educational _____
☐ Recreational _____

☐ Water Facilities: Type _____ MGD _____
☐ Transportation: Type _____
☐ Mining: Mineral _____
☐ Power: Type _____ MW _____
☐ Waste Treatment: Type _____ MGD _____
☐ Hazardous Waste: Type _____
☒ Other: Cannabis Activities

Project Issues Discussed in Document:

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

Present Land Use/Zoning/General Plan Designation:

Agriculture

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

See Attached

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

January 2008

Reviewing Agencies Checklist

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

___	Air Resources Board	___	Office of Emergency Services
___	Boating & Waterways, Department of	___	Office of Historic Preservation
___	California Highway Patrol	___	Office of Public School Construction
___	CalFire	___	Parks & Recreation
X	Caltrans District # 5	___	Pesticide Regulation, Department of
___	Caltrans Division of Aeronautics	___	Public Utilities Commission
___	Caltrans Planning (Headquarters)	X	Regional WQCB # 3
___	Central Valley Flood Protection Board	___	Resources Agency
___	Coachella Valley Mountains Conservancy	___	S.F. Bay Conservation & Development Commission
___	Coastal Commission	___	San Gabriel & Lower L.A. Rivers and Mtns Conservancy
___	Colorado River Board	___	San Joaquin River Conservancy
___	Conservation, Department of	___	Santa Monica Mountains Conservancy
___	Corrections, Department of	___	State Lands Commission
___	Delta Protection Commission	___	SWRCB: Clean Water Grants
___	Education, Department of	___	SWRCB: Water Quality
___	Energy Commission	___	SWRCB: Water Rights
X	Fish & Game Region # 4	___	Tahoe Regional Planning Agency
X	Food & Agriculture, Department of	___	Toxic Substances Control, Department of
___	General Services, Department of	___	Water Resources, Department of
___	Health Services, Department of		
___	Housing & Community Development	___	Other _____
___	Integrated Waste Management Board	___	Other _____
___	Native American Heritage Commission		

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

Starting Date June 26, 2019 Ending Date July 26, 2019

Lead Agency (Complete if applicable):

Consulting Firm: _____
Address: 976 Osos St Rm 300
City/State/Zip: San Luis Obispo, CA 93401
Contact: Megan Martin
Phone: 805-781-4163

Applicant: _____
Address: _____
City/State/Zip: _____
Phone: _____

Signature of Lead Agency Representative: _____ **Date:** _____

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

Project Description

A request from Helios Dayspring for a Conditional Use Permit (CUP) to authorize cannabis operations with up to three acres of outdoor (hoop house) cultivation, up to 22,000 square feet of indoor (greenhouse) cultivation, up to 35,890 square feet of cannabis nursery, and operation of a non-storefront dispensary. Ancillary processing activities would include curing, drying and trimming. The operation would use approximately 2,370 square feet of an existing winery building, while new development would include 45,000 square feet of greenhouse structures, 240,000 square feet of hoop house structures, a 320-square foot storage container, and installation of eleven 10,000-gallon water storage tanks. The project would employ up to ten people (five full-time and five seasonal) and would potentially operate seven days per week, between the hours of 6:00 AM and 2:00 PM. The project site is located at 13350 River Road, San Miguel in the Salinas River Sub Planning Area of the North County Planning Area.

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 19-141 **DATE:** June 21th, 2019

PROJECT/ENTITLEMENT: Dayspring_Pretty Conditional Use Permit;DRC2018-00036

APPLICANT NAME: Helios Dayspring
Email: Houseofholistics2013@gmail.com
ADDRESS: 8560 Casanova Rd, Atascadero, CA 93422
CONTACT PERSON: Helos Dayspring **Telephone:** 805-356-5151

PROPOSED USES/INTENT: A request from Helios Dayspring for a Conditional Use Permit (CUP) to authorize cannabis operations with up to three acres of outdoor (hoop house) cultivation, up to 22,000 square feet of indoor (greenhouse) cultivation, up to 35,890 square feet of cannabis nursery, and operation of a non-storefront dispensary. Ancillary processing activities would include curing, drying and trimming. The operation would use approximately 2,370 square feet of an existing winery building, while new development would include 45,000 square feet of greenhouse structures, 240,000 square feet of hoop house structures, a 320-square foot storage container, and installation of eleven 10,000-gallon water storage tanks. The project would employ up to ten people (five full-time and five seasonal) and would potentially operate seven days per week, between the hours of 6:00 AM and 2:00 PM.

LOCATION: The project site is located at 13350 River Road, San Miguel in the Salinas River Sub Planning Area of the North County Planning Area.

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

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

OTHER POTENTIAL PERMITTING AGENCIES:

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

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

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County_____ as ☐ *Lead Agency* ☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

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

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

Signature	Project Manager Name	Date	Public Agency
	Megan Martin, Supervising Planner		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. Dayspring-Pretty Conditional Use Permit ED19-141 DRC2018-00036

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

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

DETERMINATION: (To be completed by the Lead Agency)

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

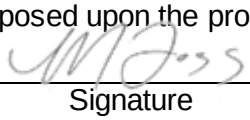
☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

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

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

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

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

Mindy Fogg		6/18/19
Prepared by (Print)	Signature	Date
Megan Martin		6/18/19
Reviewed by (Print)	Signature (for)	Date

Project Environmental Analysis

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

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

A. PROJECT

DESCRIPTION: The project is a request from Helios Dayspring for a Conditional Use Permit (CUP) to authorize cannabis operations with up to three acres of outdoor (hoop house) cultivation, up to 22,000 square feet of indoor (greenhouse) cultivation, up to 35,890 square feet of cannabis nursery, and operation of a non-storefront dispensary. Ancillary processing activities would include curing, drying and trimming. The operation would use approximately 2,370 square feet of an existing winery building, while new development would include 45,000 square feet of greenhouse structures, 240,000 square feet of hoop house structures, a 320-square foot storage container, and installation of eleven 10,000-gallon water storage tanks. The project would employ up to ten people (five full-time and five seasonal) and would potentially operate seven days per week, between the hours of 6:00 AM and 2:00 PM.

The project site is in the Agricultural land use category on a 63-acre property located at 13350 River Road, San Miguel (Assessor Parcel Number 027-271-041) in the Salinas River Sub Planning Area of the North County Planning Area. Existing development on site includes a single-family residence, agricultural accessory structures, a vineyard, a winery, and a vacation rental. The site's regional location is shown in Figure 1, and an aerial is shown in Figure 2.

Proposed cannabis operations would encompass 12.86 acres of the site (including planted areas, walkways, buildings, and everything in between). As shown in Figure 3 and summarized in Table 1 below, the project would utilize the first floor of the existing winery building for indoor operations, while remaining operations would require development of two greenhouses, 100 hoop houses, and one storage container for agricultural equipment. The greenhouses would be 14 feet and 4 inches in height. In addition, eleven 10,000-gallon water storage tanks reaching a maximum height of 16 feet would be installed. Per the total square footages summarized in Table 1, the project development footprint would cover 287,370 square feet (45,000 square feet + 240,000 square feet + 2,370 square feet), or approximately 6.6 acres.

Table 1 – Project Components

Project Component	Structure Size	Count	Footprint (sf)	Canopy (sf)
Hoop Houses – Mature/Flowering	100' x 24'	80	192,000	128,000
Hoop Houses – Nursery	100' x 24'	10	24,000	16,920
Outdoor Drying/Curing	100' x 24'	10	24,000	n/a
Seatrain Storage Container	40' x 8'	1	320	n/a
Total Outdoor Operation			***240,320***	***144,920***
Greenhouse – Mature/Flowering	250' x 135'	1	33,750	22,000
Greenhouse – Nursery	250' x 45'	1	11,250	11,250
Total Greenhouse Development			***45,000***	***33,250***
Indoor Processing			1,080	n/a
Indoor Drying/Curing/Nursery			640	Up to 640
Indoor Dispensary Operation			440	n/a
Indoor Storage			145	n/a
Indoor Bathroom			65	n/a
Total Indoor Operations (1st Floor of Winery Building)			***2,370***	***640***

Access to the site would be directly from River Road by way of a paved driveway. While no road improvements are necessary, the applicant will be required to remove existing walls and gates from the County right-of-way (Public Works, September 2018) for which an encroachment permit will be required. Earthwork for project development would require less than 50 cubic yards of cut and fill to be balanced on site.

An existing six-foot high fence is located along the property line fronting North River Road and Mission Lane. The cannabis cultivation areas would be enclosed within a 12-foot tall secure chain-link fence that will be screened with black polyethylene cloth for wind break and privacy. Locked gates and motion detection lights (downward facing to reduce light pollution) will be installed for secure access. Lighting associated with the greenhouses would be shielded with blackout screening to prevent views from offsite.

Odor associated with outdoor cultivation will be managed with the use of setbacks and barriers (hoop house materials and screened fencing). All structures utilized for indoor cannabis cultivation will be equipped with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.

The project would utilize an existing well that operates sufficiently to serve the proposed use (See section 14. Water/Hydrology). The projected water demand for the operation is 5.61 acre-feet per year. The project is located in the Paso Robles Groundwater Basin, which is designated at Level of Severity III. However, the site is not located within an Area of Severe Decline. As such, the project will be required to offset the projected water use at a 1:1 ratio in compliance with the Countywide Water Conservation Program (CWWCP).

All waste produced by the cannabis cultivation would be stored within the area designated as "soil storage/compost" in the northeast corner of the cultivation area. All green waste would be composted and reused on site. The existing on-site septic system would serve the project. Portable restrooms would also be located in the cultivation area.

An existing paved parking area with eight spaces located next to the winery building would continue to be used. An additional 16 spaces is proposed in the unpaved, northeast corner of the cultivation area.

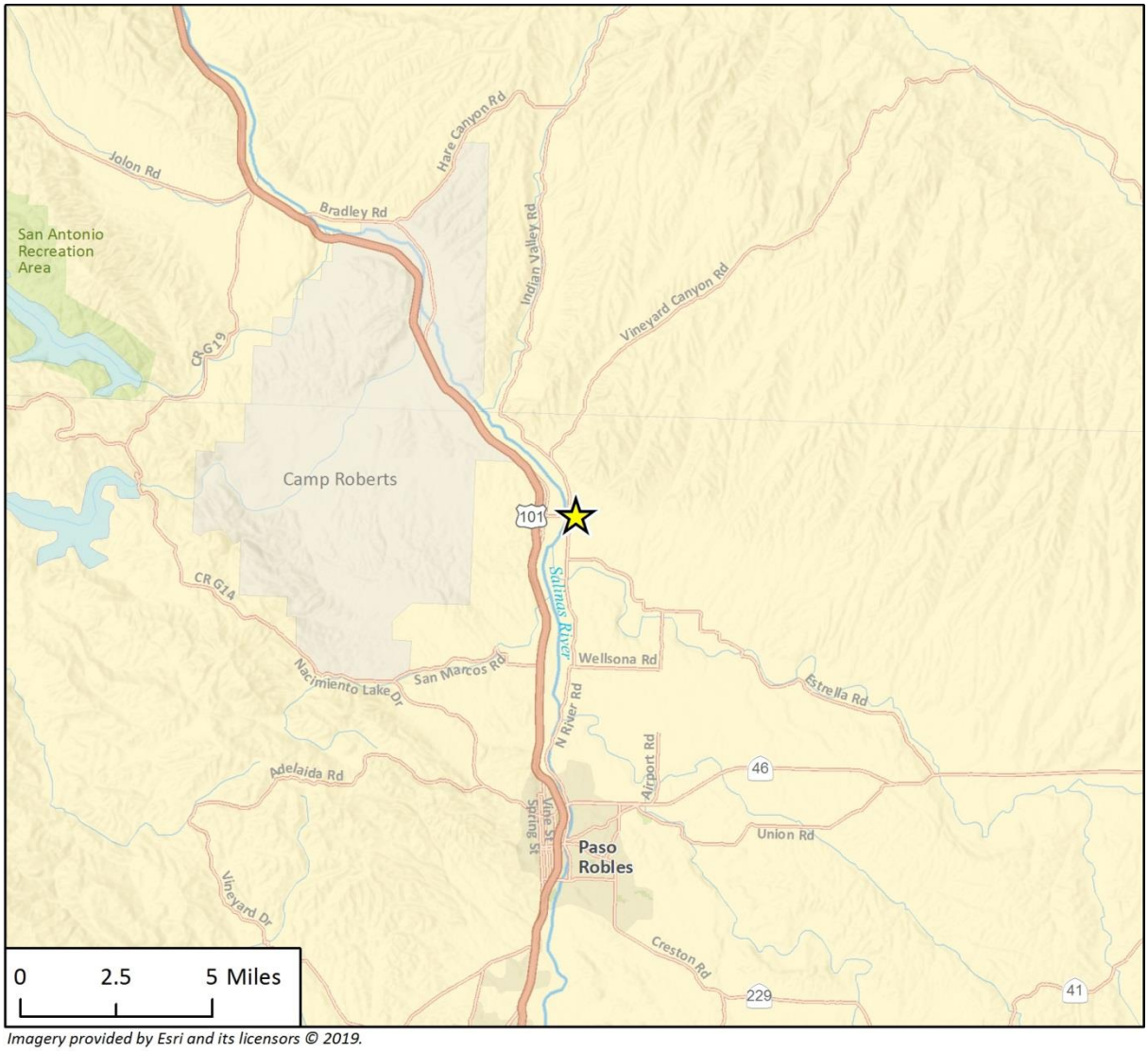
With the exception of the one ordinance modification noted below, the project would meet all the requirements of the County Land Use Ordinance (LUO), including:

- Required 1,000-foot setbacks from sensitive receptors for all operations,
- Required 300-foot setbacks from the property line for outdoor cultivation, and
- Required 100-foot setbacks from offsite residences for indoor cultivation.

In order to comply with LUO Section 20.40.040.Q, Use of a Residence, the project will be conditioned to convert the existing vacation rental (2nd floor of winery building) to a non-residential use.

Ordinance Modification:
The project request 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 indoor operations of the project would total 47,370 square feet which, with the application of this parking standard, would require the applicant to provide 95 parking spaces. The project proposes 24 parking spaces. Up to ten employees may be on site at various times during the day. Therefore, 24 spaces are proposed as sufficient to meet the parking demands of the project.

Figure 1 – Regional Location

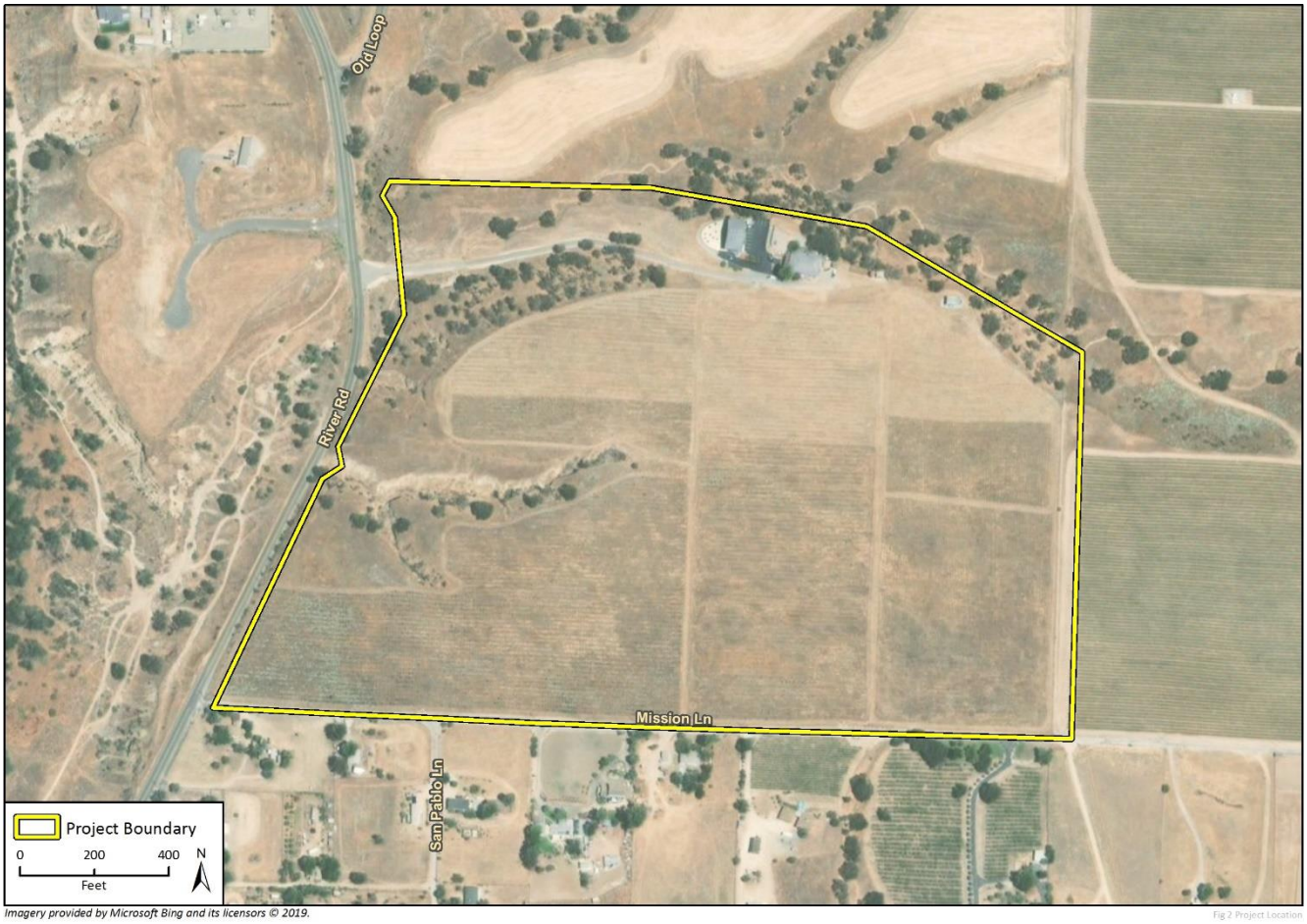


Imagery provided by Esri and its licensors © 2019.

Project Location

N

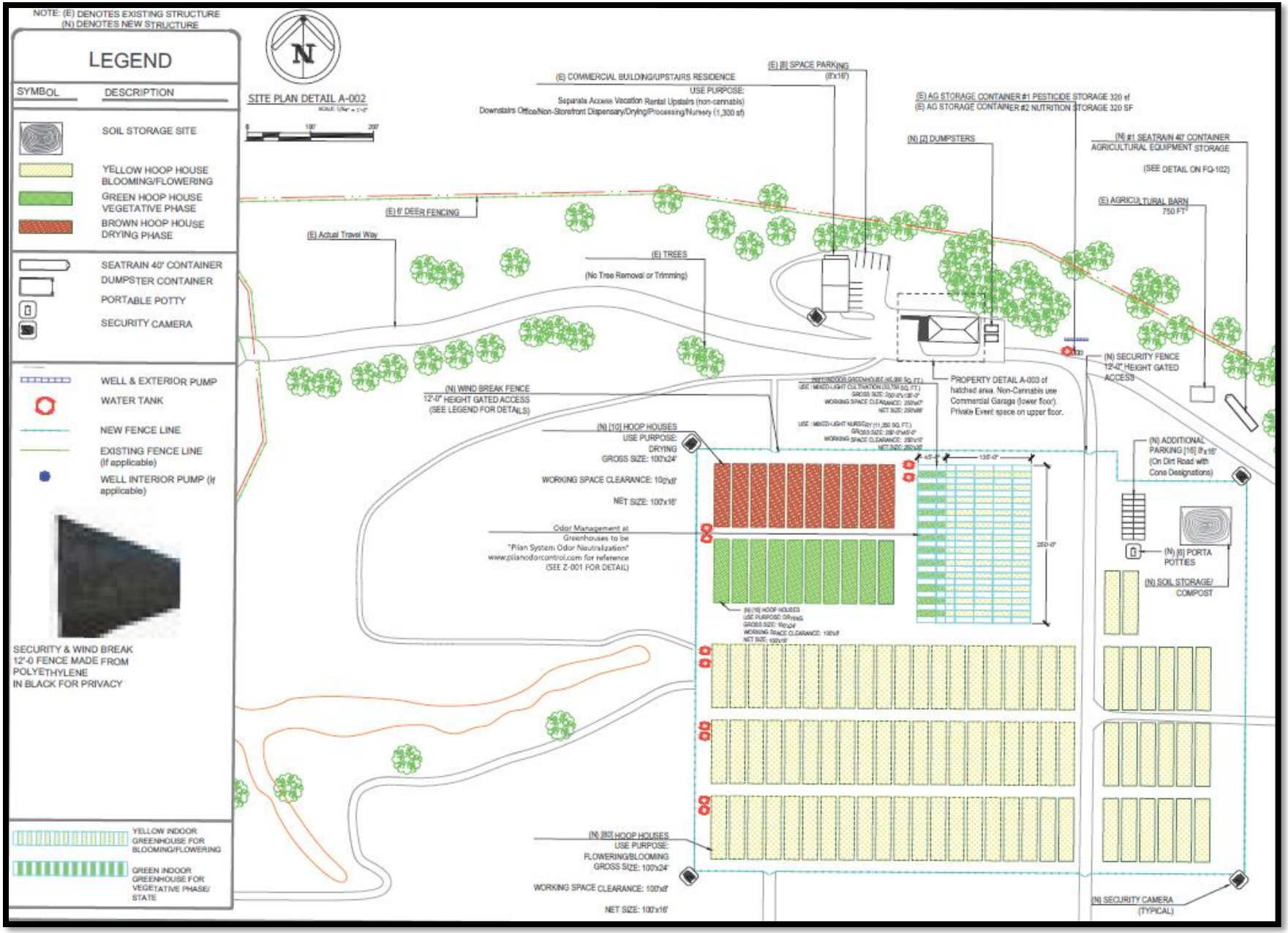
Figure 2 – Project Site



Imagery provided by Microsoft Bing and its licensors © 2019.

Fig 2 Project Location

Figure 3 – Proposed Site Plan



ASSESSOR PARCEL NUMBER(S): 027-271-041

Latitude: 37.75083 degrees N Longitude: 120.67942 degrees W **SUPERVISORIAL DISTRICT** # 1

Other Public Agencies Whose Approval is Required

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

B. EXISTING SETTING

PLAN AREA: North County **SUB**: Salinas River **COMM:** NA

LAND USE CATEGORY: Agriculture

COMB. DESIGNATION: None

PARCEL SIZE: 62.94 acres

TOPOGRAPHY: Nearly level to steeply sloping

VEGETATION: Agriculture

EXISTING USES: Agricultural uses accessory structures

SURROUNDING LAND USE CATEGORIES AND USES:

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

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 east of the community of San Miguel in a semi-rural area of the County where the predominant land use is agriculture (vineyards) and large-lot residential on parcels ranging in size from five acres to over 100 acres. The visual quality of the area is relatively high. The project site fronts River Road, a rural collector that follows the Salinas River corridor and provides the primary vehicular access to ranches and vineyards in the area. Views from River Road are expansive as the roadway dips and turns parallel to the River. Traffic counts taken on River Road in 2017 revealed an afternoon peak hour volume of 420 in the vicinity of the project site and 4,471 average daily trips. Views of the project site from River Road are largely obscured by the topography along the road right-of-way (Figure 4).

The project site is relatively level and currently used for the cultivation of irrigated vineyards. off of an existing driveway from North River Road. The property is fenced with six-foot high deer fencing along North River Road to the west and Mission Lane to the south.

Regulatory Setting: A significant impact could occur if the proposed project were to be visible from a scenic highway. The only Officially Designated State Scenic Highway in San Luis Obispo County is Highway 1. The project site is not visible from Highway 1. In addition, Section 22.30.310 of the LUO requires that greenhouses are screened at least 50 percent from public roads.

Figure 4 – Views of the Project Site from River Road and Mission Lane

Impact. The project site is not visible from a Designated State Scenic Highway. The project, as proposed, would not be visible from public roads due to perimeter fencing and proposed setbacks. The project would be visually compatible with adjacent uses and surrounding visual character (agricultural and residential suburban uses). The site does not include unique geological or physical features.

The perimeter of all cannabis use areas would be fenced with 12-foot high security fencing screened with black polyethylene cloth. As such, in compliance with LUO Section 22.30.310, the greenhouses would be more than 50% screened from any public roads. Further, in compliance with LUO Section 22.40.050 D. 6, cannabis plants associated with cultivation shall not be easily visible from offsite. The outdoor cultivation area would be located in the center portion of the project site, set back from public views along River Road and Mission Lane, and enclosed in perimeter fencing. All new outdoor motion-activated lighting would be used for security purposes and would be located along the perimeter of the fenced cannabis cultivation area. All exterior lighting would be downward facing. No additional exterior lighting is proposed.

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

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

Agricultural Resources

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

Land Use Category: Agriculture

State Classification: Farmland of Statewide Importance

Historic/Existing Commercial Crops: Vineyard

In Agricultural Preserve? No

Under Williamson Act contract? No

The average slope of the parcel is 11 percent, and the developed portions of project site are relatively flat. The land use category is Agriculture (AG) and the project site is currently used as a winery and vineyard. The upper floor of the existing commercial winery building is currently used as a vacation rental but would be converted to a non-residential, non-cannabis use.

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

Table 2 –Classifications and Acreages of Soils On-Site

Soil	Classification	Acres
Arbuckle-San Ysidro Complex (2-9% slope)	Prime Farmland Farmland of Statewide Importance	42.6 acres
Arbuckle-Positas Complex (50-75% slope)	N/A	20.3 acres
Source: Classifications based on Table SL-2 of the County General Plan's Conservation/Open Space Element		

Arbuckle-San Ysidro Complex (2-9% slope) +/- 42.6 acres

This very deep, well drained, nearly level to moderately sloping soil formed in alluvium from sedimentary and metamorphic rocks. Elevation ranges from 180 to 320 feet. This unit has low

potential for runoff and moderate potental for wind erosion. This soil is considered Farmland of Statewide Importance. According to Table SL-2, Arbuckle-San Ysidro Complex soils are considered Prime Farmland and Farmland of Statewide Importance.

Arbuckle-Positas Complex (50-75% slope) (+/-20.3 acres)

This very deep, well drained soil is most commonly found on terraces and toeslopes. This unit has high potential for runoff and moderate potential for wind erosion. This soil is not considered Prime Farmland.

Impact. The project is located in a predominantly agricultural area with agricultural activities occurring on the property and immediate vicinity. The project site is not within an Agricultural Preserve or under a Williamson Act Contract. Portions of the site qualify as Prime Farmland and Farmland of Statewide Importance.

Per the memorandum from Lynda Auchinachie dated May 22, 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 standard conditions of approval:

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

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

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

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

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 construction of the proposed greenhouses and the placement of the new Sea Train storage containers. These new structures would impact approximately 1.03 acres, or less than two percent of the property. Due to the small amount of Prime Farmland affected, potential impacts would be less than significant.

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

3. AIR QUALITY

Will the project:

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

Air Quality

Setting. The project site is located in the South Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (APCD). The APCD is in non-attainment for the 24-hour state standard for particulate matter (PM_{10}) and the eight-hour state standard for ozone (O_3) (APCD 2015). The APCD adopted the 2001 Clean Air Plan in 2002, which sets forth strategies for achieving and maintaining Federal and State air pollution standards. The APCD identifies significant impacts related to consistency with the 2001 Clean Air Plan by determining whether a project would exceed the population projections used in the Clean Air Plan for the same area, whether the vehicle trips and vehicle miles traveled generated by the project would exceed the rate of population growth for the same area, and whether applicable land use management strategies and transportation control measures from the Clean Air Plan have been included in the project to the maximum extent feasible.

The APCD published the CEQA Air Quality Handbook (2012) as a guide to the evaluation of project specific air quality impacts. The Handbook includes screening criteria to determine the significance of

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

The nearest sensitive receptors to the site are single-family residences located approximately 600 feet south of the proposed hoophouses.

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% below 1990 levels by 2030.

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

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

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

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

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

Impact.

Construction Activities: As proposed, the project would result in the disturbance of approximately 1.03 acres (45,000 square feet) to allow for the construction of the new greenhouses. This would result in the creation of dust during the construction phase, as well as short- and long-term vehicle emissions. The project would move less than 1,200 cubic yards/day of material and would disturb less than four acres of area, and as such, would be below the thresholds triggering construction-related mitigation. However, the project is within 1,000 feet of sensitive receptors and the SCCAB is in non-attainment for PM_{10}; therefore, standard mitigation measures apply. To address potential construction impacts per the SLOPACD CEQA Air Quality Handbook, the project would be required to reduce localized fugitive dust, ozone precursors, and diesel particulate matter emissions. Adherence to Fugitive Dust Control Measures outlined in the Handbook would ensure the project shall implements dust control measures to reduce PM_{10} emissions in accordance with SLOAPCD requirements. Dust control measures would include, but are not limited to: watering/spraying to reduce dust emissions, soil stabilizers and other best management practices (jute netting, chemical binders), reduced vehicle speeds onsite, and sweeping and washing streets. In addition, the project would employ Standard Control Measures for Construction Equipment, which include but are not limited to: maintaining all equipment in proper tune according to manufacturer's specifications, use of diesel construction equipment meeting CARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, restricting vehicle idling time, staging and queuing areas located 1,000 feet away from sensitive receptors, and using electric equipment when feasible. With implementation of mitigation measures AQ-1 and AQ-2, construction related impacts would be less than significant.

Operational Activities: Based on the low number of motor vehicle trips expected to be generated by the project (See Section12. Transportation/Circulation), from an operational standpoint, and based on Table 1-1 of the CEQA Air Quality Handbook (2012), the project would not exceed operational thresholds triggering mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. No significant air quality impacts are expected to occur.

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.

The project would comply with the above ordinance provisions by observing or exceeding the required setbacks for outdoor cannabis cultivation and by incorporating odor management technology for the buildings housing indoor cannabis activities. As noted above, the project would not expose sensitive receptors to substantial air pollutant concentrations. The outdoor cultivation areas (hoophouses)

would be located in the center of the property to minimize nuisance odors. In addition, the greenhouses would include PIIAN System odor neutralization to minimize nuisance odors. The mist would be atomized into the greenhouses to break down odorous compounds associated with the project. 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. Therefore, this impact would be less than significant.

Mitigation/Conclusion. Implementation of mitigation measures AQ-1 and AQ-2, which specify fugitive dust control measures and standard control measures for construction equipment are required to reduce construction related air quality emissions to a less than significant level (Exhibit B). Project design combined with regulatory compliance would ensure that any operational impacts are less than significant.

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

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

Biological Resources

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

On-site Vegetation: Agriculture (vineyard), blue oak trees (*Quercus douglasii)*, and nonnative grasses and forbs

Name and distance from blue line creek(s): Salinas River, approximately 0.3 mile west of the property

Habitat(s): Agriculture, annual grassland, oak woodland, landscaped/developed

Site's tree canopy coverage: Approximately 10%

A Biological Resources Assessment (BRA) dated July 2018, was prepared by SWCA Environmental Consultants (SWCA) for the proposed project. The study examined the entirety of the approximately 63-acre parcel.

As shown in Figure 5, habitat types on site include: 1) Agriculture (vineyard), 2) Oak woodland dominated by blue oak trees, 3) California annual grassland, and 4) Landscaped/Developed. An unnamed drainage runs along the northern edge of the property, within blue oak woodland habitat. Areas on the western and northern edge of the property have steep slopes and are dominated by blue oak woodland habitat. The eastern portion of the property contains fallow agriculture and is disked, while the western portion contains fallow agriculture and grape vines. Based on site conditions, the BRA determined that only non-special-status plant species have the potential to occur on-site.

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

- Burrowing Owl (*Athene cunicularia*)
- California legless lizard (*Anniella pulchra)*
- San Joaquin Whipsnake (*Masticophis flagellum ruddocki*)
- Coast Horned Lizard (*Phrynosoma blainvillii*)
- Golden Eagle (*Aquila chrysaetos*)
- Ferruginous Hawk (*Athene cunicularia*)
- California Horned Lark (*Eremophila alpestris actia*)
- Prairie Falcon (*Falco mexicanus*)
- Pallid Bat (*Antroxous pallidus*)
- Townsend's Big-Eared Bat (*Corynorhinus townsendii*)
- Hoary Bat (*Lasiurus cinereus*)
- Monterey Dusky-Footed Woodrat (*Neotoma macrotis Luciana*)
- Salinas Pocket Mouse (*Perognathus inomatus psammophilus*)
- American Badger (*Taxidea taxus*)
- San Joaquin Kit Fox (*Vulpex macrotis mutica*)
- Other nesting birds

No special status wildlife species were detected on the project site during the site observations (SWCA 2018). Based on an analysis of known ecological requirements for the 29 special status wildlife species reported or known from the region and habitat conditions that were observed in the project area, nine species have moderate potential to occur, six species have low potential to occur, and the remaining fourteen species have no potential to occur.

The project site is located in one of the areas designated as habitat for the San Joaquin kit fox (*Vulpes macrotis),* which is a federal and State listed species. The County has established procedures for the mitigation of potential impacts to San Joaquin kit fox in these designated areas. If the site is less than 40 acres in size, the pre-determined standard mitigation ratio for the project area is applied. The standard mitigation ratio is based on the results of previous kit fox habitat evaluations and determines the amount of mitigation acreage based on the total area of disturbance from project activities.

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

Impact. The project would not result in direct permanent or temporary impacts to any native or other important vegetation since the entirety of the operation will be located within the vineyard and fallow agriculture. The project would potentially have significant indirect impacts on riparian or wetland habitat due to runoff and erosion. Mitigation (see MM BIO-1, Exhibit B) is required along with appropriate setbacks from the wetland to reduce impacts to a level below significant.

There is suitable roosting habitat available for roosting bat species on the property, but it is limited to trees and existing buildings. Alteration of any existing buildings (e.g. expansion of the existing greenhouse) could potentially impact roosting bat species. As such, mitigation measures are required to avoid and minimize this impact (see MM BIO-2, Exhibit B).

Suitable foraging and nesting habitat is present for migratory birds throughout the property. Although none of these species were identified during the reconnaissance-level survey, the potential for some of these species to occur cannot be completely ruled out due to the movement of these species. If migratory birds are present at the time of ground disturbing and construction activities, they may be disturbed by project activities. Mitigation measures are required to avoid or minimize this impact (see MM BIO-3, Exhibit B). In addition, Burrowing Owl may appear on site. Preconstruction surveys and avoidance buffers (if necessary) are required to ensure there are no significant impacts (see MM BIO-3 and MM BIO-3.a, Exhibit B).

Due to the soils and vegetation on site, the California legless lizard (*Anniella pulchra*), San Joaquin whipsnake (*Masticophis flagellum ruddocki*), and coast horned lizard (*Phrynosoma blainvillii)* have potential to occur. Ground disturbing activities could potentially impact these species. Thus, preconstruction surveys and avoidance measures are required (see MM BIO-4, Exhibit B). Such measures are also needed for American Badger and San Joaquin kit fox (see MM BIO-9 and MM BIO-7, Exhibit B).

The project is located within the designated habitat area for San Joaquin kit fox. The County Standard Mitigation Ratio Map (Figure 6) was referenced to identify San Joaquin kit fox habitat areas, documented sightings, and County-assigned mitigation ratios as it relates to the project area. The project is located within the 4:1 standard mitigation ratio area.

A Kit Fox Habitat Evaluation form was prepared for the project on February 6, 2018 by SWCA Environmental Consultants and revised by CDFW on November 7, 2018. The evaluation resulted in a score of 60 out of 100. The CDFW determined that impacts should be mitigated at a ratio of two acres conserved for each acre impacted (2:1). The project would result in 12.86 acres of potential impact to designated kit fox habitat. Therefore, the mitigation requirement for the project is: 12.86 acres X [2:1] = 25.72 acres. Mitigation measures are required to ensure compliance with the County's Kit Fox mitigation requirements and to reduce impacts to a level below significant (see MM BIO-5 through MM BIO-8, Exhibit B).

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

Mitigation/Conclusion. Potential impacts to biological resources are considered less than significant with incorporation of the mitigation measures that require implementation of best management practices for project construction activities; avoidance measures for roosting bats, nesting birds, Burrowing Owl, Silvery Legless Lizard, San Joaquin Whipsnake, Coast Horned Lizard, American Badger, and San Joaquin kit fox; and standard habitat mitigation for San Joaquin kit fox. These mitigation measures are included in Exhibit B and include mitigation measures MM BIO-1 through MM BIO-9.

Figure 5 – Habitat Map of the Project Site

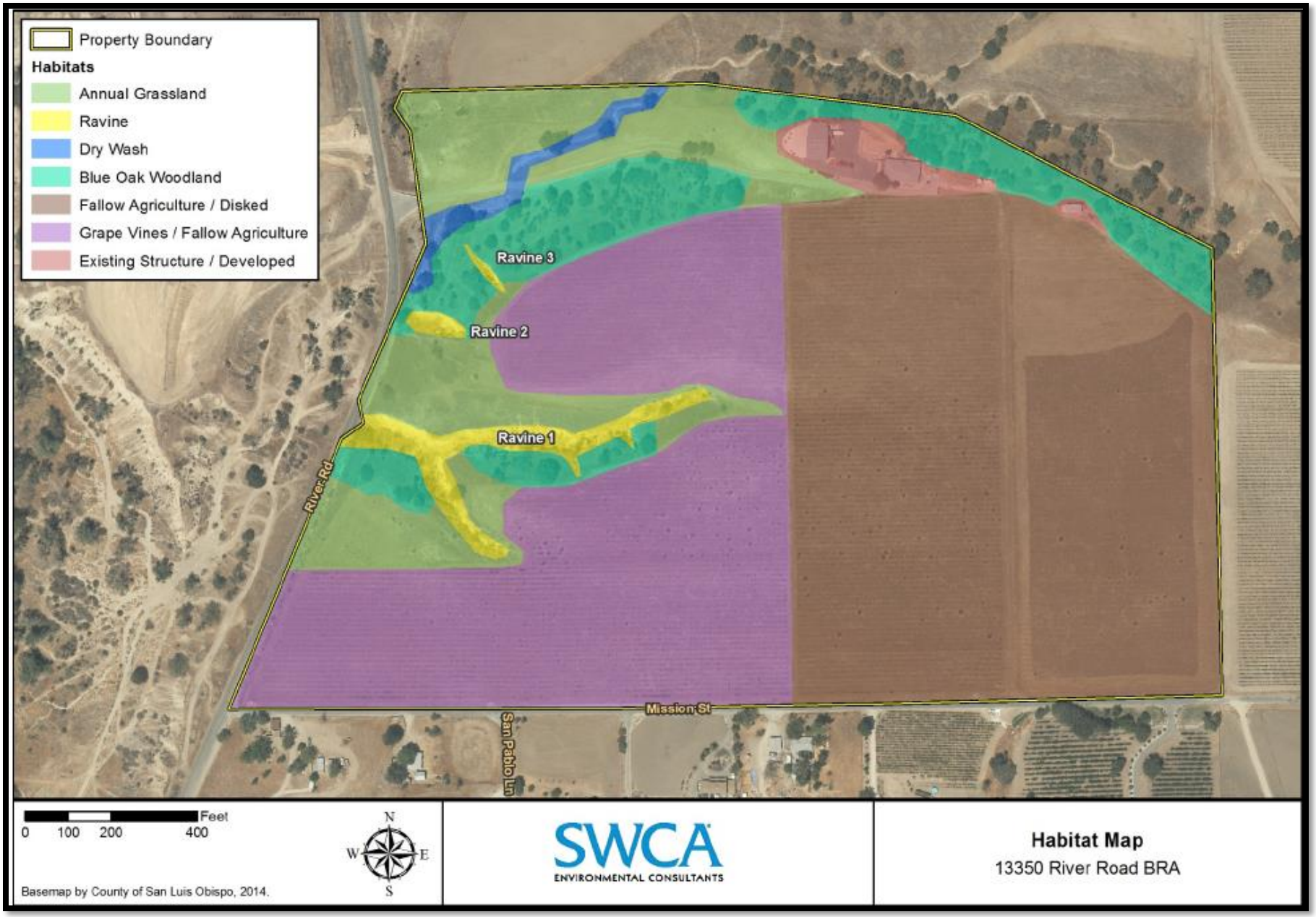
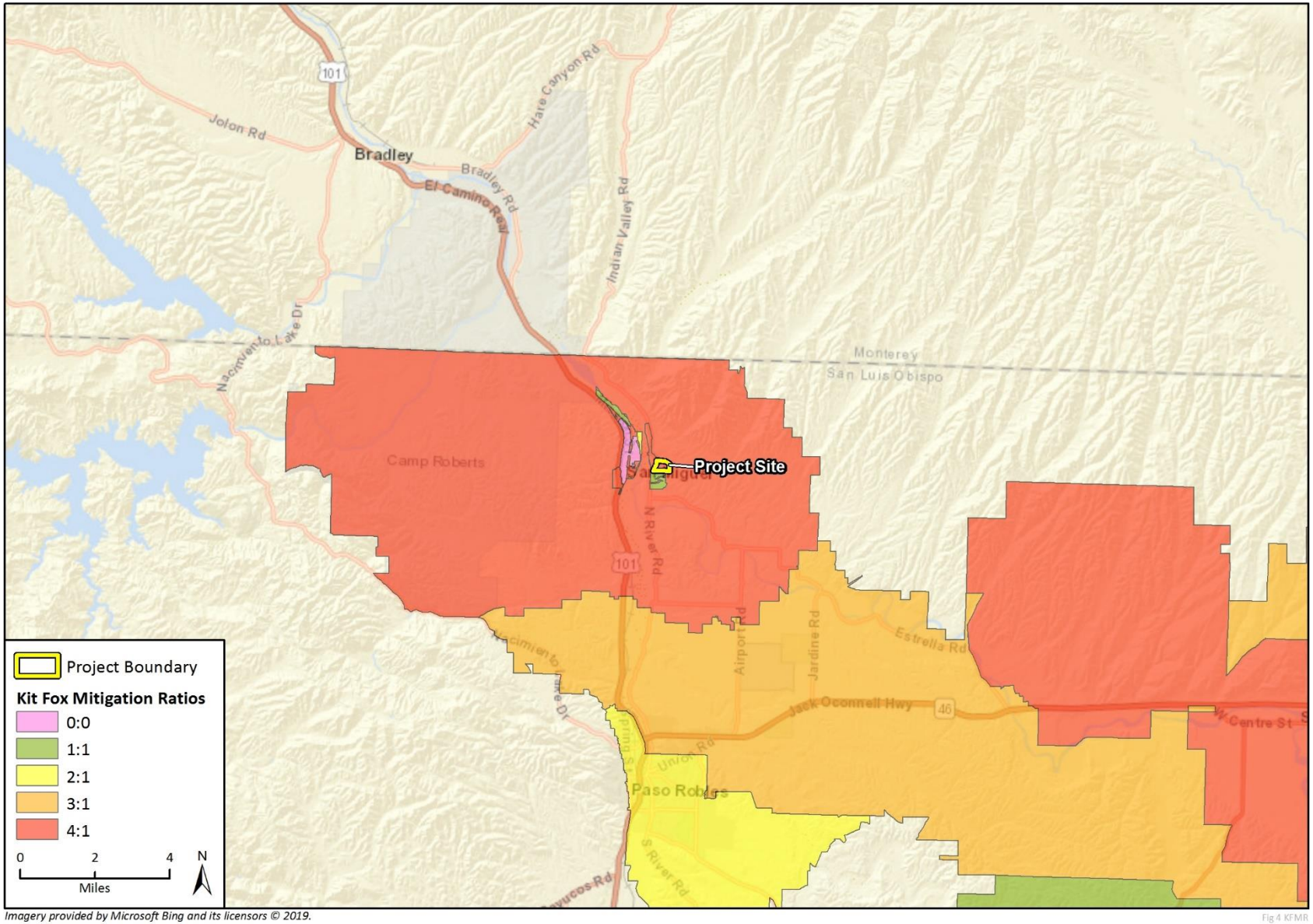


Figure 6 – Project Site in Relation to San Joaquin Kit Fox Mitigation Ratio



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

Fig 4 KFMR

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. No historic structures are present and no paleontological resources are known to exist in the area.

In compliance with Assembly Bill 52, Cultural Resources requirements, outreach to four Native American tribes groups was conducted (Northern Salinan, Xolon Salinan, Yak Tityu Tityu Northern Chumash, and the Northern Chumash Tribal Council). As indicated on February 25, 2019, the Northern Chumash Tribal Council had no comment on the project.

Heritage Discoveries, Inc. prepared a Phase I Archaeological Survey dated May 23, 2018. Heritage Discoveries, Inc. reviewed archaeological site records, site location base maps, GIS layers, and cultural resource surveys and excavation reports on file at the Central Coast Information Center (CCIC), at the University of California, Santa Barbara. The search did not reveal any built environment properties or archaeological sites within the study area or within a 0.5-mile radius of the project site. Finally, Heritage Discoveries, Inc. surveyed portions of the project site for the presence of cultural/archaeological resources and did not find any resources.

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. The record search and field survey did not identify any prehistoric or historic materials located on or near the project site. Therefore, significant impacts are not anticipated.

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

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

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

Geology and Soils

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

Topography: Nearly level to steeply sloping

Within County's Geologic Study Area?: No

Landslide Risk Potential: low to moderate

Liquefaction Potential: low

Nearby potentially active faults?: No Distance? Not applicable

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

Shrink/Swell potential of soil: Low

Other notable geologic features? None

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

a building permit to evaluate the geological stability of the specific area of work (LUO Section 22.14.070 (c)).

The San Luis Obispo County Mineral Designation Maps 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 agency charged with enforcing this program.

Impact. As proposed, project construction would result in the disturbance of approximately 1.03 acres or 45,000 square feet (for construction of the greenhouses). The amount of grading would be under 50 cubic yards. During construction activities, there is a potential for erosion and down-gradient sedimentation to occur. However, the required sedimentation and erosion control plan and SWPPP would minimize these potential impacts.

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

As part of the standard Building Permit requirements, the applicant would be required to obtain a geotechnical report assessing current geologic conditions prior to construction. During construction, the applicant will be required to follow recommendations in the geotechnical report to inform the design of building foundations, retaining walls (if any) and road improvements.

Mitigation/Conclusion. Implementation of erosion and sedimentation control plans and the SWPPP, in addition to compliance with ordinance requirements, will ensure that potential impacts associated with geology and soils are less than significant. There is no evidence that additional measures beyond compliance with code requirements will be needed.

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

7. HAZARDS (INCLUDING WILDFIRE HAZARDS) & HAZARDOUS MATERIALS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
ii) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
iii) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
iv) Expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐
k) Other: _____	☐	☐	☐	☒

Hazards and Hazardous Materials

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

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

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

According to CalFire's San Luis Obispo County Fire Hazard Severity Zone map, the project site is within a state responsibility area and a "high" severity risk area for fire. The closest fire station to the

project site is San Luis Obispo County Fire Station 52, which is located approximately eight miles southeast from the site. According to San Luis Obispo General Plan Safety Element Emergency Response Map, average emergency response time to the project site is 5 to 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 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: Project operations would involve the intermittent use of small amounts of hazardous materials such as fertilizer and pesticides that are not expected to be acutely hazardous. In accordance with LUO Section 22.40.050 D. 3., all applications for cannabis cultivation must include a list of all pesticides, fertilizers and any other hazardous materials expected to be used, along with a storage and hazardous response plan. Accordingly, hazardous products on site would be stored in small containers in spill containment bins.

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 State Responsibility Area and is in a High Fire Severity Zone. The project would comply with Standard Fire Code requirements and would include maintaining fire extinguishers, alarms, and a fire pump.

The project is not expected to conflict with any regional emergency response or evacuation plan since the applicant is not proposing any barriers to ingress or egress in the area. As previously discussed in Section 6, Geology and Soils, the topography of the project site is generally level to steeply sloping. The site is surrounded by existing agricultural uses. As such, the project would not expose people or structures to the uncontrolled spread of a wildfire. Further, the project would not expose people or structures to significant risks such as flooding or landslides, as a result of runoff or post-fire instability. Impacts related to wildfires would be less than significant.

Mitigation/Conclusion. All requirements would be in accordance with County Ordinances and CalFire/San Luis Obispo Fire Department Standards. Compliance with such 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?	☐	☐	☒	☐
c) Cause a temporary or periodic increase in ambient noise in the project vicinity?	☐	☐	☒	☐
d) Expose people to severe noise or vibration?	☐	☐	☒	☐
e) If located within the Airport Review designation or adjacent to a private airstrip, expose people residing or working in the project area to severe noise levels?	☐	☐	☐	☒
f) Other: _____	☐	☐	☐	☒

Noise

Setting. The project is not within close proximity of loud noise sources, as the project site and surrounding area consist of agricultural uses and scattered residences on agricultural land. The nearest sensitive receptors to the project site include residences approximately 600 feet to the south of the project. The Noise Element of the County's General Plan includes projections for future noise levels from known stationary and vehicle-generated noise sources. Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area. The nearest airport to the project site is the Paso Robles Municipal Airport, located approximately six miles southeast of the project. The project site is located outside of the 55, 60, 65, 70, and 75 dBA contours, as identified on the Noise Contour Maps generated for the Paso Robles Airport. In addition, the project site is not located underneath any of the established Aircraft Flight Paths for the Airport (City of Paso Robles 2007).

Impact.

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

Operational Impacts: The project is not expected to generate loud noises or conflict with the surrounding uses. Noise resulting from use of wall- or roof-mounted HVAC and odor mitigation equipment would be expected to generate noise levels of approximately 75 dBA at 50 feet from the source. With attenuation of noise levels with distance, equipment-related noise levels at the property line would be well below 60 dBA. The project is located within an agricultural area and based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area. Noise generated by vehicular traffic on

River Road would be comparable to background noise levels generated by surrounding agricultural operations and existing vehicular traffic. Operation of the project would not expose people to significant increased noise levels in the long term.

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

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

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

Population/Housing

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

Impact. The project site includes one single-family residence and vacation rental. The single-family residence would remain in place throughout construction and operation of the project. The project would be conditioned to remove the vacation rental; however, this would not create a need for substantial new housing in the area. The project is expected to employ up to ten persons. It is expected the employees would come from the existing population of the County. Therefore, the project would not result in a need for a significant amount of new housing and would not displace existing housing.

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

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

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

Police: County Sheriff Location: (Approximately 12 miles to the south)

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

Location: Approximately 8 miles to the southeast

School District: San Miguel Joint Union Elementary School District.

Impact.

Fire Services

The project site is located approximately eight miles from San Luis Obispo County Fire Station 52. According to San Luis Obispo General Plan Safety Element Emergency Response Map, average emergency response time to the project site is five to ten 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. Existing fire service would be sufficient to serve the project and there would not be a need for new or altered fire services.

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 and approved by the County Sheriff. The plan includes entry gate locks and alarm systems. 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

Regional access to the site is provided by River Road which is a County-owned, paved road. Per the San Luis Obispo County Municipal Code, Chapter 13.01 – Road Improvement Fee, the applicant is required to pay to the Department of Public Works the San Miguel Road Improvement Fee based on the latest adopted area fee schedule and 1 peak hour trip as estimated in the traffic study. Payment of fees would reduce the project's incremental contribution for utilizing area roadways.

Solid Waste

The nearest landfill to the site is the Paso Robles Landfill, located approximately ten miles to the southeast. The landfill has a remaining capacity of approximately four millions cubic yards as of 2017. The incremental amount of greenwaste generated by the project would be within the service capacity of the landfill. Operation of the project would generate solid waste, such as pesticide containers, fertilizer containers, packaging materials, and other solid non-toxic refuse waste which would be disposed of in two commercial dumpsters, located to the east of the existing residence. In addition, the project will employ recycling and composting of green waste. Since the project is not expected to generate a substantial amount of solid waste, impacts are considered insignificant.

Energy Usage

The project would be served by an existing electrical service, which currently serves the existing winery facility. The project would involve the use of energy during construction and operation. Energy during the construction phase would be primarily in the form of fuel consumption to operate heavy equipment, light-duty vehicles, machinery, and generators for lighting. Project operation is estimated to result in consumption of 208,257 kilowatt hours (kWh) per year which the equivalent of about 34 single family residences (208,257 kWh / 6,000 kWh/SFR = 34). This would include energy consumption for greenhouse lighting, heating and cooling, carbon dioxide generators, and motors for light deprivation curtains. The proposed project would only incrementally increase energy consumption over the existing use and would not result in the wasteful or inefficient use of energy resources.

Mitigation/Conclusion. Regarding cumulative effects, public facility (County) and school (State Government Code 65995 et seq.) fee programs have been adopted to address the project's contribution to cumulative impacts and will reduce the cumulative impacts to less than significant levels. Potential impacts related to fire services, police services, roads, solid waste, and energy would be less than significant. Thus, 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 any trails or potential trails through the proposed project. The project is not proposed in a location that would affect any trail, park, recreational resource, coastal access, and/or Natural Area.

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

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

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

Transportation

Setting. The project site is located off of River Road. Traffic counts taken on River Road in 2017 revealed an afternoon peak hour volume of 420 in the vicinity of the project site and 4,471 average daily trips. The County has established the acceptable Level of Service (LOS) on roads for rural areas as "C" or better. River Road is a County maintained road.

Impact. **Trip Generation, Levels of Service, Congestion**

As described in the project's traffic study prepared by Orosz engineering Group, Inc. (2018), the proposed project is estimated to reduce existing traffic by a total of two (2) PM peak hour trips on a typical weekday (see Table 3).

Table 3– Project Trip Generation Estimates

Proposed	Size		PHT Rates			PHT (Trips)
Outdoor Cultivation	3.31	AC	0	PHT/AC		0.0
Greenhouse (Indoor Cultivation)	33.106 0.76	KSF AC	0.025	PHT/KSF		0.8
Nursery (Indoor) (same as Greenhouse rates)	3.358	KSF	0.025	PHT/KSF		0.1
Production/Curing	16.117 (0.37)	KSF AC		Seasonal		
Non-Storefront Dispensary (Distribution)	0.35	KSF	0	PHT/KSF		0.0
					Subtotal Proposed	0.9
Existing						
Outdoor Agriculture	4.07	AC	0	PHT/AC		0.0
Storage	3.358	KSF	0.57	PHT/KSF		1.9
Case Storage	1.84	KSF	0.57	PHT/KSF		1.0
Tasting Room	0.35	KSF	0.76	PHT/KSF		0.3
					Subtotal Existing	3.2
					Total Project	-2

As compared to existing uses on site related to the winery, the project would generate fewer trips. Nonetheless, based on the relatively low trip generation, the project would not noticeably impact traffic operation, would not reduce levels of service on nearby roads, conflict with adopted policies, plans or programs for transportation, and would not cause congestion on the local circulatory network. Since the project would not generate foot or bicycle traffic, or generate public transit demand, and since no public transit facilities, pedestrian or bicycle facilities exist in the area, the project would have no impact on levels of service/conditions for these facilities.

Access and Hazards

Access to the site is provided by North River Road, through a locking access gate. The project does not propose any features that would delay or disrupt emergency vehicles or result in unsafe conditions.

Airport Traffic

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

Mitigation/Conclusion. The applicant is required to pay to the Department of Public Works the San

Miguel Road Improvement Fee based on the latest adopted area fee schedule and 1 peak hour trip as estimated in the traffic study. The payment would become a condition of approval for the project and would negate the requirement to develop a Transportation Management Plan, which includes monitoring and annual reporting of the project's traffic generation. No significant traffic impacts were identified, and no mitigation measures above what are already required by existing regulations are necessary.

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

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

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

14. WATER & HYDROLOGY

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

Setting.

The project site is in the Paso Robles Groundwater Basin which has been assigned a Level of Severity III by the 2014-2016 Resource Management System Summary Report. The Board of Supervisors adopted Resolution 2015-288 in 2015 to establish the Countywide Water Conservation Program (CWWCP) in response to the declining water levels in the Nipomo Mesa Water Conservation Area (NMWCA) part of Santa Maria Groundwater Basin), Los Osos Groundwater Basin (LOGWB), and the Paso Robles Groundwater Basin (PRGWB). A key strategy of the CWWCP is to ensure all new construction and new or expanded agriculture will offset its predicted water use by reducing

existing water use on other properties within the same water basin. In addition, LUO Section 22.040.050 5 requires all cannabis cultivation sites located within a groundwater basin with a Level of Severity III to provide an estimate of water use associated with cultivation activities, and a description of how the new water use will be offset. All water demand within a groundwater basin with LOS III is required to offset at a minimum 1:1 ratio unless a greater offset is required through the land use permit approval process.

Offset clearance is obtained by the purchase of water use offset credits through a County-approved conservation program for the particular groundwater basin. If the average water use reported in the previous four quarterly water use reports is greater than the water use offset credits associated with the permitted use(s), the permittee will be required to either: 1) identify specific measures (and a timeframe for implementation) to reduce the metered water demand to be equal to, or less than, the water use offset credits associated with the project; or 2) purchase additional water use offset credits from the approved water conservation program for the particular groundwater basin to offset the increased use documented by the water use reports. The project is not located within an Area of Severe Decline. Therefore, the water use offset is 1:1 and will be achieved by the removal of seven acres of grape vines, as discussed below under Water Quantity.

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

Within the 100-year Flood Hazard designation? No

Closest creek? Unnamed drainage Distance? On Site, approximately 500 feet from cultivation footprint

Soil drainage characteristics: Well drained

For areas where drainage is identified as a potential issue, the 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. The drainage 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 Agricultural Resources section under "Setting." As described in the NRCS Soil Survey, the project's soil erodibility is as follows:

Soil erodibility: Moderate

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120) to minimize 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 responsible for monitoring this program.

Per the memo from County Environmental Health (Ghiglia, May 2018), a public water system permit would be required if the winery is to remain open to the public and/or if the on-site population were to be 25 persons or more. The proposed project would have up to ten employees and the use would displace the winery. Therefore, it would not qualify as a public water system.

Impact - Water Quantity

Water Demand: A total of 5.61 acre feet per year of water would be required for the proposed cannabis uses, including outdoor cultivation, outdoor nursery, indoor cultivation, and indoor nursery. The project site is served by an existing well which serves the existing residential, vineyard, and winery uses. The project application includes a well test from 2018 and a well water quality analysis from 2018, both of which concluded that the well was adequate for the proposed uses.

As discussed in the Setting, above, the project site is located in an area where a 1:1 water use offset is required. Under the County's regulations, a property owner may choose to apply for an offset clearance when they are currently growing one crop, but wish to switch to a different crop with a lower water demand. In this case, the applicant proposes to eliminate seven (7) acres of irrigated vineyards to achieve the required offset.

Table 3 below provides a summary of projected water demand prepared by _____ along with the water use offset achieved by eliminating seven acres of vineyards. As shown in Table 3,the net change in water demand would be decrease of 3.14 acre feet per year. Therefore, the project would comply with the County's 1:1 water offset requirement.

Water Supply: Water on-site is supplied by one existing well producing 70 gallons per minute. Based on the water usage estimates, the existing water supply is adequate for both residential and agricultural uses.

Table 4 – Water Usage Estimates

Use	Rate	Gross Demand (gallons/year)	Gross Demand (AFY)
Outdoor Hoop House Grow: 130,680 sf	130,680 sf canopy area x 0.03 gal/sf/day x 150 days	588,060	1.80
Outdoor Hoop House Nursery: 16,920 sf	16,920 sf canopy area x 0.03 gal/sf/day x 150 days	76,140	0.24
Indoor Greenhouse Cultivation: 22,000 sf	22,000 sf canopy x 0.1 gal/sf/day x 260 days	572,000	1.76
Indoor Greenhouse Nursery: 22,000 sf	22,000 sf canopy x 0.1 gal/sf/day x 260 days	572,000	1.76
Indoor Nursery (Existing Residence): 624 sf	624 sf canopy x 0.1 gal/sf/day x 260 days	16,224	0.05
Eliminate Irrigation of Existing Vineyard:	1.25 AFY/acre vineyard irrigation x 7 Acres	-2,851,200	*-8.75*
Net Water Demand		**-1,026,776**	**-3.14**

Impact – Water Quality/Hydrology

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

- ✓ Approximately 1.03 acres of site disturbance is proposed with minimal grading;
- ✓ The project would be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- ✓ The project is not 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 would be permanently stabilized with impermeable surfaces and landscaping;
- ✓ Stockpiles would be properly managed during construction to avoid material loss due to erosion;
- ✓ All hazardous materials and/or wastes would be properly stored on-site, which include secondary containment should spills or leaks occur.

Seiche/Tsunami/Mudflow

The project site is located approximately 36 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. As discussed above, the project will result in a net decrease in water demand for the site compared with baseline conditions. Compliance with County regulations and 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 Section 22.94.080 – Salinas River Sub-area Standards
2. LUO Chapter 22.94 – North County Planning Area

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

Impact. The project is surrounded by rural residential and agricultural uses. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, etc.). Referrals were sent to other agencies to review for policy consistencies (e.g., Cal Fire for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

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

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses because it will use existing winery buildings and former vineyard area and is surrounded by agriculture and rural land uses. .

Mitigation/Conclusion. No inconsistencies were identified, and therefore, no additional measures beyond application of existing plans and regulations is 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. Potential impacts to biological resources have been identified but would mitigated to a level below significant. 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. Implementation of the project will not eliminate important examples of the major periods of California history or pre-history. Therefore, the anticipated project-related impacts are less than significant with incorporation of the mitigation measures included in Exhibit B.

b) The potential for adverse cumulative effects were considered in the response to each question in sections 1 through 15 of this form. In addition to project specific impacts, this evaluation considered the project's potential for incremental effects that are cumulatively considerable. As described in Section 4, 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	**Attached**
☒	County Environmental Health Services	**Attached**
☒	County Agricultural Commissioner's Office	**Attached**
☐	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	**None**
☐	CA Coastal Commission	**Not Applicable**
☒	CA Department of Fish and Wildlife	**None**
☒	CA Department of Forestry (Cal Fire)	**None**
☐	CA Department of Transportation	**Not Applicable**
☐	Community Services District	**Not Applicable**
☒	Other Northern Chumash Tribal Council	**Attached**
☒	Other San Miguel Advisory Council	**Attached**
☒	Other Building Division	**Attached**
☒	Other San Miguel CSD	**None**
☒	Other U.S. Fish and Wildlife	**None**
☒	Other National Guard/Camp Roberts	**None**

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)
☐ Building and Construction Ordinance
☒ Public Facilities Fee Ordinance
☐ Real Property Division Ordinance
☒ Affordable Housing Fund
☐ Airport Land Use Plan
☐ Energy Wise Plan
☒ North County Area Plan/Salinas River SA

☐ 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

- SWCA Environmental Consultants, Biological Resources Assessment, July 2018
- Orosz Engineering Group, Inc., Cannabis Cultivation Trip Generation Report, August 7, 2018
- Heritage Discoveries, Inc., An Archaeological Surface Survey, May 23, 2018
- Filipponi & Thompson Drilling, Inc., Well Test Report, February 2, 2018
- Abalone Coast Analytical, Inc., Water Quality Analysis, February 2, 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 August 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 August 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 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.

Furthermore, the Applicant would be required to retain an Environmental Monitor (see Mitigation Measure EM-1) to provide greater assurance environmental project COAs would be met.

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.

Biological Resources

MM BIO-1: **Best Management Practices.** Best Management Practices (e.g. straw wattles, Environmental Sensitive Area exclusion fencing, gravel bags, silt fencing, etc.) shall be installed prior to the start of any cannabis-growing activities to avoid direct inadvertent impacts to the unnamed drainage on the northern edge and the ravines on the western edge of the project site. Best Management Practices shall be installed to avoid any indirect impacts to these drainages that may occur from erosion/sedimentation.

MM BIO-2: **Avoidance of Roosting Bat Species.** Two weeks prior to any construction or ground-disturbing activities, a focused preconstruction survey for roosting bats shall be conducted by a qualified biologist to identify if bats are roosting in the project area. Survey methodology shall include visual surveys of bats (observation of presence of bats during foraging period), inspection for suitable habitat or bat sign (guano) and use of ultrasonic detectors during all dusk emergence and pre-dawn re-entry. To maximize detectability, surveys shall be conducted within one 24-hour period. If a bat roost is detected, a 50-100-foot no-disturbance buffer shall be established during project construction activities until a qualified biologist determines the roost is no longer active. If bat roosts are determined to be in continuous use, a request for a reduced buffer or a Bat Eviction Plan may be prepared and submitted to the California Department of Fish and Wildlife (CDFW)

for written approval prior to implementation. A request to evict bats from a roost must include details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to start of project activity within the no-disturbance buffer.

MM BIO-3: **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 250 feet will be placed around non-listed, passerine species, and a 500-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.

MM BIO-3.a: **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 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-4: **Preconstruction Surveys for Silvery Legless Lizard, San Joaquin Whipsnake, and Coast Horned Lizard.** Within 30 days prior to ground-disturbing activities, an environmental monitor shall conduct surveys for silvery legless lizards, San Joaquin whipsnake, and coast horned lizard in the anticipated disturbance areas. The surveyor shall utilize hand search or cover board methods in areas of disturbance where sensitive reptiles area expected to be found (e.g. under shrubs, other vegetation, debris). If cover board methods are used, they should commence at least 30 days prior to the start of ground-disturbing activities. Hand search surveys should be completed immediately prior to and during disturbances to the vegetated areas. During vegetation-disturbing activities, the environmental monitor shall walk behind the equipment to capture sensitive reptiles that are unearthed by

the equipment. The surveyor shall capture and relocate any reptiles observed during the survey effort. The captured individuals shall be relocated from the construction area and placed in suitable habitat on the site but outside of the work area.

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

MM BIO-6 **San Joaquin kit fox habitat**. In accordance with the County Guide to San Joaquin kit fox Mitigation Procedures under CEQA, prior to issuance of grading and/or construction permits, or any ground-disturbing activities, the applicant shall provide evidence to the County Department of Planning and Building that states one or a combination of the following three San Joaquin kit fox mitigation measures have been implemented:

1. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, of 25.72 acres of suitable habitat in the kit fox corridor area (e.g., within the San Luis Obispo kit fox habitat area northwest of Highway 58), either on-site or off-site, and provide for a nonwasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the CDFW and the County.

2. Deposit funds into an approved in-lie fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area located primarily within San Luis Obispo County and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. Funds would be provided to The Nature Conservancy pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). Total fees determined by the CDFW calculated based on the current cost-per-unit is $2,500 per acre of mitigation for a total of $64,300.

3. Purchase 25.72 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. Credits can be purchased through the CDFW approved conservation bank, the Palo Prieto Conservation Bank.

MM BIO-7 **San Joaquin kit fox surveys and Avoidance**. Within 14 and 30 days prior to the onset of grading or construction activities, the County-approved biologist shall conduct presence/absence surveys of San Joaquin Kit Fox and/or their dens within 200 feet of the project site following the US Fish and Wildlife Service's standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance (USFWS 2011). Surveys should be conducted in areas of potentially suitable habitat no less than 14 days and no more than 30 days prior

the beginning of ground disturbing activities. A copy of the surveys shall be provided to CDFW and the County within 30 days of completion of the surveys.

Prior to or during project activities, if dens are found, no-disturbance buffers shall be established by the County-approved biologist in accordance with USFWS 2011 recommendations. If kit fox is found occupying atypical (i.e. manmade structure) den sites, a 50-foot no disturbance buffer should be established around the occupied den site. If potential dens are found during surveys, a 50-foot no-disturbance buffer should be established. If dens that are occupied or have been known to be occupied in the past, or a natal or pupping den is found during the survey, consultation with CDFW should occur to discuss how to implement the project and avoid take; or if avoidance is not feasible, an Incidental Take Permit shall be acquired pursuant to Fish and Game Code Section 2081(b).

MM BIO-8 **Minimize Indirect Effects to San Joaquin kit fox**. During the site disturbance and/or construction phase, the following minimization efforts shall be adhered to:

a. Grading and construction activities after dusk shall be prohibited unless coordinated through the County.
b. A maximum of 25 mph speed limit shall be required at the project site during construction activities.
c. All pipes, culverts, or similar structures shall be inspected for San Joaquin kit fox and other wildlife before burying, capping, or moving.
d. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day.
e. All food-related trash shall be removed from the site at the end of each work day.
f. Project-related equipment shall be prohibited outside of designated work areas and access routes.
g. 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 San Joaquin kit fox depend.
h. Permanent fences shall allow for San Joaquin kit fox passage through or underneath (e.g., an approximate 4-inch passage gap shall remain at ground level.

MM BIO-9 **Preconstruction Surveys for American Badger.** At least 2 weeks prior to initiation of construction or site disturbance activities, a County-qualified biologist shall conduct a survey for American badger dens within the impact footprint and surrounding accessible areas of the property. The biologist shall evaluate all dens found to determine whether or not they are active. In order to avoid potential impacts to adults and nursing young, no grading shall occur within 50 feet of an active badger den as determined by the County-approved biologist. Construction activities occurring between July 1 and February 28 shall comply with the following measures to avoid direct take of adult and weaned juvenile badgers through the forced abandonment of dens:

a. A County-approved biologist shall conduct a biological survey at least 2 weeks prior to the start of construction to identify any potential badger dens. The survey shall cover the entire area proposed for development, including roadways.
a. If dens are too long to see the end, a fiber optic scope (or other acceptable

method such as using tracking medium for a consecutive 3-night period) shall be used to assess the presence of badgers.

b. Inactive dens shall be excavated by hand with a shovel to prevent badgers from re-using them during construction.
c. Currently active den entrances shall be partially blocked with sticks, debris, and soil for 3–5 days to discourage badgers from continuing to use them. Access to the den shall be incrementally blocked to a greater degree over this period. After badgers have stopped using previously active den(s) within the project disturbance site, the den(s) shall be excavated by hand with a shovel to prevent re-entry.
d. The County-approved biologist shall be present during the initial clearing and grading activity. If additional badger dens are found at this time, all work shall cease until the biologist completes the measures described above for inactive and active dens. Once all badger dens have been excavated, work may resume.

DEVELOPER'S STATEMENT FOR
DAYSPRING-PRETTY CONDITIONAL USE PERMIT
DRC2018-00036

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

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

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

Air Quality

MM AQ-1: **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.

Biological Resources

MM BIO-1: **Best Management Practices.** Best Management Practices (e.g. straw

wattles, Environmental Sensitive Area exclusion fencing, gravel bags, silt fencing, etc.) shall be installed prior to the start of any cannabis-growing activities to avoid direct inadvertent impacts to the unnamed drainage on the northern edge and the ravines on the western edge of the project site. Best Management Practices shall be installed to avoid any indirect impacts to these drainages that may occur from erosion/sedimentation.

MM BIO-2: **Avoidance of Roosting Bat Species.** Two weeks prior to any construction or ground-disturbing activities, a focused preconstruction survey for roosting bats shall be conducted by a qualified biologist to identify if bats are roosting in the project area. Survey methodology shall include visual surveys of bats (observation of presence of bats during foraging period), inspection for suitable habitat or bat sign (guano) and use of ultrasonic detectors during all dusk emergence and pre-dawn re-entry. To maximize detectability, surveys shall be conducted within one 24-hour period. If a bat roost is detected, a 50-100-foot no-disturbance buffer shall be established during project construction activities until a qualified biologist determines the roost is no longer active. If bat roosts are determined to be in continuous use, a request for a reduced buffer or a Bat Eviction Plan may be prepared and submitted to the California Department of Fish and Wildlife (CDFW) for written approval prior to implementation. A request to evict bats from a roost must include details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to start of project activity within the no-disturbance buffer.

MM BIO-3: **Preconstruction Survey for Sensitive and Nesting Birds.** If construction 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 250 feet will be placed around non-listed, passerine species, and a 500-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.

MM BIO-3.a: **Focused Preconstruction Survey for Burrowing Owl.** If construction 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 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-4: **Preconstruction Surveys for Silvery Legless Lizard, San Joaquin Whipsnake, and Coast Horned Lizard.** Within 30 days prior to ground-disturbing activities, an environmental monitor shall conduct surveys for silvery legless lizards, San Joaquin whipsnake, and coast horned lizard in the anticipated disturbance areas. The surveyor shall utilize hand search or cover board methods in areas of disturbance where sensitive reptiles area expected to be found (e.g. under shrubs, other vegetation, debris). If cover board methods are used, they should commence at least 30 days prior to the start of ground-disturbing activities. Hand search surveys should be completed immediately prior to and during disturbances to the vegetated areas. During vegetation-disturbing activities, the environmental monitor shall walk behind the equipment to capture sensitive reptiles that are unearthed by the equipment. The surveyor shall capture and relocate any reptiles observed during the survey effort. The captured individuals shall be relocated from the construction area and placed in suitable habitat on the site but outside of the work area.

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

MM BIO-6 **San Joaquin kit fox habitat**. Prior to issuance of "Notice to Proceed" for each phase, (fencing, outdoor cultivation, greenhouse construction) the applicant shall submit evidence to the County of San Luis Obispo and CDFW that verifies compensation on a 2:1 basis for impacts/loss of San Joaquin Kit Fox (SJKF) habitat. Impacts shall be calculated and compensated based on actual fenced project footprint, and reduced in kind if the disturbance area is reduced.

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, of 25.72 acres of suitable habitat in the kit fox corridor area (e.g., within the San Luis Obispo kit fox habitat area northwest of Highway 58), either on-site or off-site, and provide for a nonwasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the CDFW and the County.

b. Deposit funds into an approved in-lie fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area located primarily within San Luis Obispo County and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. Funds would be provided to The Nature Conservancy pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). Total fees determined by the CDFW calculated based on the current cost-per-unit is $2,500 per acre of mitigation for a total of $64,300.

c. Purchase 25.72 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. Credits can be purchased through the CDFW approved conservation bank, the Palo Prieto Conservation Bank.

MM BIO-7 **San Joaquin kit fox surveys and avoidance**. Within 14 and 30 days prior to the onset of grading or construction activities, the County-approved biologist shall conduct presence/absence surveys of San Joaquin Kit Fox and/or their dens within 200 feet of the project site following the US Fish and Wildlife Service's standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance (USFWS 2011). Surveys should be conducted in areas of potentially suitable habitat no less than 14 days and no more than 30 days prior the beginning of ground disturbing activities. A copy of the surveys shall be provided to CDFW and the County within 30 days of completion of the surveys.

Prior to or during project activities, if dens are found, no-disturbance buffers shall be established by the County-approved biologist in accordance with USFWS 2011 recommendations. If kit fox is found occupying atypical (i.e. manmade structure) den sites, a 50-foot no disturbance buffer should be established around the occupied den site. If potential dens are found during surveys, a 50-foot no-disturbance buffer should be established. If dens that are occupied or have been known to be occupied in the past, or a natal or pupping den is found during the survey, consultation with CDFW should occur to discuss how to implement the project and avoid take; or if avoidance is not feasible, an Incidental Take Permit shall be acquired pursuant to Fish and Game Code Section 2081(b).

MM BIO-8 **Minimize Indirect Effects to San Joaquin kit fox**. During the site disturbance and/or construction phase, the following minimization efforts

shall be adhered to:

a. Grading and construction activities after dusk shall be prohibited unless coordinated through the County.
b. A maximum of 25 mph speed limit shall be required at the project site during construction activities.
c. All pipes, culverts, or similar structures shall be inspected for San Joaquin kit fox and other wildlife before burying, capping, or moving.
d. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day.
e. All food-related trash shall be removed from the site at the end of each work day.
f. Project-related equipment shall be prohibited outside of designated work areas and access routes.
g. 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 San Joaquin kit fox depend.
h. Permanent fences shall allow for San Joaquin kit fox passage through or underneath (e.g., an approximate 4-inch passage gap shall remain at ground level.

MM BIO-8 **Preconstruction Surveys for American Badger.** At least 2 weeks prior to initiation of construction or site disturbance activities, a County-qualified biologist shall conduct a survey for American badger dens within the impact footprint and surrounding accessible areas of the property. The biologist shall evaluate all dens found to determine whether or not they are active. In order to avoid potential impacts to adults and nursing young, no grading shall occur within 50 feet of an active badger den as determined by the County-approved biologist. Construction activities occurring between July 1 and February 28 shall comply with the following measures to avoid direct take of adult and weaned juvenile badgers through the forced abandonment of dens:

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

above for inactive and active dens. Once all badger dens have been excavated, work may resume.

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

Helios R Dayspring

Signature of Agent(s)

6/12/19

Date

Helios R Dayspring

Name (Print)

Biological Resources Assessment for 13350 River Road, San Miguel, San Luis Obispo County, California

JULY 2018

PREPARED FOR

Shawn Payind

PREPARED BY

SWCA Environmental Consultants

BIOLOGICAL RESOURCES ASSESSMENT FOR 13350 RIVER ROAD SAN MIGUEL, SAN LUIS OBISPO COUNTY, CALIFORNIA

Prepared for

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SWCA Project No. 50471

July 2018

Reporting Biologist: Benjamin Wagner, SWCA Environmental Consultants

"As a County-approved biologist, I hereby certify that this Biological Resources Assessment was prepared according to the Guidelines established by the County of San Luis Obispo Department of Planning and Building and that the statements furnished in the report and associated maps are true and correct to the best of my knowledge and belief; and I further certify that I was present throughout the site visit(s) associated with this report."

July 31, 2018

EXECUTIVE SUMMARY / SYNOPSIS

SWCA Environmental Consultants (SWCA) has prepared this Biological Resources Assessment (BRA) at the request of Shawn Payind (applicant) for proposed cannabis activities located at 13350 River Road in San Miguel, San Luis Obispo County, California. The purpose of this BRA is to document the biological resources on the property and identify potential impacts that could occur from the proposed project.

The project site is located just southeast of the intersection of River Road and Cross Canyons Road and approximately 1 mile east of U.S. Route 101. The applicant proposes to conduct cannabis operations in three different areas on the 63-acre parcel. The proposed operations would consist of: (1) the outdoor cultivation of a total of 3 acres in hoop houses; (2) an outdoor cannabis nursery consisting of approximately 6 acres; and (3) the utilization of a pre-existing 2,480-square-foot winery building for curing and drying, a small indoor nursery, and a virtual dispensary.

SWCA conducted a field survey on May 8, 2018, within the blooming period for special-status plant species known to occur in the area. The purpose of the field survey was to characterize the existing conditions on and adjacent to the project site and identify those biological resources that could be impacted by future development on the project site.

The Biological Survey Area (BSA) encompasses approximately 63 acres of land composed of landscaped/developed areas, agricultural land, California annual grassland, and blue oak woodland.

Based on the literature review for this project, a total of 28 special-status plant species have been documented in the Paso Robles 7.5-minute U.S. Geological Survey (USGS) topographic quadrangle, in the surrounding eight quadrangles, and/or within 5 miles of the BSA.

Based on a California Natural Diversity Database (CNDDB) query and a review of existing literature, a total of 27 sensitive wildlife species have been documented within the vicinity of the BSA. None of these species were observed during the reconnaissance survey in May 2018. Focused surveys were not conducted for these species; however, based on the presence of suitable habitat observed, the following special-status animal species have potential to occur within the BSA: California legless lizard (*Anniella pulchra*), San Joaquin whipsnake (*Masticophis flagellum ruddocki*), coast horned lizard (*Phrynosoma* blainvillii), roosting bats (i.e., pallid bat [*Antrozous pallidus*], Townsend's big-eared bat [*Corynorhinus townsendii*] and hoary bat [*Lasiurus cinereus*]), Monterey dusky-footed woodrat (*Neotoma macrotis luciana*), Salinas pocket mouse *(Perognathus inornatus psammophilus*), *American badger (Taxidea taxus*), San Joaquin kit fox (*Vulpes macrotis mutica*), golden eagle (*Aquila* chrysaetos), burrowing owl (*Athene cunicularia*), ferruginous hawk (*Buteo regalis*), California horned lark (*Eremophila alpestris actia*), prairie falcon *(Falco mexicanus*), and nesting birds.

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1 INTRODUCTION

1.1 Purpose of Biological Resources Assessment

SWCA Environmental Consultants (SWCA) has prepared this Biological Resources Assessment (BRA) at the request of Shawn Payind (applicant) for the proposed cannabis-growing operations located at 13350 River Road, San Miguel, San Luis Obispo County, California. The purpose of this BRA is to document the biological resources on the property and identify impacts that could occur from the proposed project. This analysis has taken into consideration biological resources such as sensitive habitats, plant species, and animal species that are known to occur in the Paso Robles 7.5-minute U.S. Geological Survey (USGS) quadrangle and surrounding eight quadrangles.

For those instances where potential impacts to sensitive biological resources may occur, SWCA has provided recommendations with the objective of avoiding or minimizing the potential impacts. SWCA understands that this BRA would be used by the applicant, the County of San Luis Obispo Planning and Building Department (County), and affected regulatory agencies during the environmental review process for the proposed project. This BRA has been prepared in accordance with the *Draft Standard Guidelines for Biological Resources Assessments* (County of San Luis Obispo 2016).

1.2 Project Location and Setting

The project site is located at 13350 River Road, San Miguel, San Luis Obispo County, California (Figure 1). The project site is located just southeast of the intersection of River Road and Cross Canyons Road and approximately 1 mile east of U.S. Route 101. The biological study area (BSA) for the project encompasses the entire 63-acre parcel (Assessor's Parcel Number [APN] 027-271-041). The BSA has historically been used for viticulture and includes roughly 43 acres of fallow agricultural field. Areas on the western and northern edge of the BSA have steep slopes and are dominated by blue oak woodland. One unnamed drainage runs along the northern edge of the BSA, within blue oak woodland habitat, forming a dry wash. Three steep ravines bisect the western half of the BSA forming dry washes within the blue oak woodland habitat. All washes drain via culvert under River Road and into the Salinas River. The Salinas River runs just west of the BSA, and the surrounding areas to the north, south, and east consist primarily of agricultural fields and residential property (Figures 1 and 2).

1.3 Project Description

The applicant proposes to conduct cannabis operations in three different areas on the 63-acre parcel. The proposed operations would consist of: (1) the outdoor cultivation of a total of 3 acres in hoop houses, located entirely within the eastern half of the fallow agricultural field; (2) an outdoor cannabis nursery consisting of approximately 6 acres, also located entirely within the eastern half of the fallow agricultural field; and (3) the utilization of the pre-existing 2,480-square-foot building for curing and drying, a small indoor nursery, and a virtual dispensary. Per the applicant, growing areas would not be located within any existing blue oak woodland habitat or other potential biologically sensitive portions of the site (i.e., the ravines that bisects the western half of the BSA and the dry wash on the northern edge of the BSA).

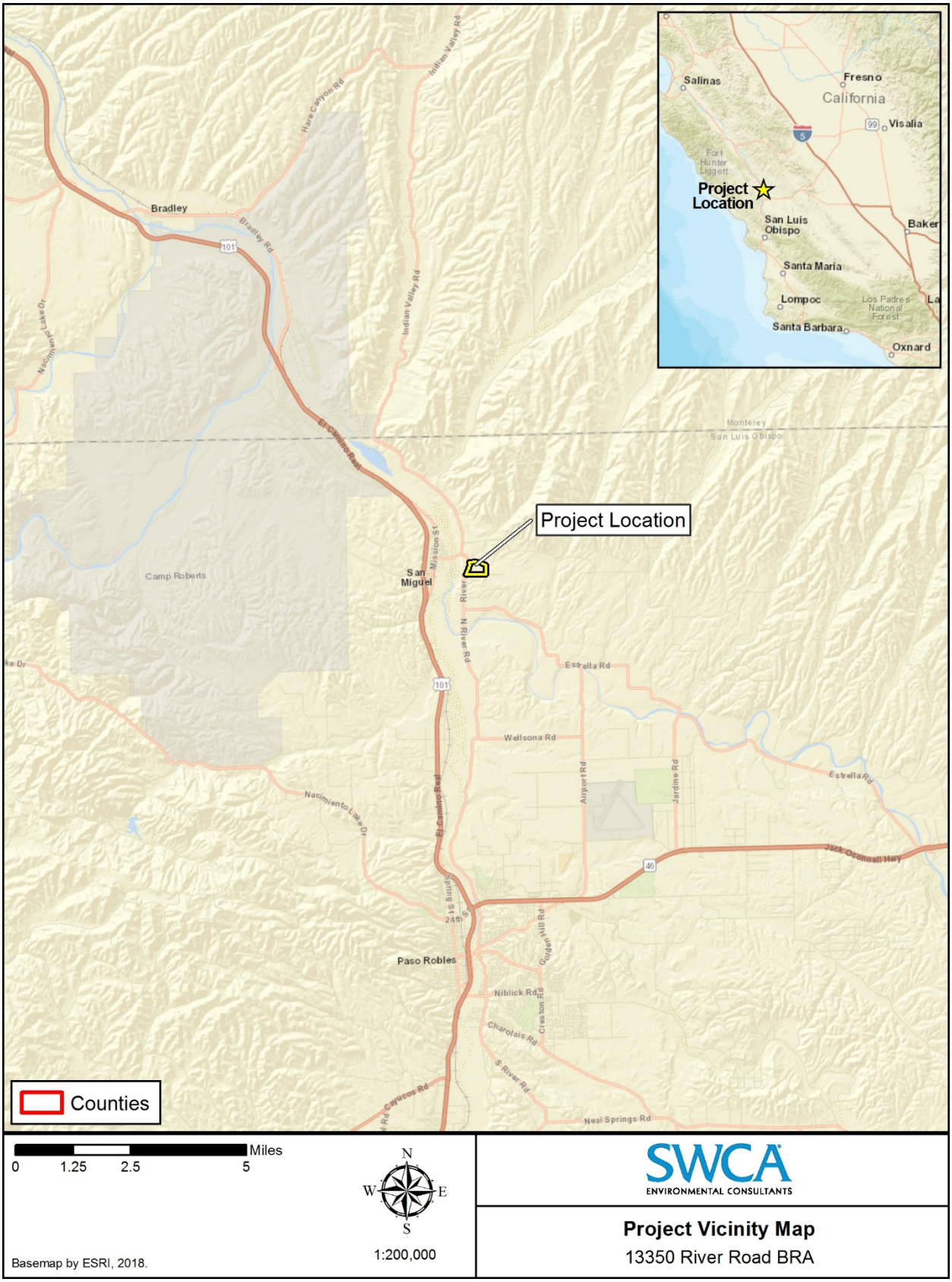

Figure 1. Project vicinity map.

Figure 2. Project location map.

1.4 Soils, Topography, and Elevation

According to the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) Web Soil Survey, soils in the BSA consist of Arbuckle-San Ysidro complex, 2 to 9 percent slopes and Arbuckle-Positas complex, 50 to 75 percent slopes (NRCS 2018). Arbuckle sandy loam was observed throughout the BSA. The topography of the BSA consists of steep slopes on the western and northern section and a relatively flat raised plain over the remainder of the BSA, bridging the top of the slopes. Elevation of the proposed project area ranges from approximately 650 to 760 feet above mean sea level.

2 METHODOLGY

2.1 Literature Review

Prior to conducting a field survey, SWCA conducted a literature review to gain insight on what species have known occurrences in the project vicinity. The review was initiated with a query of the most recent version of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB) to identify reported occurrences of sensitive resources known to occur in the Paso Robles 7.5-minute USGS quadrangle and the surrounding eight quadrangles: Estrella, Adelaida, Bradley, Ranchito Canyon, San Miguel, York Mountain, Templeton, and Creston (CNDDB 2018).

In addition to the CNDDB, the California Native Plant Society (CNPS) Electronic Inventory of Rare and Endangered Plants of California (CNPS 2018) was reviewed to provide additional information on rare plants that are known to occur in the area. Existing environmental documents and various reports prepared by SWCA were also reviewed for background information and recent findings information. An official list of special-status species and CNDDB mapped occurrences within 5 miles of the BSA are included in Appendix A, and lists of species observed are included as Appendix B. Photos of the BSA are included as Appendix C.

2.2 Field Survey

SWCA Biologist Ben Wagner conducted a reconnaissance-level field survey on May 8, 2018, within the blooming period for special-status plant species known to occur in the area. The purpose of the field survey was to characterize the existing conditions on and adjacent to the project site and identify those biological resources that could be impacted by future development on the project site. During the survey, SWCA inventoried botanical resources on the project site using dichotomous keys as necessary (Baldwin et al. 2012). The survey effort was conducted by foot, and plant and wildlife species observed were documented. Wildlife species were documented based on visual observation, auditory cues (i.e., calls and songs), and indirect signs (e.g., tracks, scat, skeletal remains, burrows, etc.). No protocol-level surveys for special-status species were performed as part of this study. A full floristic inventory of the property was not completed. Lists of plant and wildlife species observed onsite are included in Appendix C.

3 RESULTS

3.1 Habitat Types

The BSA encompasses approximately 63 acres of land composed of landscaped/developed areas, agricultural land, California annual grassland, blue oak woodland (Sawyer et al. 2009) (Figure 3; Appendix C).

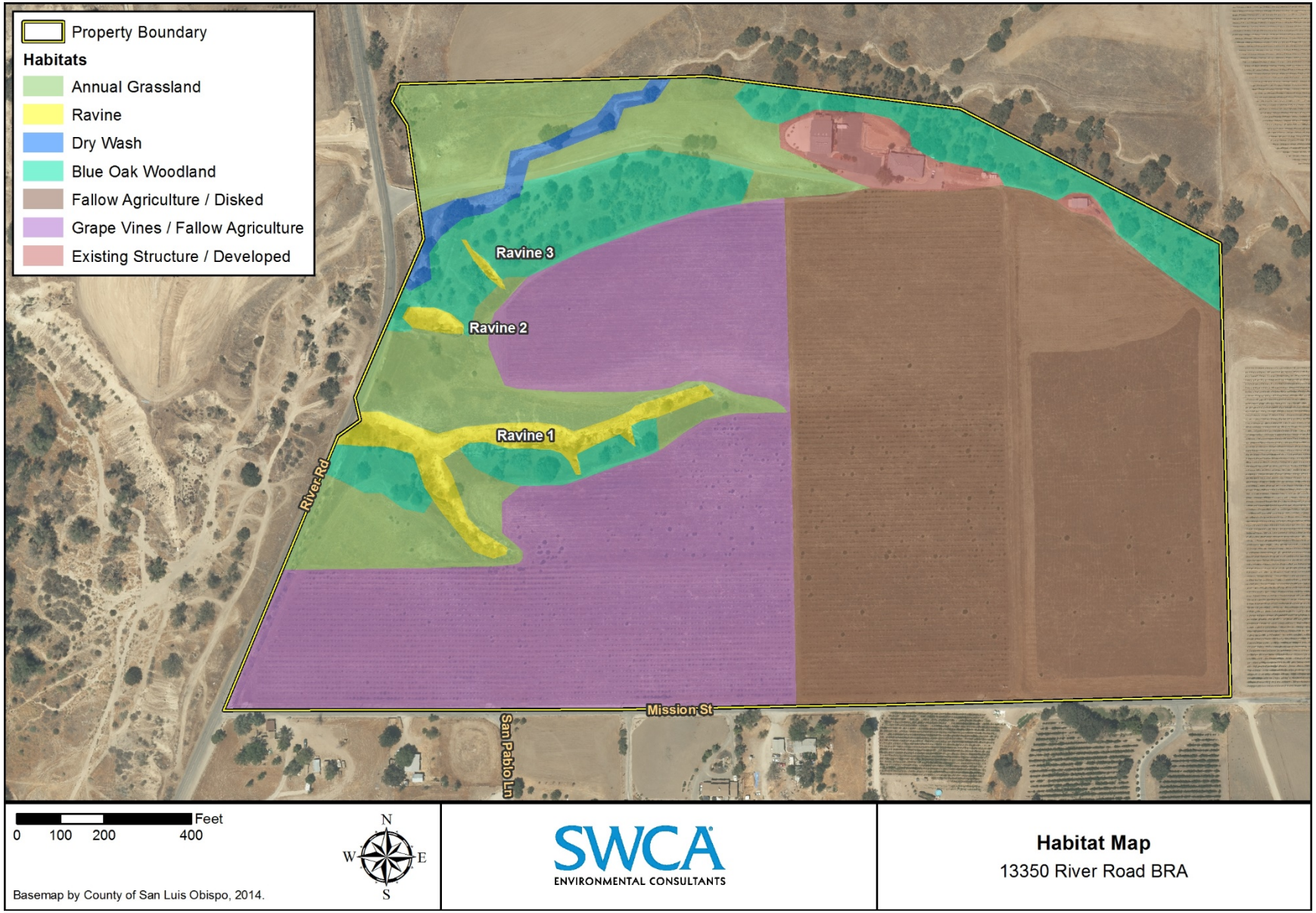

Figure 3. Habitat map.

3.1.1 Landscaped/Developed

Developed areas within the BSA include five structures, consisting of an office, the proposed indoor use building, a shade structure used to store agricultural equipment, a water tank, and a utility shed. There is a paved driveway that runs from the property gate on River Road to the proposed indoor use building and the office. There is a paved parking lot between the office and proposed indoor use building. The office and proposed indoor use building are surrounded by pavement and landscaping. Plants observed in landscaped/developed areas within the BSA included but were not limited to one London plane tree (*Platanus acerifolia*) in front of the office building and landscaping shrubs, including rosemary (*Rosmarinus officinalis*) and honeysuckle cultivars (*Lonicera* sp.), around and between the proposed indoor use building and parking lot.

Wildlife species observed in the landscaped/developed areas during the survey included Eurasian collared dove (*Streptopelia decaocto*) and house finch (*Haemorhous mexicanus*). It is important to recognize that landscaped/developed areas within the BSA can potentially provide suitable foraging and nesting habitat for various bird species during the nesting bird season and potential roosting habitat for bats (i.e., existing buildings) (see Figure 3; Appendix C: Photos C-8, C-9, C-12, and C-13).

3.1.2 Agricultural

Although technically not a habitat type, agricultural land was mapped during field surveys and was observed throughout a majority the BSA. Areas of agricultural land consist primarily of vineyard plantings and previously disked, fallow land. The area of past agricultural disturbance is entirely contained within a level area south of the landscaped/developed area and is divided into two fields. The field on the western half contains rows of fallow grape vines and is dominated by nonnative grasses and forbs (*Bromus* spp., *Avena* spp., and *Erodium* spp.). The field on the eastern half was observed to be recently disked and historically held rows of grape vines, which were recently removed (per land owner). It is also dominated by nonnative grasses and forbs (*Bromus* spp., *Avena* spp., and *Erodium* spp.). The proposed outdoor cannabis cultivation and nursery areas are located entirely within the recently disked eastern field (see Figure 3; Appendix C: Photos C-7 through C-12).

Plant diversity in the agricultural area was observed to be low from past cultivation practices. Vegetation observed included mostly nonnative grasses and forbs such as foxtail barley (*Hordeum murinum*), soft chess (*Bromus hordeaceus*), ripgut brome (*Bromus diandrus*), red brome (*Bromus madritensis* ssp. *rubens*), rattail fescue (*Festuca myuros*), and oats (*Avena* spp.). Nonnative forbs observed included red-stemmed filaree (*Erodium cicutarium*), sour clover (*Melilotus indica*), Maltese star thistle (*Centaurea melitensis*), and black mustard (*Brassica nigra*). Native plants observed within annual grassland included small-flowered fiddleneck (*Amsinckia menziesii*), annual lupine (*Lupinus bicolor*), dove weed (*Croton setigerus*), and valley popcorn flower (*Plagiobothrys canescens*).

3.1.3 California Annual Grassland

California annual grassland (Sawyer et al. 2009) or nonnative annual grassland (Holland 1986) was observed on the steeply sloped open areas of the BSA covering approximately 5 acres. Annual grasslands typically include a composition of both nonnative and native grasses. The proposed project area does not impact the annual grassland areas in the BSA. Annual grassland communities are often associated with numerous species of wildflowers, especially in years of favorable rainfall. Germination occurs with the onset of late fall rains and growth, flowering, and seed-set occurs from winter through spring. The plants typically die during the summer–fall dry season and persist as seeds until the growing season.

Annual grassland communities are common on the project site along the steeper slopes which have not been converted for agriculture. Dominant species in the grasslands include ripgut brome, red brome, and oats. Nonnative forbs observed include Maltese star thistle and black mustard. Native plants observed within annual grassland included small-flowered fiddleneck, annual lupine, and valley popcorn flower.

Annual grasslands on the project site may also provide foraging habitat for small mammals such white-footed mice (*Peromyscus* spp.), pocket mice (*Perognathus* spp.), Botta's pocket gopher (*Thomomys bottae*), and California ground squirrel (*Otospermophilus beecheyi*), as well as predators that feed on them, such as coyote (*Canis latrans*), and raptors (birds of prey), including red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Buteo lineatus*), American kestrel (*Falco sparverius*), and great horned owl (*Bubo virginianus*) (see Figure 3; Appendix C: Photos C-5 and C-12)

3.1.4 Blue Oak Woodland

Blue oak woodland is a highly variable climax woodland dominated by blue oak (Q*uercus douglasii*), but usually including individuals of other oaks. Stands vary from open savannahs with grassy understories to fairly dense woodlands with shrubby understories. These habitats occur on well-drained soils in the Mediterranean California climate zone, usually below 3,000 to 4,000 feet elevation (Holland 1986). Associate species include manzanita (*Arctostaphylos* spp.), ceanothus (*Ceanothus* spp.), holly-leaf cherry (*Prunus ilicifolia*), and needlegrass (*Stipa* spp.).

Blue oak woodland (Sawyer et al. 2009) was observed within the BSA and is associated with the sloped areas on the western and northern sections of the parcel. Blue oak dominates this plant community forming an open to continuous canopy within and adjacent to the BSA. A few valley oak (*Quercus lobata*) individuals were observed within the blue oak woodland habitat on the western edge of the BSA. The groundcover consists of mostly nonnative Mediterranean grasses such as ripgut brome, slender wild oat (*Avena barbata*), and miscellaneous herbaceous annuals such as chick lupine (*Lupinus microcarpus*), hairy vetch (*Vicia villosa*), cream cups (*Platystemon californicus*), and Spanish lotus (*Acmispon americanus*). Coyote brush (*Baccharis pilularis*) and mule fat (*Baccharis salicifolia*) occur as sparse associate species in the dry wash areas within the blue oak woodland habitat (see Figure 3; Appendix C: Photos C-1, C-2, C-5, and C-13)

Blue oak woodland/savannah represents excellent habitat for a variety of wildlife species, including foraging habitat for various rodents, raccoon (*Procyon lotor*), skunk (*Mephitis mephitis*), coyote, red fox (*Vulpes vulpes*), gray fox (*Urocyon cinereoargenteus*), and mule deer (*Odocoileus hemionus*). Although no active nests were observed, trees and shrubs onsite have the potential to support nesting and foraging habitat for raptors (birds of prey) and a variety of perching birds. Species observed within the blue oak habitat in the BSA include acorn woodpecker (*Melanerpes formicivorus*), California quail (*Callipepla californica*), ash-throated flycatcher (*Myiarchus cinerascens*), Lawrence's goldfinch (*Spinus lawrencei*), California scrub jay (*Aphelocoma californica*), western fence lizard (*Sceloporus occidentalis*), coyote, ground squirrel, and cottontail rabbit (*Sylvilagus* sp.).

4 SPECIAL-STATUS SPECIES

The following describes those sensitive biotic resources that have been documented or identified as having the potential to occur within the Paso Robles 7.5-minute USGS topographic quadrangle and the surrounding eight quadrangles or have been documented within 5 miles of the BSA (Appendix A). Sensitive biotic resources include sensitive plant and/or animal species as described below.

4.1 Special-Status Plant Species

For the purposes of this section, special-status plant species are defined as the following:

- Plants listed or proposed for listing as threatened or endangered under the Federal Endangered Species Act (FESA) (50 Code of Federal Regulations [CFR] Section 17.12 for listed plants and various notices in the *Federal Register* for proposed species).
- Plants that are candidates for possible future listing as threatened or endangered under the FESA.
- Plants that meet the definitions of rare or endangered species under the California Environmental Quality Act (CEQA) (State CEQA Guidelines Section 15380).
- Plants considered by CNPS to be "rare, threatened, or endangered" in California (CNPS Ranks 1A, 1B, 2A, and 2B).
- Plants listed by CNPS as plants about which we need more information and plants of limited distribution (Ranks 3 and 4 in CNPS 2016).
- Plants listed or proposed for listing by the State of California as threatened or endangered under the California Endangered Species Act (CESA) (14 California Code of Regulations [CCR] Section 670.5).
- Plants listed under the California Native Plant Protection Act (California Fish and Game Code [CFGC] Section 1900 et seq.).
- Plants considered sensitive by other federal agencies (i.e., U.S. Forest Service, U.S. Bureau of Land Management), state and local agencies, or jurisdictions.

Based on the literature review for this project, a total of 28 special-status plant species have been documented in the Paso Robles 7.5-minute topographic quadrangle and the surrounding eight quadrangles (Table 1). Because the plant list presented in Table 1 is considered regional, SWCA evaluated the listed species to identify which special-status plant species have the potential to occur within the BSA. This analysis compared the known habitat requirements of those 28 species to the BSA's existing conditions, elevation, and soils. The evaluation also took into consideration which species occur within 5 miles of the BSA. It was determined that no special-status plant species have potential to occur within the BSA based on the existing conditions observed (Table 1).

Table 1. Special-Status Plant Species Evaluated for Potential Occurrence

Species Name	Habitat and Distribution	Flower Season	Legal Status Federal/State/ CNPS Rare Plant Rank	Rationale for Expecting Presence or Absence
Bristlecone fir *Abies bracteata*	Occurs in broadleafed upland forest, chaparral, lower montane coniferous forest, riparian woodland. Elevation: 183–1,555 meters.	N/A	--/--/1B.3	**Species Absent:** Suitable habitat absent. No record of species within 5 miles of the BSA. BSA is outside known range for species. Species not observed during survey.
Hoover's bent grass *Agrostis hooveri*	Occurs in sandy sites in chaparral, cismontane woodland, and valley and foothill grassland. 60–600 meters	April–July	--/--/1B.2	**Species Absent:** Grassland habitat with sandy soils present within BSA. However, there are no known occurrences of this species within 5 miles of the BSA. Species not observed during surveys conducted in appropriate blooming period.
oval-leaved snapdragon *Antirrhinum ovatum*	Occurs in chaparral, cismontane woodland, pinyon and juniper woodland, valley and foothill grassland; clay or gypsum, and often-alkaline soil. 200–1,000 meters	May–November	-- / -- / 4.2	**Species Absent:** Grassland was observed within the BSA. However, species not observed during survey in the appropriate blooming period.
Indian Valley spineflower *Aristocapsa insignis*	Occurs in foothill woodland on sandy soils. 300–600 meters.	May–September	--/--/1B.2	**Species Absent:** BSA is outside of known elevation range for species. Species not observed during survey conducted in appropriate blooming period.
dwarf calycadenia *Calycadenia villosa*	Occurs in chaparral, cismontane woodland, meadows and seeps, and valley and foothill grassland (rocky soils). 240–1,350 meters.	May–October	--/--/1B.1	**Species Absent:** Grassland habitat observed within the BSA. However, there are no known occurrences of this species within 5 miles of the BSA. Species not observed during survey conducted in appropriate blooming period.
La Panza mariposa lily *Calochortus simulans*	Chaparral, cismontane woodland, lower montane coniferous forest, and valley and foothill grassland (sandy, granitic, or serpentine). 395–1,100 meters.	April–May	--/--/1B.3	**Species Absent:** Grassland habitat observed within the BSA. However, there are no known occurrences of this species within 5 miles of the BSA. Species not observed during survey conducted in appropriate blooming period.
Hardham's evening-primrose *Camissoniopsis hardhamiae*	Annual herb; typically found in sandy, decomposed carbonate soils, especially in disturbed or burned areas among chaparral and cismontane woodland. 140–945 meters	March–May	-- / -- / 1B.2	**Species Absent:** Suitable habitat absent. No record of species within 5 miles of BSA. Species not observed during survey conducted in appropriate blooming period.
San Luis Obispo owl's-clover *Castilleja densiflora* var. *obispoensis*	Occurs in meadows and seeps, valley and foothill grassland (serpentinite). 10–430 meters.	March–May	--/--/1B.2	**Species Absent:** Suitable habitat absent. No record of species within 5 miles of the BSA. Species not observed during survey conducted in appropriate blooming period.

Species Name	Habitat and Distribution	Flower Season	Legal Status Federal/State/ CNPS Rare Plant Rank	Rationale for Expecting Presence or Absence
Lemmon's jewelflower *Caulanthus coulteri var. lemmonii*	Occurs on dry exposed slopes in pinyon and juniper woodland and valley and foothill grassland. 80–1220 meters	March–May	--/--/1B.2	**Species Absent:** Grassland habitat is present within the BSA. However, species not observed during survey conducted in appropriate blooming period.
purple amole *Chlorogalum purpureum* var. *purpureum*	Occurs in bulbiferous herb; occurs in chaparral, cismontane woodland, valley and foothill grassland on gravelly or clay soils. 205–350 meters	April–June	FT/--/1B.1	**Species Absent:** Grassland habitat is present in the BSA. However, there is no record of this species within 5 miles of the BSA. Species not observed during survey conducted in appropriate blooming period.
straight-awned spineflower *Chorizanthe rectispina*	Occurs in chaparral, cismontane woodland and coastal scrub. 85–1,035 meters.	April–July	--/--/1B.3	**Species Absent:** Suitable habitat absent. Species was not observed during survey conducted in appropriate blooming season.
Eastwood's larkspur *Delphinium parryi* ssp. *eastwoodiae*	Occurs in chaparral and valley and foothill grassland (serpentinite, coastal). 75–500 meters.	February–March	--/--/1B.2	**Species Absent:** Suitable habitat absent. No record of species within 5 miles of the BSA. Species not observed during survey conducted in appropriate blooming period.
umbrella larkspur *Delphinium umbraculorum*	Occurs in cismontane woodland. 400–1,600 meters.	April–June	--/--/1B.3	**Species Absent:** Suitable habitat absent. BSA outside of elevation range for this species. No record of species within 5 miles of the BSA. Species not observed during survey conducted in appropriate blooming period.
Koch's beard moss *Entosthodon kochii*	Moss; occurs in cismontane woodland. 180–1,000 meters.	N/A	--/--/1B.3	**Species Absent:** Suitable habitat absent. No records of the species within 5 miles of the BSA. Species not observed during survey.
yellow-flowered eriastrum *Eriastrum luteum*	Occurs in broadleafed upland forest, chaparral, and cismontane woodland (sandy or gravelly). 290–1,000 meters.	May–June	--/--/1B.2	**Species Absent:** Suitable habitat absent. BSA is outside of the known elevation range for this species. No records of this species within 5 miles of the BSA. Species not observed during survey conducted in appropriate blooming period.
mesa horkelia *Horkelia cuneata* var. *puberula*	Occurs in chaparral, cismontane woodland, and coastal scrub (sandy or gravelly).70–810 meters.	February–September	--/--/1B.1	**Species Absent:** Suitable habitat absent. There are no records of the species within 5 miles of the BSA. Species not observed during survey conducted in the appropriate blooming period.
Kellogg's horkelia *Horkelia cuneata* var. *sericea*	Occurs in closed-cone coniferous forest, chaparral (maritime), and coastal scrub (sandy or gravelly openings). 10–200 meters.	April–September	--/--/1B.1	**Species Absent:** Suitable habitat absent. BSA is outside the known elevation range for this species. Species not observed during survey conducted in appropriate blooming period.

Species Name	Habitat and Distribution	Flower Season	Legal Status Federal/State/ CNPS Rare Plant Rank	Rationale for Expecting Presence or Absence
Santa Lucia dwarf rush *Juncus luciensis*	Occurs in chaparral, Great Basin scrub, lower montane coniferous forest, meadows and seeps, and vernal pool. 300–2,040 meters.	April–July	-- / -- / 1B.2	**Species Absent:** Suitable habitat absent. Species not observed during survey conducted in appropriate blooming period
Jared's pepper-grass *Lepidium jaredii* ssp. *jaredii*	Occurs in valley and foothill grassland; alkaline, adobe soils. 335–1,005 meters.	March–May	--/--/1B.2	**Species Absent:** BSA is outside of the known elevation range for this species. Species not observed during survey conducted in the appropriate blooming period.
Davidson's bush-mallow *Malacothamnus davidsonii*	Perennial deciduous shrub; occurs in chaparral, cismontane woodland, coastal scrub, and riparian woodlands. 185–855 meters	June–January	--/--/1B.2	**Species Absent:** Suitable habitat absent. No species records within 5 miles of BSA. Species not observed in BSA during survey.
Carmel valley malacothrix *Malacothrix saxatilis* var. *arachnoidea*	Rhizomatous herb; occurs in chaparral and coastal scrub with rocky substrates. 25–1,036 meters	June–December	--/--/1B.2	**Species Absent:** Suitable habitat absent. No records of species within 5 miles of BSA. Species not observed during survey.
Oregon meconella *Meconella oregana*	Occurs in coastal prairie and coastal scrub. 250–620 meters.	March–April	--/--/1B.1	**Species Absent:** Suitable habitat absent. No record of species within 5 miles of BSA. Species not observed during survey.
woodland woollythreads *Monolopia gracilens*	Occurs in broadleafed upland forest, chaparral, lower montane coniferous forest, cismontane woodland, north coast coniferous forest, and valley and foothill grassland. 100–1,200 meters.	February–July	--/--/1B.2	**Species Absent:** Grassland habitat observed in the BSA. However, there are no records of species within 5 miles of the BSA. Species not observed during the appropriate blooming period.
spreading navarretia *Navarretia fossalis*	Annual herb; occurs in chenopod scrub, marshes and swamps (assorted shallow freshwater), playas, and vernal pools. 30–655 meters.	April–June	FT/--/1B.1	**Species Absent:** Suitable habitat absent. There are no known occurrences of this species within 5 miles of the BSA. Species not observed during survey conducted in the appropriate blooming period.
shining navarretia *Navarretia nigelliformis* ssp. *radians*	Occurs in cismontane woodland, valley and foothill grassland, and vernal pools. 76–1,000 meters.	April–July	--/--/1B.2	**Species Absent:** Grassland habitat was observed in the BSA. However, species not observed during survey conducted in appropriate blooming period.
prostrate vernal pool navarretia *Navarretia prostrata*	Annual herb; occurs in vernal pools and seeps among coastal scrub and valley and foothill grassland with alkaline soils. 15–1,210 meters.	April–July	--/--/1B.1	**Species Absent:** Suitable habitat absent. Species not observed during survey conducted in the appropriate blooming period.
hooked popcorn-flower *Plagiobothrys uncinatus*	Occurs in chaparral, cismontane woodland, and valley and foothill grassland with sandy soils. 300–760 meters.	April–May	--/--/1B.1	**Species Absent:** BSA is outside species known elevation range. Species not observed during survey conducted in appropriate blooming period.

Species Name	Habitat and Distribution	Flower Season	Legal Status Federal/State/ CNPS Rare Plant Rank	Rationale for Expecting Presence or Absence
Santa Cruz microseris *Stebbinsoseris decipiens*	Annual herb; occurs in broadleaf upland forest, closed-cone coniferous forest, chaparral, coastal prairie, coastal scrub, and alley and foothill grassland; associated with open areas; occasionally occurring in serpentinite. 10–500 meters.	April-May	--/--/1B.2	**Species Absent:** Grassland habitat was observed in the BSA. However, there are no records species within 5 miles of the BSA. Species not observed during survey conducted in appropriate blooming period.
Natural Communities of Concern				
Valley Oak Woodland	Highly variable climax woodland dominated by valley oak (*Quercus lobata*) usually below 6,000 meters. Occurs in the Sacramento and San Joaquin Valleys, and valleys of the Coast Ranges			**Absent:** Valley oak trees were observed within the blue oak woodland in the BSA. However, the habitat does not qualify as Valley Oak Woodland not having >50% relative cover in the tree canopy or >30% relative cover when other tree species are present (Sawyer et al. 2009).

General references: Baldwin, (2nd ed.) 2012. All plant descriptions paraphrased from CNPS 2016.

Status Codes:

-- = No status

Federal: **FE** = Federally Endangered; **FT** = Federally Threatened
State: **SE** = State Endangered; **ST** = State Threatened; **SR** = State Rare

California Native Plant Society (CNPS):
Rank 1B = rare, threatened, or endangered in California and elsewhere.
Rank 2 = rare, threatened, or endangered in California, but more common elsewhere.

Threat Code:

.1 = Seriously endangered in California (over 80% of occurrences threatened / high degree and immediacy of threat)
.2 = Fairly endangered in California (20-80% occurrences threatened)
.3 = Not very endangered in California (<20% of occurrences threatened or no current threats known)

4.2 Special-Status Animal Species

For the purposes of this section, special-status animal species are defined as the following:

- Animals listed or proposed for listing as threatened or endangered under the FESA (50 CFR 17.11 for listed animals and various notices in the *Federal Register* for proposed species).
- Animals that are candidates for possible future listing as threatened or endangered under the FESA.
- Animals that meet the definitions of rare or endangered species under CEQA (State CEQA Guidelines Section 15380).
- Animals listed or proposed for listing by the State of California as threatened and endangered under the CESA (14 CCR 670.5).
- Animal species of special concern to CDFW.
- Animal species that are fully protected in California (CFGC Sections 3511 [birds], 4700 [mammals], and 5050 [reptiles and amphibians]).

Based on a CNDDB query and a review of existing literature, a total of 29 sensitive wildlife species have been documented in the Paso Robles 7.5-minute USGS topographic quadrangle and the surrounding eight quadrangles as having the potential to occur within the BSA (Table 2). Because this list of species is considered regional, an analysis of the range and habitat preferences of those animal species was conducted to identify which sensitive wildlife species have the potential to occur within the BSA (Table 2).

Table 2. Special-Status Wildlife Species Investigated for Potential Occurrence

Species Name	Habitat and Distribution	Legal Status Federal/State/ Other Status	Rationale for Expecting Presence or Absence
Insects			
Crotch bumble bee *Bombus crotchii*	Occurs in Coast Range meadows. Nesting occurs underground as well as above ground in abandoned bird nests.	--/--/SA	**Species Absent – No Potential to Occur:** The BSA does not support suitable habitat for this species. No record of species within 5 miles of BSA. Species not expected to occur in the BSA. Species not observed during survey.
Brachiopods			
vernal pool fairy shrimp *Branchinecta lynchi*	Occur in vernal pool habitats including depressions in sandstone, to small swale, earth slump, or basalt-flow depressions with a grassy or, occasionally, muddy bottom in grassland (Eriksen and Belk 1999).	FT/--/--	**Species Absent – No Potential to Occur:** The BSA does not support suitable vernal pool habitat for this species.
Amphibians			
lesser slender salamander *Batrachoseps minor*	Habitat includes moist locations in forests of mixed oaks, sycamores, and bay laurel.	--/--/SSC	**Species Absent – No Potential to Occur:** Suitable moist habitat necessary to support this species is not present within the BSA. No record of species within 5 miles of BSA. Species not observed during survey.
California red-legged frog *Rana draytonii*	Occur in aquatic habitats with little or no flow and surface water depths to at least 2.3 feet. Presence of sturdy underwater supports such as cattails.	FT/--/SSC	**Species Absent – No Potential to Occur:** Suitable aquatic habitat necessary to support this species is not present within the BSA. No record of species within 5 miles of BSA. Species not observed during survey.
western spadefoot *Spea hammondii*	Inhabits vernal pools in primarily grassland, but also in valley and foothill hardwood woodlands.	--/--/SSC	**Species Absent – No Potential to Occur:** Vernal pool habitat necessary to support this species was not observed within the BSA. Species not observed during survey.
Coast Range newt *Taricha torosa torosa*	Breed in ponds, reservoirs, and slow-moving streams. Frequents terrestrial habitats such as oak woodlands.	--/--/SSC	**Species Absent – No Potential to Occur:** Suitable aquatic habitat necessary to support this species is not present within the BSA. No record of species within 5 miles of BSA. Species not observed during survey.
Reptiles			
California legless lizard *Anniella pulchra*	Occur in sandy or loose loamy soils under sparse vegetation. Soil moisture is essential. Prefer soils with high moisture content.	--/--/SSC	**Species Absent – Potential to Occur:** The appropriate sandy and loose loamy soils and vegetation necessary to support this species was observed within the BSA. Species not observed during survey.

Species Name	Habitat and Distribution	Legal Status Federal/State/ Other Status	Rationale for Expecting Presence or Absence
western pond turtle *Emys marmorata*	Occur in quiet waters of ponds, lakes, streams, and marshes. Typically in the deepest parts with an abundance of basking sites.	--/--/SSC	**Species Absent – No Potential to Occur:** Suitable aquatic habitat necessary to support this species is not present within the BSA. Species not observed during survey.
San Joaquin whipsnake *Masticophis flagellum ruddocki*	Ranges from Colusa County southward to the Grapevine in the Kern County portion of the San Joaquin Valley and westward into the inner South Coast Ranges. Occurs in open, dry, treeless areas, including grassland and saltbush scrub. Takes refuge in rodent burrows, under shaded vegetation and objects (California Herps 2018).	--/--/CSC	**Species Absent – Potential to Occur:** The grassland within the BSA could support this species. Species not observed during survey.
coast horned lizard *Phrynosoma blainvillii*	Frequents a wide variety of habitats; most commonly in lowlands along sandy washes with scattered low bushes.	--/--/SSC	**Species Absent – Potential to Occur:** The dry washes within the BSA could support this species. Species not observed during survey.
Birds			
tricolored blackbird *Agelaius tricolor*	(Nesting colony) requires open water, protected nesting substrate such as cattails or tall rushes, and foraging area with insect prey.	MBTA/--/SSC	**Species Absent – No Potential to Occur:** Suitable open water habitat not observed within the BSA. Species not observed during surveys.
golden eagle *Aquila chrysaetos*	(Nesting and nonbreeding/wintering) occur in rolling foothills, mountain areas, sage-juniper flats, and desert areas. Cliff-walled canyons provide nesting habitat in most parts of range; also, large trees in open areas.	MBTA/FP/--	**Species Absent – Low Potential to Occur:** Species has the potential to nest in oak trees found in the BSA. However, no established nests or individuals were observed during survey. No record of species within 5 miles of BSA.
great blue heron *Ardea herodias*	Common throughout most of California, in shallow estuaries and fresh and saline emergent wetlands. Less common along riverine and rocky marine shores, in croplands, pastures, and in mountains above foothills.	MBTA/--/--	**Species Absent – No Potential to Occur:** Suitable wetland habitat was not observed within the BSA. No record of species within 5 miles of BSA. Species not observed during survey.
burrowing owl *Athene cunicularia*	Occur in open, dry grasslands, deserts, and scrublands. Subterranean nester, dependent upon burrowing mammals.	MBTA/-- /CSC	**Species Absent – Low Potential to Occur:** Burrowing owl are known to only overwinter within San Luis Obispo County. Fallow agricultural field within BSA could potentially provide overwintering habitat for this species. Species not observed during survey.
ferruginous hawk *Buteo regalis*	(Wintering) open grasslands, sagebrush flats, desert scrub, low foothills, and fringes of pinyon-juniper habitats; eats lagomorphs, ground squirrels, and mice.	MBTA/--/--	**Species Absent – Low Potential to Occur:** The nonnative grassland within the BSA could support this species in the winter. Species not observed during survey.
Yellow warbler *Setophaga petechia*	Usually found in riparian deciduous habitats in summer. Stays among cottonwoods, willows, alders, and other small trees and shrubs. Nest is an open cup placed 2–16 feet above ground in a deciduous sapling or shrub.	--/--/CSC	**Species Absent – No Potential to Occur:** The BSA does not support suitable riparian habitat for this species. Species not observed during surveys.

Species Name	Habitat and Distribution	Legal Status Federal/State/ Other Status	Rationale for Expecting Presence or Absence
California horned lark *Eremophila alpestris actia*	Occurs in short grass prairies, coastal plains, fallow grain fields and alkali flats. Found in coastal regions from Sonoma to San Diego county, and west to the San Joaquin Valley.	MBTA/--/--	**Species Absent – Potential to Occur:** Annual grassland on site could support this species. No record of species within 5 miles of BSA. Species not observed during the survey.
Prairie falcon *Falco mexicanus*	Occurs in dry, open terrain that is level or hilly and breeds on cliffs.	MBTA/--/WL	**Species Absent – Potential to Occur:** Annual grassland on site could support this species. Species not observed during the survey.
Bald eagle *Haliaeetus leucocephalus*	Occurs along ocean shore, lake margins and rivers for both nesting and wintering. Most nests within 1 mile of water.	MBTA, BGEPA/SE/--	**Species Absent – No Potential to Occur:** Uncommon permanent resident. Suitable nesting habitat does not exist on the site. Species not observed during the surveys.
least Bell's vireo *Vireo bellii pusillus* (nesting)	(Nesting) summer resident of southern California in low riparian areas near water or river bottoms. Nests placed along margins of bushes or on twigs usually *Salix*, *Baccharis*, and mesquite.	FE, MBTA/SE/--	**Species Absent – No Potential to Occur:** BSA does not contain suitable nesting or foraging habitat. Species not observed during surveys.
other nesting birds Class Aves	Occur in various habitats (nesting).	MBTA/--/CDFW Code Section 3503	**Suitable Conditions Present:** Suitable foraging and nesting habitat for migratory birds is present within the BSA.
Mammals			
pallid bat *Antrozous pallidus*	Inhabits deserts, grasslands, shrublands, woodlands, and forests. Most common in open, dry habitats with rocky areas for roosting	--/--/SSC	**Species Absent – Low Potential to Occur:** The BSA supports suitable habitat for day roosts (trees and buildings) for this species.
Townsends big-eared bat *Corynorhinus townsendii*	Occurs in a wide variety of habitats; most common in mesic (wet) sites. May use trees for day and night roosts; however, requires caves, mines, rock faces, bridges or buildings for maternity roosts. Maternity roosts are in relatively warm sites.	--/--/SSC	**Species Absent – Low Potential to Occur:** The BSA supports suitable habitat for day roosts (trees and buildings) for this species.
Hoary bat *Lasiurus cinereus*	Occurs in open habitats and habitat mosaics with access to trees for cover. Roosts in dense foliage of medium to large trees.	--/SA/--	**Species Absent – Potential to Occur:** The site supports appropriate oak woodland habitat suitable for roosting. No record of species within 5 miles of BSA.
Monterey dusky-footed woodrat *Neotoma macrotis luciana*	Occurs in coastal central California in habitats that exhibit a moderate vegetative canopy, with a brushy understory. Builds nests of sticks and leaves at the base of, or within, a tree or shrub, or at the base of a hill. Primarily feeds on woody plants, but also eats fungi, flowers, grasses, and acorns.	--/--/SSC	**Species Absent – Potential to Occur:** Suitable habitat occurs site within the woody areas of the site; however, no woodrat middens or individuals were observed during survey of the BSA. No record of species within 5 miles of BSA.
Salinas pocket mouse *Perognathus inornatus psammophilus*	Annual grassland and desert shrub communities in the Salinas Valley in fine-textured, sandy, friable soils. Burrows for cover and nesting.	--/--/SSC	**Species Absent – Potential to Occur:** The BSA contains sandy washes suitable to support this species. Species not observed during survey.

Species Name	Habitat and Distribution	Legal Status Federal/State/ Other Status	Rationale for Expecting Presence or Absence
American badger *Taxidea taxus*	Drier open stages of shrub, forest, and herbaceous habitats, with friable soils; needs sufficient food and open, uncultivated ground; digs burrows.	--/--/SSC	**Species Absent – Potential to Occur:** This species, or evidence of this species, was not observed during survey.
San Joaquin kit fox *Vulpes macrotis mutica*	Historic range included most of San Joaquin Valley from San Joaquin County southward to southern Kern County (USFWS 1998). Currently occur in remaining native valley and foothill grasslands and saltbush scrub communities of valley floor and surrounding foothills from southern Kern County north to Merced County.	FE/ST/--	**Species Absent – Low Potential to Occur:** Species or evidence of species not observed during survey.

General references: Unless otherwise noted all habitat and distribution data provided by the CNDDB.

Status Codes

--= No status

Federal: FE = Federal Endangered; FT= Federal Threatened; FC= Federal Candidate; CH= Federal Critical Habitat; PCH= Proposed Federal Critical Habitat; MBTA= Protected by Federal Migratory Bird Treaty Act

State: SE= State Endangered; ST= State Threatened

California Department of Fish and Game: SSC= California Special Concern Species; FP= Fully Protected Species; SA= Not formally listed but included in CDFW "Special Animal" List.; WL=Watch List

5 IMPACT ASSESSMENT AND MITIGATION

This section focuses on identifying potential biological adverse impacts associated with the proposed cannabis-growing activities within the BSA. The emphasis is on determining the potential effects of the project on special-status species, habitats, and jurisdictional areas within the BSA. Adverse impacts could occur if project construction and/or future uses of the property would result in temporary or permanent modification to sensitive habitats, or to habitats occupied by special-status species. Where potential impacts to sensitive resources have been identified, measures for avoiding, minimizing, or mitigating adverse effects to these resources are recommended.

5.1 Sufficiency of Biological Data

The analysis of the BSA included a botanical survey conducted during the typical blooming period for plants that bloom in May and documented existing site conditions (i.e., soils, plant communities present, and elevation). Though only one botanical survey was conducted, it is SWCA's professional opinion that if proposed cannabis-growing operations are conducted in the fallow agricultural areas that have been disked, then impacts to special-status plant species are not expected. No additional surveys are recommended at this time.

Though no special-status wildlife species were observed, SWCA has provided recommendations for additional surveys to be conducted prior to project activities to avoid and minimize any potential impacts to special-status wildlife species.

No formal jurisdictional delineation was conducted as part of this study. However, as currently proposed these jurisdictional features (e.g., the three ravines and the unnamed drainage) will not be directly impacted by the project. However, recommendations have been included below to avoid any indirect impacts to these features.

5.2 Impacts

5.2.1 Project Effect on Unique or Special-Status Species or Their Habitats

5.2.1.1 PLANTS

No special-status plant species were observed during the botanical survey conducted in May 2018. As currently proposed, cannabis-growing operations would be limited to the fallow agricultural areas that have been disked previously (see Figure 3). Impacts to special-status plant species are not expected. The agricultural areas within the BSA that are regularly disturbed (e.g., disked or grape cultivation area) do not provide ideal conditions for special-status plants to occur.

5.2.1.2 WILDLIFE

SWCA determined that the following special-status animal species have potential to occur within the BSA: California legless lizard, San Joaquin whipsnake, coast horned lizard, roosting bats (i.e., pallid bat, Townsend's big-eared bat, and hoary bat), Monterey dusky-footed woodrat, Salinas pocket mouse, American badger, San Joaquin kit fox, golden eagle, burrowing owl, ferruginous hawk, California horned lark, prairie falcon, and nesting birds.

Although the species listed above may have the potential to occur within or adjacent to the BSA, none of these species were identified during the reconnaissance-level wildlife survey conducted by SWCA. The potential for these species to occur cannot be ruled out due to the transitory nature of these wildlife species.

5.2.2 Project Effect on Extent, Diversity, or Quality of Native or Other Important Vegetation

The proposed project would not result in permanent or temporary impacts to any native or other important vegetation if cannabis-growing activities are limited to previously disturbed areas (e.g., fallow agricultural land including areas that have been disked).

5.2.3 Project Effect on Wetland or Riparian Habitat

The proposed project will have no direct or indirect effect on wetland or riparian habitat if the appropriate Best Management Practices (e.g., straw wattles, gravel bags, silt fences, Environmental Sensitive Area/exclusion fencing) are installed and the appropriate setbacks from the unnamed drainage on the northern edge of the BSA and the ravines on the western edge of the BSA are established prior to cannabis-growing operations.

5.2.4 Project Effect on Movement of Resident or Migratory Fish or Wildlife Species, or Factors Which Could Hinder the Normal Activities of Wildlife

The proposed project will have no direct or indirect effect on the movement of resident or migratory fish and wildlife species if the appropriate predisturbance surveys are initiated prior to project implementation.

5.3 Mitigation Measures

Where potential impacts to sensitive resources have been identified, mitigating adverse effects to these resources is recommended.

BIO-1 The following measures are recommended to avoid and minimize potential impacts to roosting bat species should any existing buildings be demolished or altered.

a. Prior to demolition of existing buildings, a preconstruction survey should be conducted by a qualified biologist. If bats are found to be roosting, and bat exclusion is necessary, a Bat Exclusion Plan shall be submitted to the County of San Luis Obispo and California Department of Fish and Wildlife for approval prior to construction.

BIO-2 Best Management Practices (e.g., straw wattles, Environmental Sensitive Area/exclusion fencing, gravel bags, silt fencing, etc.) should be installed prior to the start of any cannabis-growing activities to avoid direct inadvertent impacts to the unnamed drainage on the northern edge and the ravines on the western edge of the Biological Survey Area. Best Management Practices should be installed to avoid any indirect impacts to these drainages that may occur from erosion/sedimentation.

BIO-3 Within 30 days prior to ground-disturbing activities, an environmental monitor shall conduct surveys for silvery legless lizards, San Joaquin whipsnake, and coast horned lizard in the

anticipated disturbance area. The surveyor should utilize hand search or cover board methods in areas of disturbance where sensitive reptiles are expected to be found (e.g., under shrubs, other vegetation, debris). If cover board methods are used, they should commence at least 30 days prior to the start of ground-disturbing activities. Hand search surveys should be completed immediately prior to and during disturbances to the vegetated areas. During vegetation-disturbing activities, the environmental monitor should walk behind the equipment to capture sensitive reptiles that are unearthed by the equipment. The surveyor should capture and relocate any reptiles observed during the survey effort. The captured individuals should be relocated from the construction area and placed in suitable habitat on the site but outside of the work area.

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APPENDIX A

Special-Status Species List and CNDDB Occurrences Maps

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Quad IS (Paso Robles (3512066) OR Estrella (3512065) OR Adelaida (3512067) OR Bradley (3512077) OR Ranchito Canyon (3512075) OR San Miguel (3512076) OR York Mountain (3512057) OR Templeton (3512056) OR Creston (3512055))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Abies bracteata bristlecone fir	PGPIN01030	None	None	G2G3	S2S3	1B.3
Agelaius tricolor tricolored blackbird	ABPBXB0020	None	Candidate Endangered	G2G3	S1S2	SSC
Agrostis hooveri Hoover's bent grass	PMPOA040M0	None	None	G2	S2	1B.2
Anniella pulchra northern California legless lizard	ARACC01020	None	None	G3	S3	SSC
Antirrhinum ovatum oval-leaved snapdragon	PDSCR2K010	None	None	G3	S3	4.2
Antrozous pallidus pallid bat	AMACC10010	None	None	G5	S3	SSC
Aquila chrysaetos golden eagle	ABNKC22010	None	None	G5	S3	FP
Ardea herodias great blue heron	ABNGA04010	None	None	G5	S4	
Aristocapsa insignis Indian Valley spineflower	PDPGN0U010	None	None	G1	S1	1B.2
Athene cunicularia burrowing owl	ABNSB10010	None	None	G4	S3	SSC
Batrachoseps minor lesser slender salamander	AAAAD02170	None	None	G1	S1	SSC
Bombus crotchii Crotch bumble bee	IIHYM24480	None	None	G3G4	S1S2	
Branchinecta lynchi vernal pool fairy shrimp	ICBRA03030	Threatened	None	G3	S3	
Buteo regalis ferruginous hawk	ABNKC19120	None	None	G4	S3S4	WL
Calochortus simulans La Panza mariposa-lily	PMLIL0D170	None	None	G2	S2	1B.3
Calycadenia villosa dwarf calycadenia	PDAST1P0B0	None	None	G3	S3	1B.1
Camissoniopsis hardhamiae Hardham's evening-primrose	PDONA030N0	None	None	G2	S2	1B.2
Castilleja densiflora var. obispoensis San Luis Obispo owl's-clover	PDSCR0D453	None	None	G5T2	S2	1B.2
Caulanthus lemmonii Lemmon's jewelflower	PDBRA0M0E0	None	None	G3	S3	1B.2

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Chlorogalum purpureum var. purpureum Santa Lucia purple amole	PMLIL0G051	Threatened	None	G2T2	S2	1B.1
Chorizanthe rectispina straight-awned spineflower	PDPGN040N0	None	None	G2	S2	1B.3
Corynorhinus townsendii Townsend's big-eared bat	AMACC08010	None	None	G3G4	S2	SSC
Delphinium parryi ssp. eastwoodiae Eastwood's larkspur	PDRAN0B1B2	None	None	G4T2	S2	1B.2
Delphinium umbraculorum umbrella larkspur	PDRAN0B1W0	None	None	G3	S3	1B.3
Emys marmorata western pond turtle	ARAAD02030	None	None	G3G4	S3	SSC
Entosthodon kochii Koch's cord moss	NBMUS2P050	None	None	G1	S1	1B.3
Eremophila alpestris actia California horned lark	ABPAT02011	None	None	G5T4Q	S4	WL
Eriastrum luteum yellow-flowered eriastrum	PDPLM03080	None	None	G2	S2	1B.2
Falco mexicanus prairie falcon	ABNKD06090	None	None	G5	S4	WL
Haliaeetus leucocephalus bald eagle	ABNKC10010	Delisted	Endangered	G5	S3	FP
Horkelia cuneata var. puberula mesa horkelia	PDROS0W045	None	None	G4T1	S1	1B.1
Horkelia cuneata var. sericea Kellogg's horkelia	PDROS0W043	None	None	G4T1?	S1?	1B.1
Juncus luciensis Santa Lucia dwarf rush	PMJUN013J0	None	None	G3	S3	1B.2
Lasiurus cinereus hoary bat	AMACC05030	None	None	G5	S4	
Lepidium jaredii ssp. jaredii Jared's pepper-grass	PDBRA1M0G1	None	None	G2G3T1T2	S1S2	1B.2
Malacothamnus davidsonii Davidson's bush-mallow	PDMAL0Q040	None	None	G2	S2	1B.2
Malacothrix saxatilis var. arachnoidea Carmel Valley malacothrix	PDAST660C2	None	None	G5T2	S2	1B.2
Masticophis flagellum ruddocki San Joaquin coachwhip	ARADB21021	None	None	G5T2T3	S2?	SSC
Meconella oregana Oregon meconella	PDPAP0G030	None	None	G2G3	S2	1B.1
Monolopia gracilens woodland woollythreads	PDAST6G010	None	None	G3	S3	1B.2

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Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Navarretia fossalis spreading navarretia	PDPLM0C080	Threatened	None	G2	S2	1B.1
Navarretia nigelliformis ssp. radians shining navarretia	PDPLM0C0J2	None	None	G4T2	S2	1B.2
Navarretia prostrata prostrate vernal pool navarretia	PDPLM0C0Q0	None	None	G2	S2	1B.1
Neotoma macrotis luciana Monterey dusky-footed woodrat	AMAFF08083	None	None	G5T3	S3	SSC
Perognathus inornatus psammophilus Salinas pocket mouse	AMAFD01062	None	None	G4T2?	S1	SSC
Phrynosoma blainvillii coast horned lizard	ARACF12100	None	None	G3G4	S3S4	SSC
Plagiobothrys uncinatus hooked popcornflower	PDBOR0V170	None	None	G2	S2	1B.2
Polyphylla nubila Atascadero June beetle	IICOL68040	None	None	G1	S1	
Rana draytonii California red-legged frog	AAABH01022	Threatened	None	G2G3	S2S3	SSC
Setophaga petechia yellow warbler	ABPBX03010	None	None	G5	S3S4	SSC
Spea hammondii western spadefoot	AAABF02020	None	None	G3	S3	SSC
Stebbinsoseris decipiens Santa Cruz microseris	PDAST6E050	None	None	G2	S2	1B.2
Taricha torosa Coast Range newt	AAAAF02032	None	None	G4	S4	SSC
Taxidea taxus American badger	AMAJF04010	None	None	G5	S3	SSC
Trimerotropis occulens Lompoc grasshopper	IIORT36310	None	None	G1G2	S1S2	
Valley Oak Woodland Valley Oak Woodland	CTT71130CA	None	None	G3	S2.1	
Vireo bellii pusillus least Bell's vireo	ABPBW01114	Endangered	Endangered	G5T2	S2	
Vulpes macrotis mutica San Joaquin kit fox	AMAJA03041	Endangered	Threatened	G4T2	S2	

Record Count: 58

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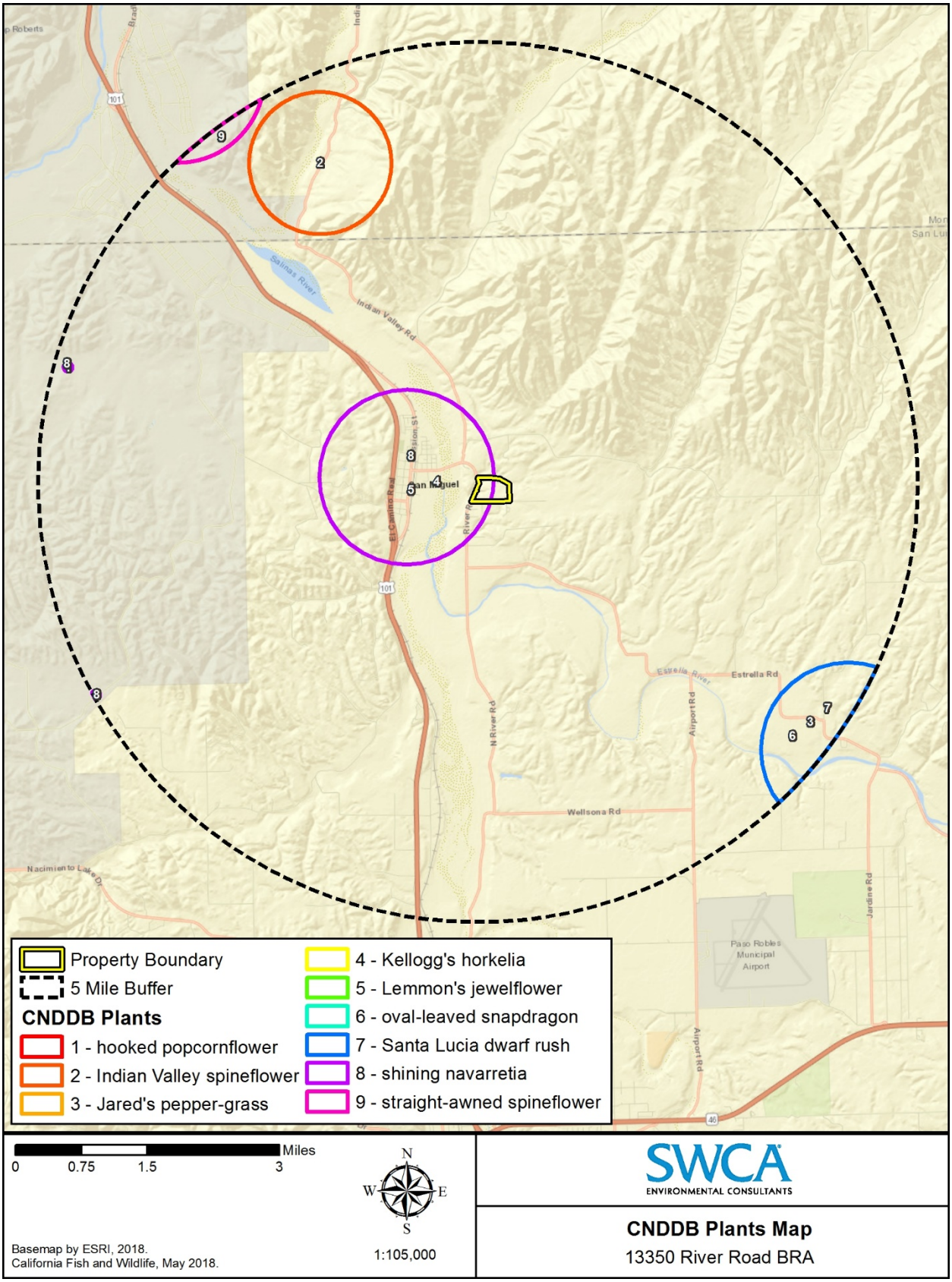

Figure A-1. CNDDB plant occurrences map.

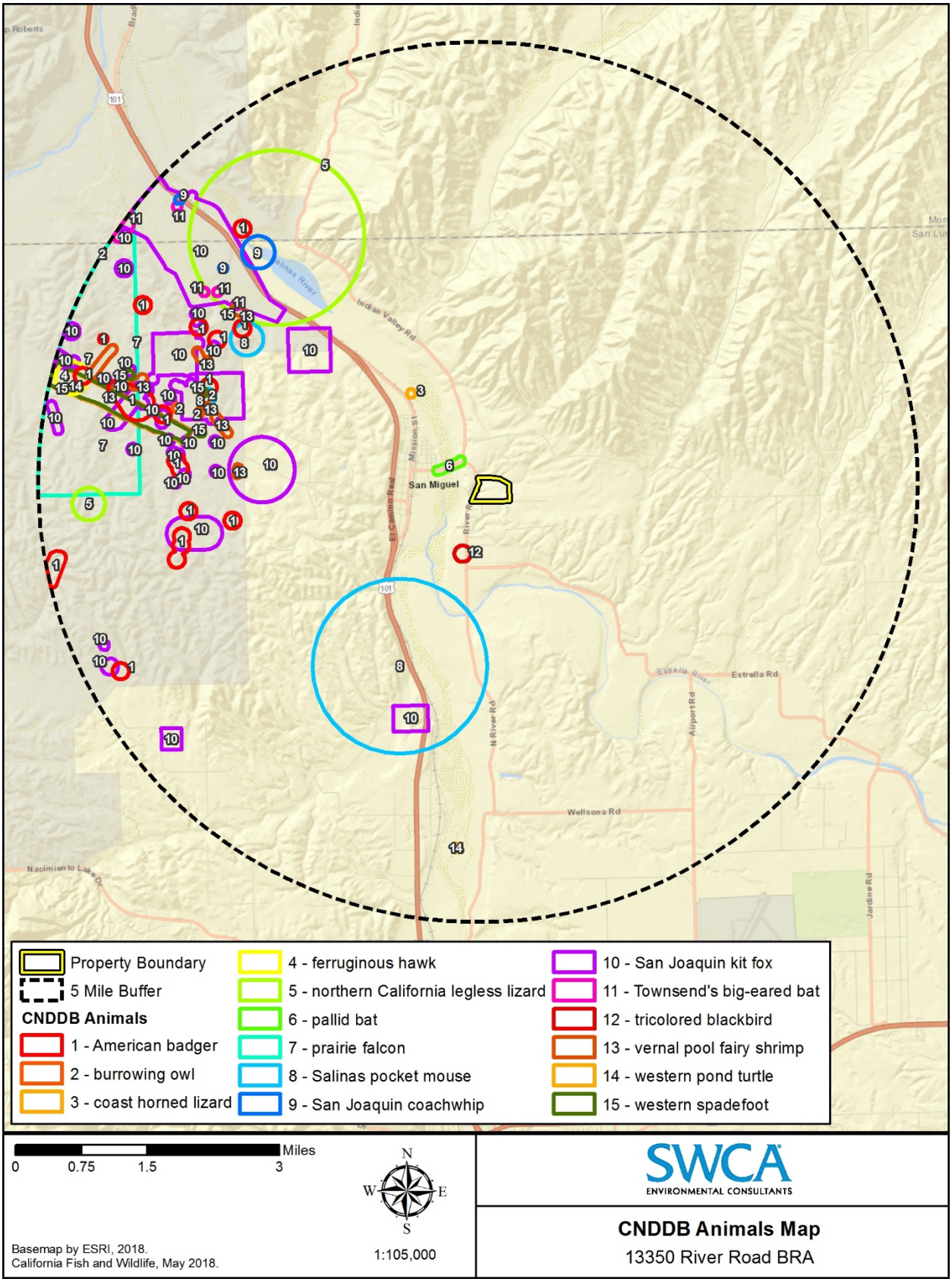

Figure A-1. CNDDB animal occurrences map.

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APPENDIX B

List of Species Observed Onsite

Table B-1. Observed Plant List

Scientific Name	Common Name	Native	Species Status / Notes
Vascular Plants nomenclature follows *The Jepson Manual* and http://ucjeps.berkeley.edu/interchange.html.			
ANGIOSPERMS (DICOTS)			
Amaranthaceae	**Amaranth family**		
Amaranthus albus	tumbleweed	No	
Asclepiadaceae	**Milkweed family**		
Asclepias fascicularis	narrow-leaf milkweed	Yes	
Asteraceae	**Sunflower family**		
Achillea millefolium	yarrow	Yes	
Ambrosia acanthicarpa	annual burweed	Yes	
Baccharis pilularis var. *consanguinea*	coyote brush	Yes	
Baccharis salicifolia	mule fat	Yes	
Carduus pycnocephalus	Italian thistle	No	Cal-IPC: Moderate
Centaurea melitensis	Maltese star thistle	No	Cal-IPC: Moderate
Erigeron canadensis	horseweed	Yes	
Heterotheca grandiflora	telegraph weed	Yes	
Hypochaeris glabra	smooth cat's ear	No	Cal-IPC: limited
Lactuca serriola	prickly lettuce	No	
Sonchus oleraceus	sow thistle	No	
Stebbinsoseris heterocarpa	grassland stebbinsoseris	Yes	
Stephanomeria sp.	Wire lettuce	na	No flower or fruit structures
Boraginaceae	**Borage family**		
Amsinckia menziesii	*Small-flowered fiddleneck*	*Yes*	
Heliotropium curassavicum	salt heliotrope	Yes	
Phacelia distans	common phacelia	Yes	
Plagiobothrys canescens	valley popcorn flower	Yes	
Brassicaceae	**Mustard family**		
Brassica nigra	black mustard	No	
Capsella bursa-pastoris	Shepherd's purse	No	
Hirschfeldia incana	summer mustard	No	
Lepidium latiflolium	perennial pepperweed	no	Cal-IPC: High
Sisymbrium orientale	Indian hedge mustard	No	
Caprifoliaceae	**Honeysuckle family**		
Lonicera sp.	honeysuckle cultivar	No	
Sambucus nigra	black elderberry	Yes	
Euphorbiaceae	**Spurge family**		
Croton setiger	doveweed/turkey mullein	Yes	

Scientific Name	Common Name	Native	Species Status / Notes
Fabaceae	**Pea family**		
Acmispon americanus	Spanish lotus	Yes	
Lupinus bicolor	miniature lupine	Yes	
Lupinus microcarpus	chick lupine	Yes	
Melilotus indica	sour clover	No	
Medicago polymorpha	bur clover	No	Cal-IPC: limited
Trifolium hirtum	rose clover	No	Cal-IPC: Moderate
Vicia villosa	hairy vetch	No	Invasive
Fagaceae	**Oak family**		
Quercus douglasii	blue oak	Yes	
Quercus lobata	valley oak	Yes	
Geraniaceae	**Geranium family**		
Erodium cicutarium	red-stemmed filaree	No	Cal-IPC: limited
Erodium brachycarpum	White stemmed filaree	No	
Lamiaceae	**Mint family**		
Rosmarinus officinalis	rosemary	No	
Onagraceae	**Evening primrose family**		
Clarkia affinis	chaparral fairyfan	Yes	
Castilleja exserta ssp. *exserta*	purple owl's clover	Yes	
Papaveraceae	**Poppy family**		
Eschscholzia californica	California poppy	Yes	
Platystemon californicus	Cream cups	Yes	
Rubiaceae	**Madder family**		
Galium parisiense	Wall bedstraw	No	
Salicaceae	**Willow family**		
Salix laevigata	red willow	Yes	
Solanaceae	**Nightshade family**		
Datura wrightii	jimson weed	Yes	
Nicotiana glauca	tree tobacco	No	Invasive
Solanum umbelliferum	bluewitch nightshade	Yes	
Viscaceae	**Mistletow family**		
Phoradendron leucarpum ssp. *tomentosum*	oak mistletoe	Yes	
Vitaceae	**Grape family**		
Vitis vinifera	*cultivated grape*	*No*	
ANGIOSPERMS (MONOCOTS)			
Poaceae	**Grass family**		
Avena barbata	slender wild oats	No	Cal-IPC: moderate
Avena fatua	wild oats	No	
Bromus diandrus	ripgut brome	No	Cal-IPC: moderate

Scientific Name	Common Name	Native	Species Status / Notes
Bromus hordeaceus	soft chess brome	No	Cal-IPC: limited
Bromus rubens	red brome	No	
Festuca myuros	rattail fescue	No	Cal-IPC: moderate
Hordeum murinum	foxtail	No	
Stipa pulchra	purple needle-grass	Yes	
Themidaceae	**Brodiaea family**		
Dichelostemma capitatum	blue dicks	Yes	

Table B-2. Observed Wildlife List

Scientific Name	Common Name	Notes
BIRDS		
Upland Game Birds		
Callipepla californica	California quail	
Pigeons and Doves		
Streptopelia decaocto	Eurasian colored dove	
Woodpeckers		
Melanerpes formicivorus	acorn woodpecker	
Tyrant Flycatchers		
Myiarchus cinerascens	ash-throated flycatcher	
Jays, Crows, and Allies		
Aphelocoma californica	California scrub jay	
Mimids		
Mimus polyglottos	northern mockingbird	
Waxwings, silky-flycatchers, and Starlings		
Sturnus vulgaris	European starling	
Icterids		
Sturnella neglecta	western meadowlark	
Finches and Old World Sparrows		
Carpodacus mexicanus	house finch	
Carduelis lawrencei	Lawrence's goldfinch	
MAMMALS		
Canidae		
Canis latrans	coyote	Individual walking across driveway; scat; burrow
Lagomorphs		
Sylvilagus bachmanii	brush rabbit	
Rodents		
Otospermophilus beecheyi	California ground squirrel	
Thomomys bottae	Botta's pocket gopher	burrows
REPTILES		
Sceloporus occidentalis	western fence lizard	

APPENDIX C

Photo Documentation

Photo C-1. View of property entrance off River Road taken within the BSA. The ravine eventually confluences with the Salinas River through a culvert under River Road. The driveway leads to the proposed project area. Photo taken May 8, 2018.

Photo C-2. View of Ravine #2 and River Road taken from within the BSA. The ravine drains to the north and eventually confluences with the Salinas River through culvert under River Road. Photo taken May 8, 2018.

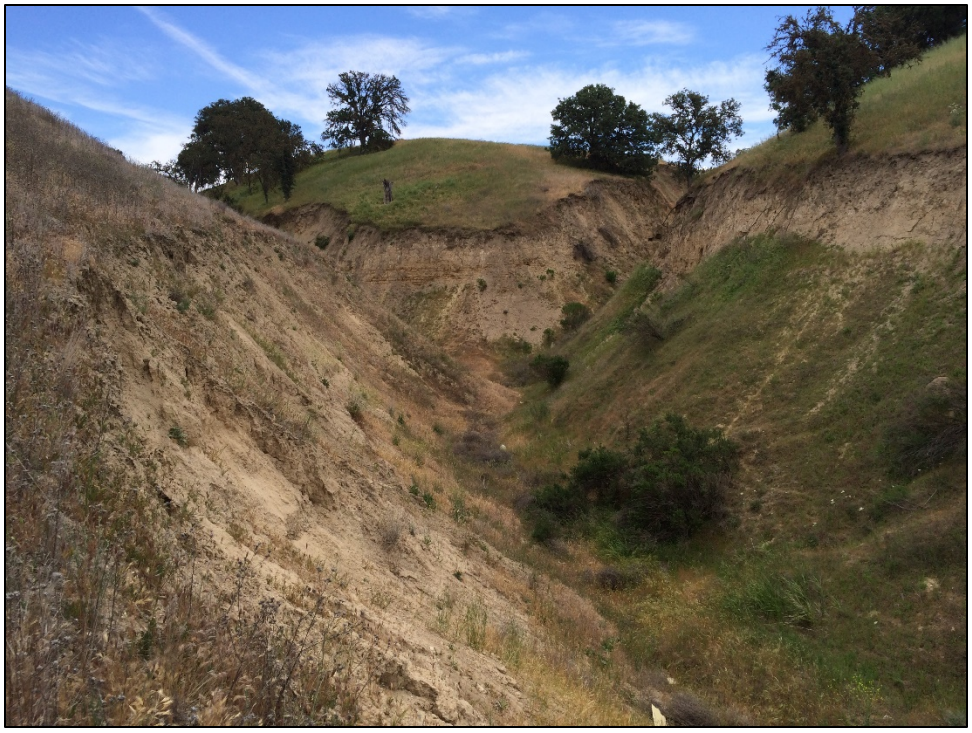

Photo C-3. View of Ravine #1 taken from the western edge of the BSA. The ravine eventually confluences with the Salinas River through a culvert under River Road. Note the steep slopes with open canopy of blue oak woodland. Photo taken May 8, 2018.

Photo C-4. View of Ravine #1 and drainage culvert, which runs under River Road and eventually confluences with the Salinas River. Photo taken May 8, 2018.

Photo C-5. View of Ravine #1 facing east. Note the steep slopes with open canopy blue oak woodland and the fallow agricultural field with grape row crops at the top of the slope. Photo taken May 8, 2018.

Photo C-6. View of the top of Ravine #1 facing east. Note fallow agricultural field with grape row crops at the top of the slope. Photo taken May 8, 2018.

Photo C-7. View of the top of the fallow agricultural field facing west. Note the top of Ravine #1 in the center of the picture and the fallow grape row crops to the north and south. Photo taken May 8, 2018.

Photo C-8. View of the pre-existing buildings taken from the approximate proposed location of the outdoor nursery area. Photo taken May 8, 2018.

Photo C-9. View of the proposed location of the outdoor cultivation area and pre-existing buildings (background) looking north. Photo taken May 8, 2018.

Photo C-10. View of the fallow agricultural field taken from the approximate location of the proposed outdoor cultivation area looking south. Photo taken May 8, 2018.

Photo C-11. View of the southern boundary of the BSA facing west. Note Mission Lane on the left side of the photo. Photo taken May 8, 2018.

Photo C-12. View of the driveway and proposed access route to the proposed indoor use area, outdoor nursery, and outdoor cultivation area. Note the fallow agricultural field to the left and the pre-existing building to the right. The pre-existing building to the right is the proposed indoor use area. Photo taken May 8, 2018.

Photo C-13. View of the steep slope and blue oak woodland habitat to the right and the fallow agricultural field to the left. Note the utility shed, water tank, and office building in the background. Photo taken May 8, 2018.

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

December 13, 2018

Lisa Bugrova
Kirk Consulting
8830 Morro Road
Atascadero, California 93422
lisa@kirk-consulting.net

Subject: San Joaquin Kit Fox Mitigation
13350 North River Road, San Miguel, California - Proposed Conditional Use Permit (DRC2018-00036 Pretty-Dayspring)

Dear Ms. Bugrova:

The Department of Fish and Wildlife (CDFW) assists the County of San Luis Obispo (County) and project applicants in mitigating project impacts to San Joaquin kit fox and kit fox habitat. CDFW and the County apply a habitat evaluation method which considers the functions and values of kit fox habitat affected at each project site. The Kit Fox Habitat Evaluation, which was completed for your Project, 13350 North River Road, San Miguel, California, on February 6, 2018, by Barrett Holland of SWCA Environmental Consultants, and revised by Benessa Galvan of CDFW on November 7, 2018, will impact **9.14** acres of kit fox habitat. Your Project earned a score of **60** on the evaluation; which requires that all impacts be mitigated at a ratio of two (2) acres conserved for each acre impacted **(2:1).** Total compensatory mitigation required for your Project is **18.28** acres, based on two (2) times **9.14** acres impacted.

This letter identifies the options for satisfying this mitigation obligation. The mitigation options identified below apply to ***the proposed Project only;*** should your Project change, your mitigation obligation may also change, and a reevaluation of your mitigation measures would be required.

1. *Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, of* **18.28** *acres of suitable habitat in the kit fox corridor area (e.g., within the San Luis Obispo County kit fox habitat area northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the CDFW and the County.*

Should you choose this mitigation alternative, please be advised that all aspects of this program must be in place prior to issuance of County permit and initiation of any ground-disturbing activities.

2. *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 located primarily within San Luis Obispo County and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.*

If you elect to meet mitigation requirements by way of option two (2) above, you can do so by providing funds, in the amount determined by CDFW through the evaluation described above, to The Nature Conservancy (TNC), at the first address listed below, pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established through an agreement between the CDFW and TNC to preserve San Joaquin kit fox habitat and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). A copy of the agreement between the CDFW and TNC is enclosed with this letter. CDFW has determined that your fee, which is payable to TNC, would total **$45,700.** This fee is calculated based on the current cost-per-unit, $2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; your actual cost may increase depending on the timing of payment. This fee would need to be paid prior to issuance of the County permit and initiation of any ground disturbing activities.

3. *Purchase* **18.28** *credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.*

If you elect to meet mitigation requirements by way of option three (3) above, you can do so by purchasing credits, in the amount determined by the CDFW through the evaluation described above, from the Palo Prieto Conservation Bank (Bank), at the third address listed below. The Bank was established through an agreement between the CDFW and the Grant Family Trust to preserve San Joaquin kit fox habitat and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. Purchase of credits would need to be completed prior to issuance of a County permit and initiation of any ground-disturbing activities.

Should you have questions regarding your mitigation alternatives, please contact Benessa Galvan of CDFW at (559) 243-4014 extension 244. Should you have questions regarding the status of your application with the County, please contact Mindy Fogg at Rincon Consultants, Inc. at (805) 319-4092.

Sincerely,

Julie A. Vance
Regional Manager

cc: Leslie Jordan
The Nature Conservancy
201 Mission Street, Fourth Floor
San Francisco, California 94105

The Nature Conservancy
Attention: Legal Department
201 Mission Street, Fourth Floor
San Francisco, California 94105

Palo Prieto Conservation Bank
c/o Althouse and Meade
1602 Spring Street
Paso Robles, California 93446

ec: Megan Martin
County of San Luis Obispo
mamartin@co.slo.ca.us

Mindy Fogg
mfogg@rinconconsultants.com

Benessa Galvan
Department of Fish and Wildlife

San Joaquin Kit Fox Habitat Evaluation Form

Cover Sheet

Project Name 13350 River Road Evaluation **Date** February 6, 2018

Project Location* San Miguel, California

*Include project vicinity map and project boundary on copy of U.S.G.S. 7.5 minute map (size may be reduced)

U.S.G.S. Quad Map Name San Miguel (3512076)

Lat/Long or UTM coordinates (if available) 35°45'01.81"N, 120°40'44.81"N

Project Description

Project Size 62.94 Acres **Amount of Kit Fox Habitat Affected** 7.62 Acres

Quantity of WHR Habitat Types Impacted (i.e., 2 acres annual grassland, 3 acres blue oak woodland)

WHR type Fallow Agriculture 7.62 Acres

WHR type _____ _____ Acres

WHR type _____ _____ Acres

WHR type _____ _____ Acres

Comments: Per the property owner, the area proposed for cannabis cultivation formerly consisted of grape vines, which were removed 3 years ago. The vegetation during the site visit for this evaluation was determined to be fallow, dense, and dominated by non-native plant species (refer to Attachment A, Photos 1–2). The surrounding areas where grape vines still exist were also determined to be fallow, and the vines and areas between rows were not maintained (refer to Photos 3–4). Non-native plants observed site-wide included doveweed (*Croton setigerus*), horseweed (*Erigeron canadensis*), telegraph weed (*Heterotheca grandiflora*), black mustard (*Brassica nigra*), brome (*Bromus* spp.), and oats (*Avena* spp.). A deer fence is located around the entire property; however, holes in the fence are approximately 4 × 4 inches and are large enough for kit fox passage (refer to Photo 5). Blue oak woodland habitat was observed to the east and north of the proposed growing areas (refer to Photo 6). Unlike the flat fallow areas on the site where grapes were grown previously, the blue oak woodland areas are steeper and not ideal for kit fox denning. No suitable kit fox denning habitat or ground squirrel burrow complexes were observed in the fallow agriculture areas where cannabis cultivation is proposed.

Form Completed By: Barrett Holland (SWCA Environmental Consultants)

San Joaquin Kit Fox Habitat Evaluation Form

Is the project area within 10 miles of a recorded San Joaquin kit fox observation or within contiguous suitable habitat as defined in question 2 (A-E)

Yes - Continue with evaluation form
No - Evaluation form/surveys are not necessary

1. Importance of the project area relative to Recovery Plan for Upland Species of the San Joaquin Valley, California (Williams et al., 1998)

   A. Project would block or degrade an existing corridor linking core populations or isolate a subpopulation (20)
   B. Project is within core population (15)
   C. Project area is identified within satellite populations (12)
   D. Project area is within a corridor linking satellite populations (10)
   E. Project area is not within any of the previously described areas but is within known kit fox range (5)

2. Habitat characteristics of project area.

   A. Annual grassland or saltbush scrub present >50% of site (15)
   B. Grassland or saltbush scrub present but comprises<50% of project area (10)
   C. Oak savannah present on >50% of site (8)
   D. Fallow ag fields or grain/alfalfa crops (7)
   E. Orchards/vineyards (5)
   F. Intensively maintained row crops or suitable vegetation absent (0)

3. Isolation of project area.

   A. Project area surrounded by contiguous kit fox habitat as described in Question 2a-e (15)
   B. Project area adjacent to at least 40 acres of contiguous habitat or part of an existing corridor (10)
   C. Project area adjacent to <40 acres of habitat but linked by existing corridor (i.e., river, canal, aqueduct) (7)
   D. Project area surrounded by ag but less than 200 yards from habitat (5)
   E. Project area completely isolated by row crops or development and is greater than 200 yards from potential habitat (0)

4. Potential for increased mortality as a result of project implementation. Mortality may come from direct (e.g., - construction related) or indirect (e.g., - vehicle strikes due to increases in post development traffic) sources.

   A. Increased mortality likely (10)
   B. Unknown mortality effects (5)
   C. No long term effect on mortality (0)

5. Amount of potential kit fox habitat affected.

   A. >320 acres (10)
   B. 160 - 319 acres (7)
   C. 80 - 159 acres (5)
   D. 40 - 79 acres (3)
   E. < 40 acres (1)

6. Results of project implementation.

   A. Project site will be permanently converted and will no longer support foxes (10)
   B. Project area will be temporarily impacted but will require periodic disturbance for ongoing maintenance (7)
   C. Project area will be temporarily impacted and no maintenance necessary (5)
   D. Project will result in changes to agricultural crops (2)
   E. No habitat impacts (0)

7. Project Shape

   A. Large Block (10)
   B. Linear with > 40 foot right-of-way (5)
   C. Linear with < 40 foot right-of-way (3)

8. Have San Joaquin kit foxes been observed within 3 miles of the project area within the last 10 years?

   A. Yes (10)
   B. No (0)

Scoring

1.	Recovery importance	5
2.	Habitat condition	0
3.	Isolation	1
4.	Mortality	0
5.	Quantity of habitat impacted	1
6.	Project results	2
7.	Project shape	10
8.	Recent observations	0
TOTAL		**19**

Figure 1. Project vicinity map.

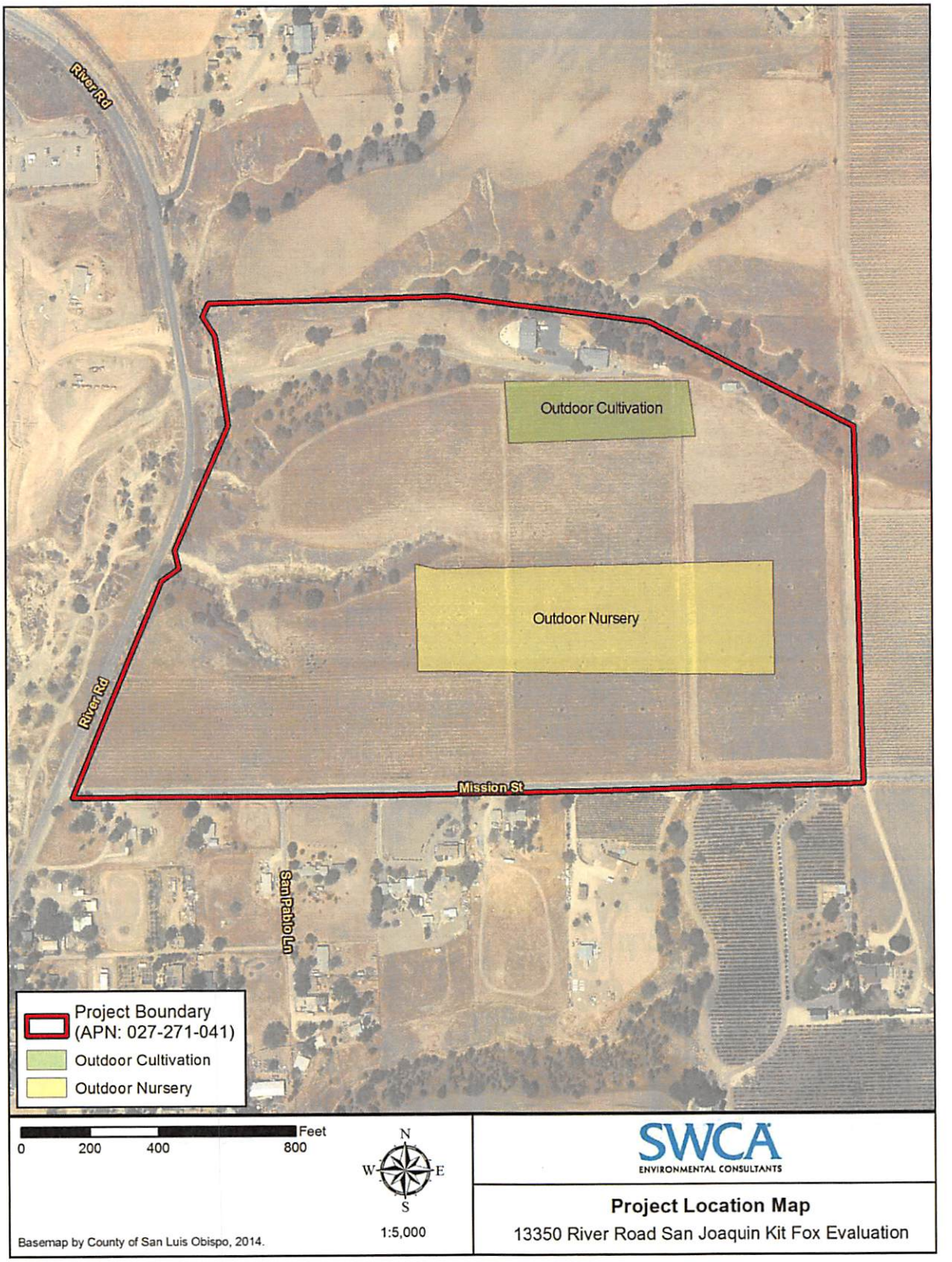


Figure 2: Project location map.

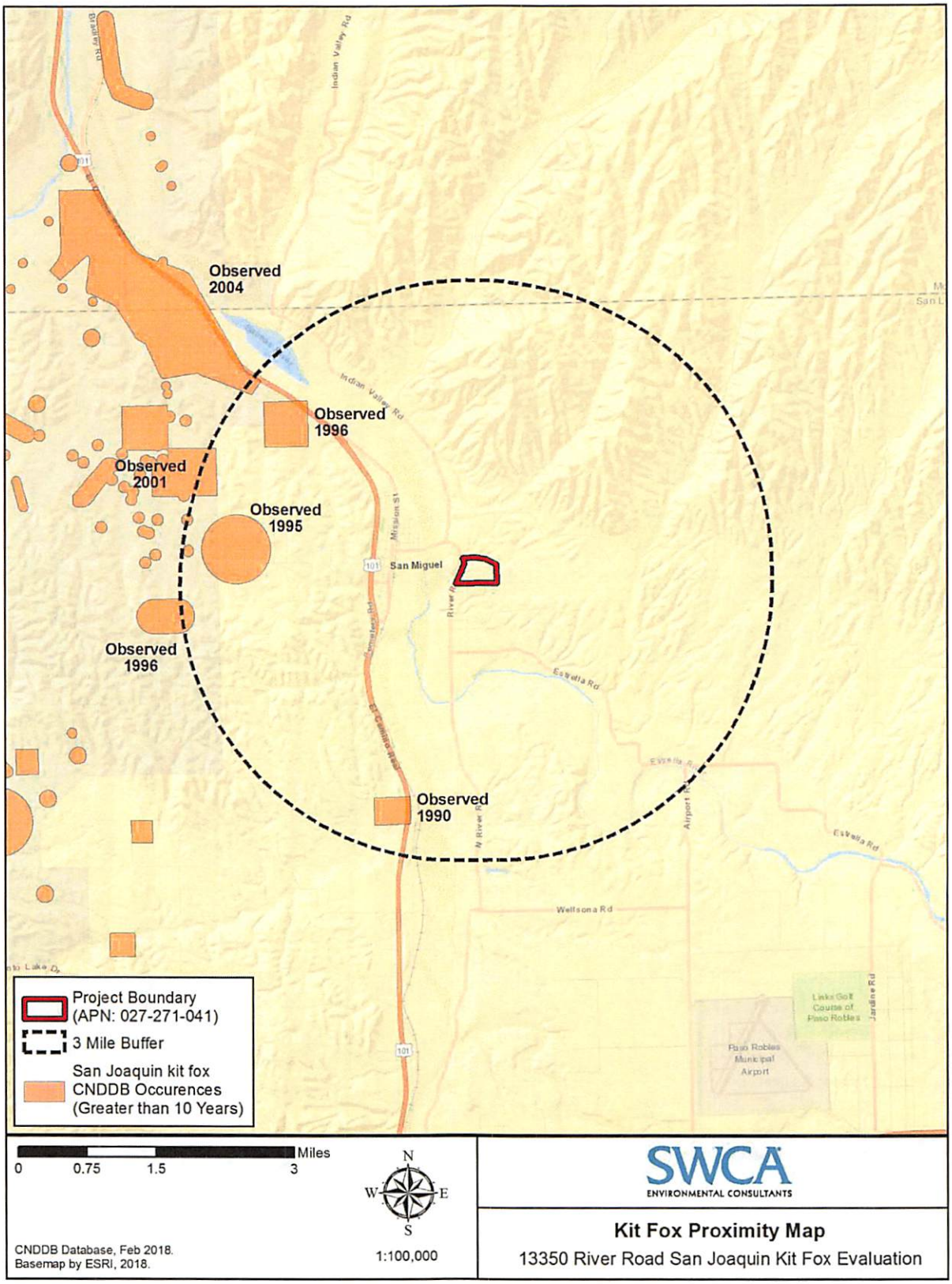


Figure 3. Kit fox proximity map.

Attachment A:
Photo Documentation

Photo A-4. View of the outdoor cultivation area, looking south. Note fallow conditions and compacted rows from where grape vines previously existed.

Photo A-5. View of the area where the outdoor nursery is proposed, looking east. Note fallow conditions/dense non-native vegetation, and existing vineyard and development to the southeast.

Photo A-6. View of vines removed and vines still in place. Note fallow conditions in both areas.

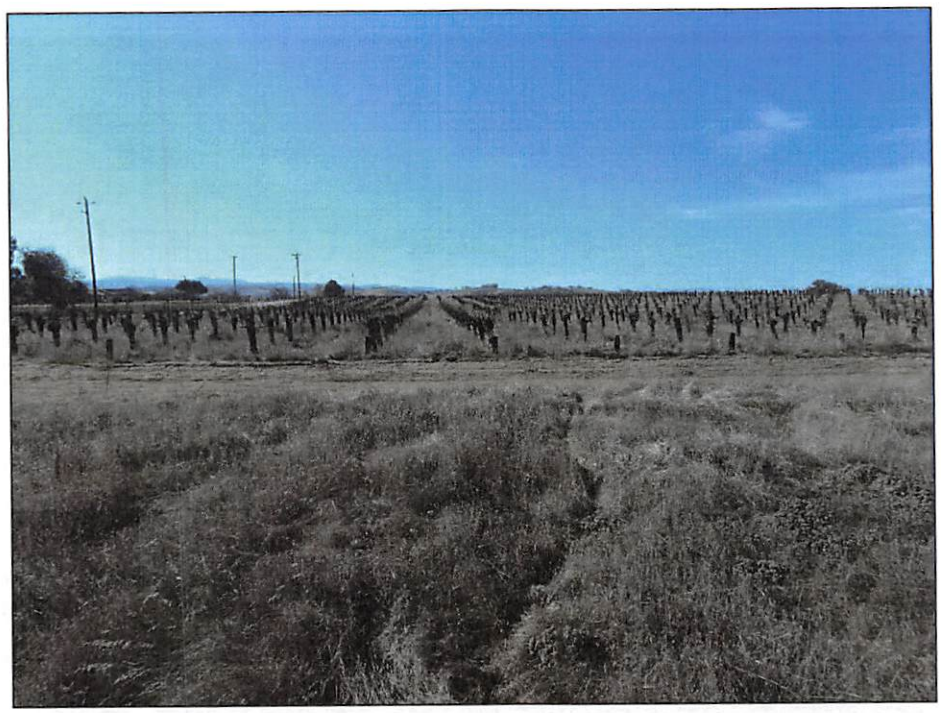
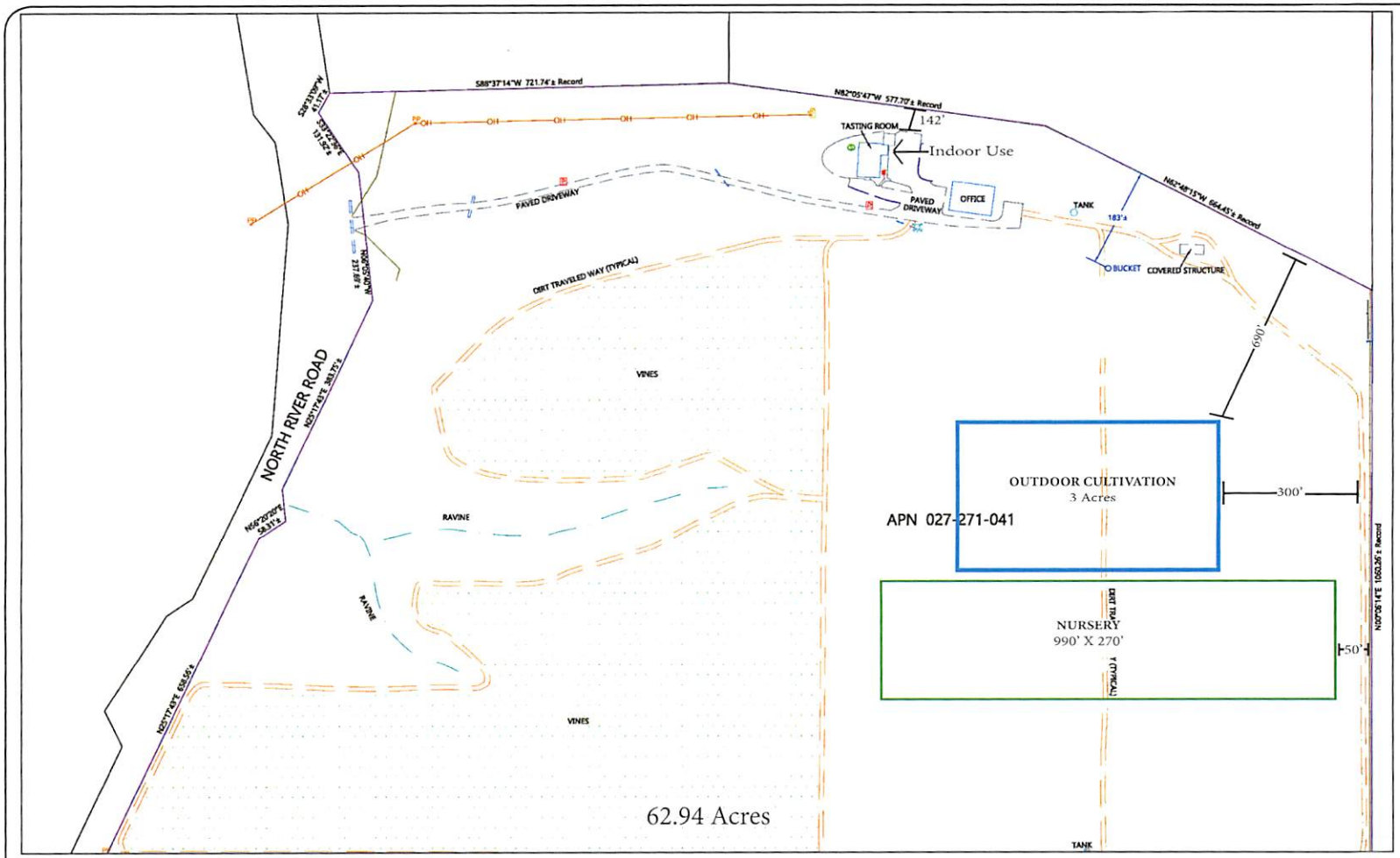


Photo A-7. View of vines removed and vines still in place. Note fallow conditions in both areas.

Photo A-8. View of a deer fence that surrounds the project site near the entrance to the site. The wire mesh on the fence is large enough to allow for kit fox passage.

Photo A-9. View of blue oak woodland located along the north boundary of the project site. This area is located west of the proposed indoor nursery.



* *Site is located over 1000 feet from any sensitive use, as defined by 22.40.050D.1, and 22.40.060D.1, Location*

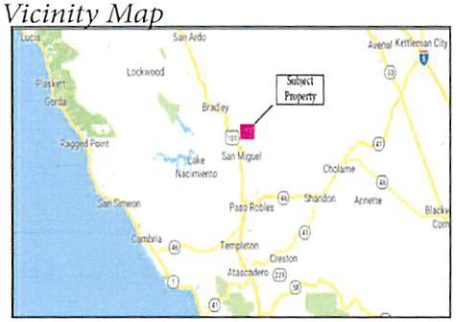
GRAPHIC SCALE

Scope of Work

1) 3 acres Outdoor Cultivation
2) 267,300 s.f. Outdoor Nursery
3) 2,480 s.f. Indoor Use (Existing Building)

Sheet Index

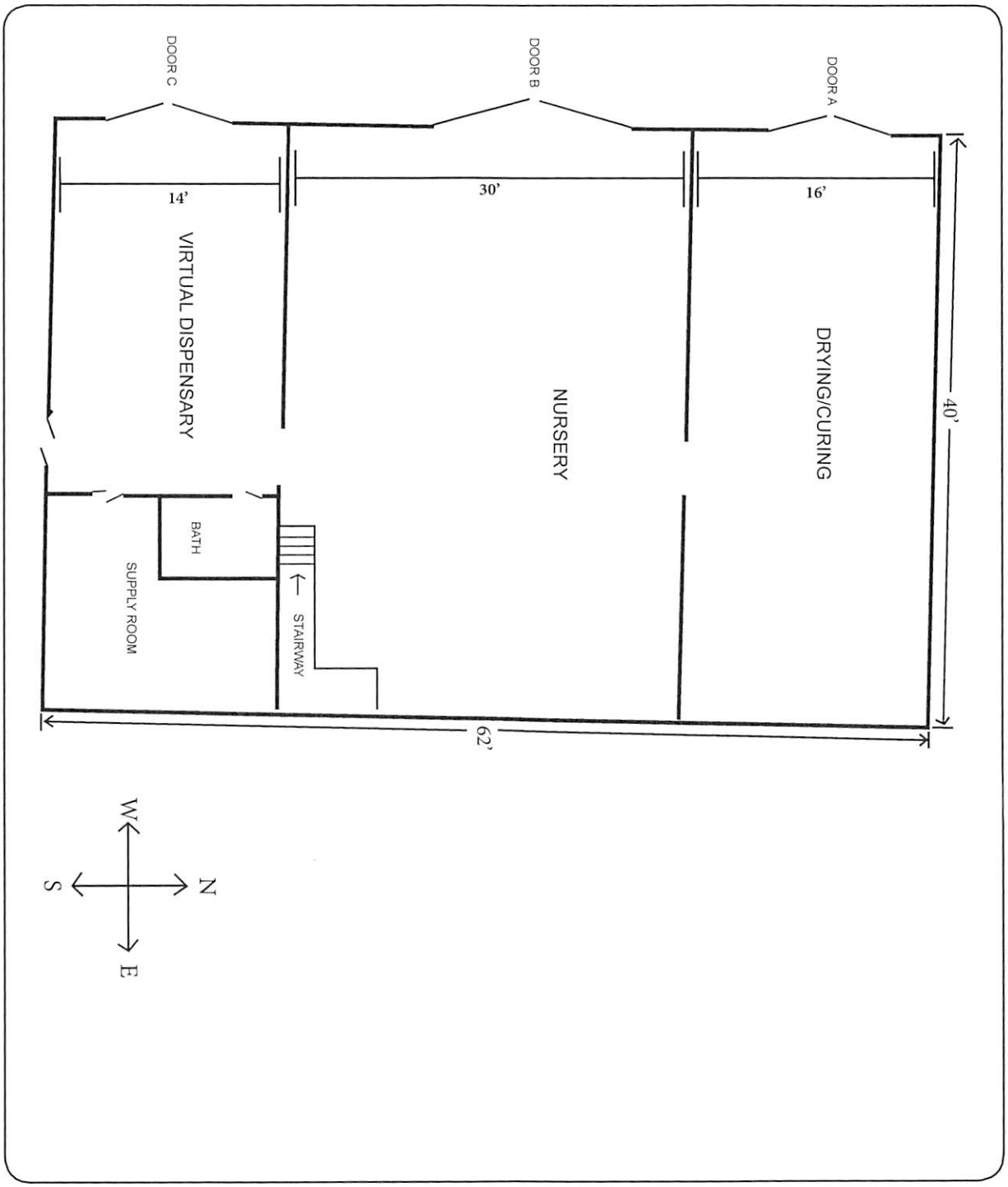
Vicinity Map



Kirk Consulting

Site Plan
Helios Dayspring
13340 River Road
San Miguel, CA
Sheet 1: Overall Site Plan
APN: 027-271-041

SCALE: 1" = 200'	
DATE: March 26 . 18	
Sheet 1 of 2	



SCALE: 1" = 100'	
DATE: March.26.18	
13350 River Road, San Miguel	
Sheet 2 of 2	

Site Plan
River Road Site Map
13350 River Road
San Miguel, CA
Sheet 2: Building PLan
APN: 027-271-041

Kirk Consulting

Kirk Consulting

HELIOS DAYSPRING
SUPPLEMENTAL DEVELOPMENT STATEMENT
CANNABIS USE PERMIT
13350 RIVER ROAD (APN 027-271-041)

Revised PROJECT DESCRIPTION

Parcel Size:	62.94 Acres total
APNs:	APN 027-271-041
Address:	13340 River Road, San Miguel, CA, 93451
Land Use Designation:	AG
Williamson Act:	No
Water:	On-Site Well
Domestic Sewer:	On-Site Septic System
Existing Uses:	Vineyard, Winery, and Residence
Access:	River Road and Mission Lane
CCM Registration:	2016-00300

DRC2018-00036: Cannabis Use Permit

The project site is located at 13350 River Road, San Miguel, CA, 93451, just east of the intersection with Cross Canyons Road, and approximately 2 miles east of State Highway 101 (Figure 1). The site is within the Agricultural land use category. This request by Helios Dayspring is for the outdoor cultivation of a total of three (3) acres in hoop houses, 22,000 sf of mixed-light cultivation in a greenhouse, supportive nursery in greenhouse and indoors in an existing commercial garage storage space. Drying/curing will also occur outside within the outdoor use area. Total outdoor cannabis use will cover approximately 7 acres of former vineyard cultivated area. An existing commercial winery building onsite will be utilized for curing/drying, processing, and a dispensary. An existing vacation rental on the upper floor of this building does not have access to the lower floor and will remain. An existing commercial storage space underneath the residence onsite will be converted and utilized for an indoor nursery (2,895 SF). A separate 640 SF

private event space is also located on the upper floor, with physical separation from the main residence.

Figure 1- Location

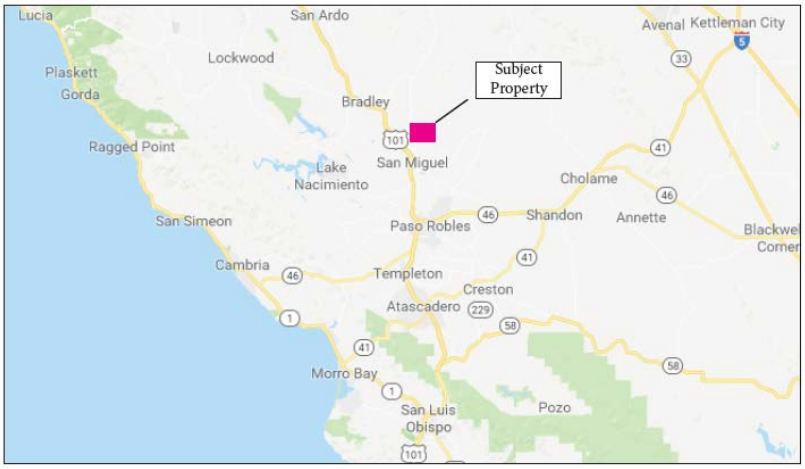
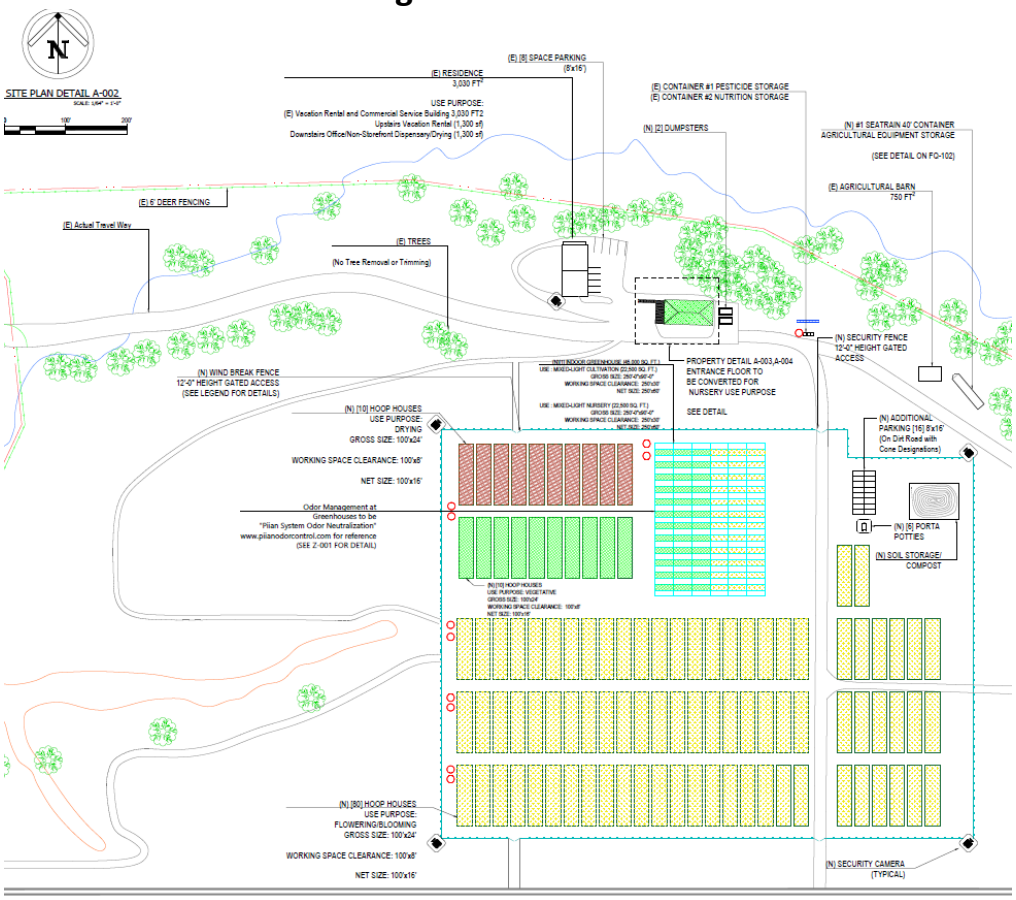


Figure 2- Site Plan



The cannabis use areas are shown above (Figure 2). The cannabis will be cultivated on land formerly cultivated as a vineyard, with a total of 3 acres outdoor cultivation canopy and 22,000 sq. ft. greenhouse canopy. Additional hoophouse and greenhouse space will be utilized for vegetative nursery plants.

Table 1: Summary of Outdoor and Mixed Light Areas

Structure Type	Use	Size	Count	Total SF	Canopy SF
Hoop House	Flowering	100' x 24'	80	192,000	128,000
	Vegetative	100' x 24'	10	24,000	n/a
	Drying/Curing	100' x 24'	10	24,000	n/a
TOTAL Outdoor				**240,000**	**144,000**
Greenhouse	Flowering	250'x 135'	1	33,750	22,000
	Vegetative	250' x 45'	1	11,250	n/a
TOTAL Mixed-light				**45,000**	**22,000**

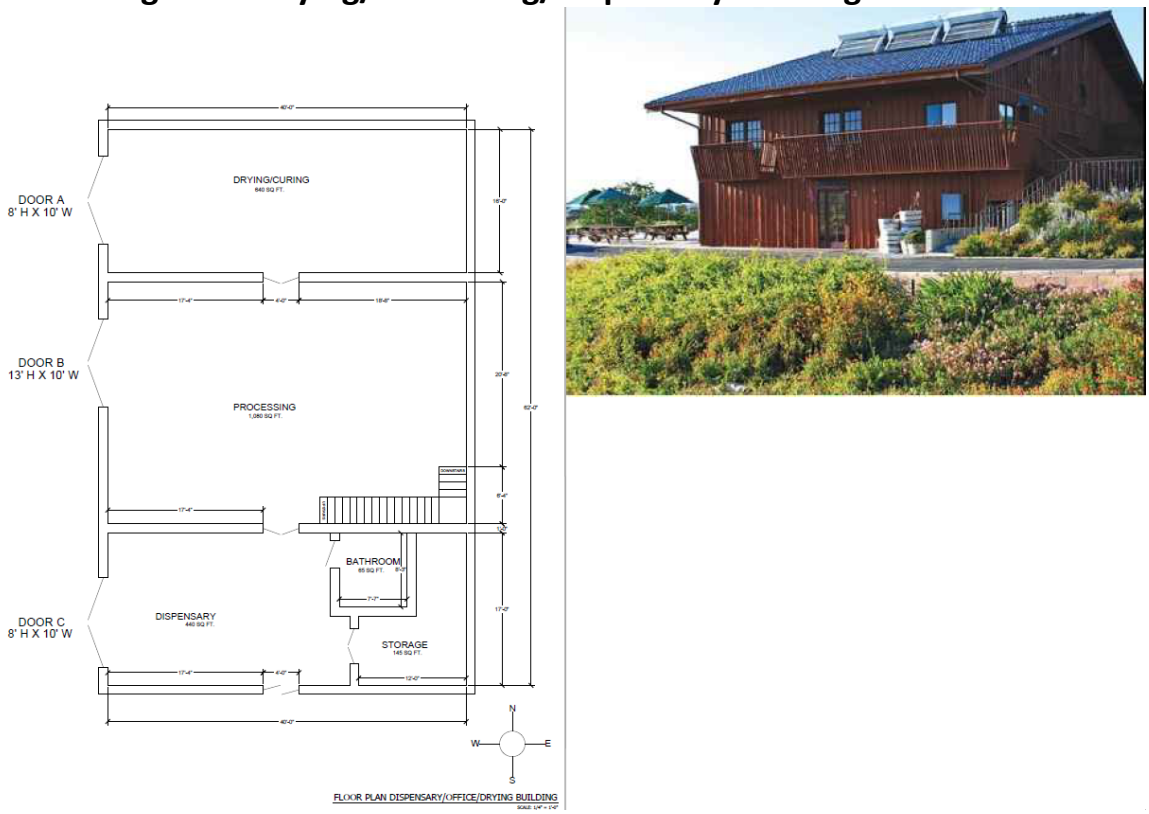
Drying, Processing, and Export of Product

The fenced outdoor area will provide hoophouse area for drying/curing and packaging for bulk offsite transport as necessary. The existing lower floor of the a former winery building will be used drying and processing of product, including preparation for off-site (mobile) dispensary operations (2,160 SF; Figure 3). This existing building provides a secure facility for distribution-transport as well with doors equipped for vehicle entry into the processing and drying/curing areas. A vacation rental is located on the second floor of this building, with a separate access. No access to the cannabis use area will occur from the vacation rental location.

Table 2: Summary of Commercial Winery Building Cannabis Use

Use	Total SF
Processing	1,080
Drying/Curing	640
Non-storefront Dispensary	440
Total Cannabis Related Use	**2,160**

Figure 3- Drying/Processing/Dispensary Building Floor Plan



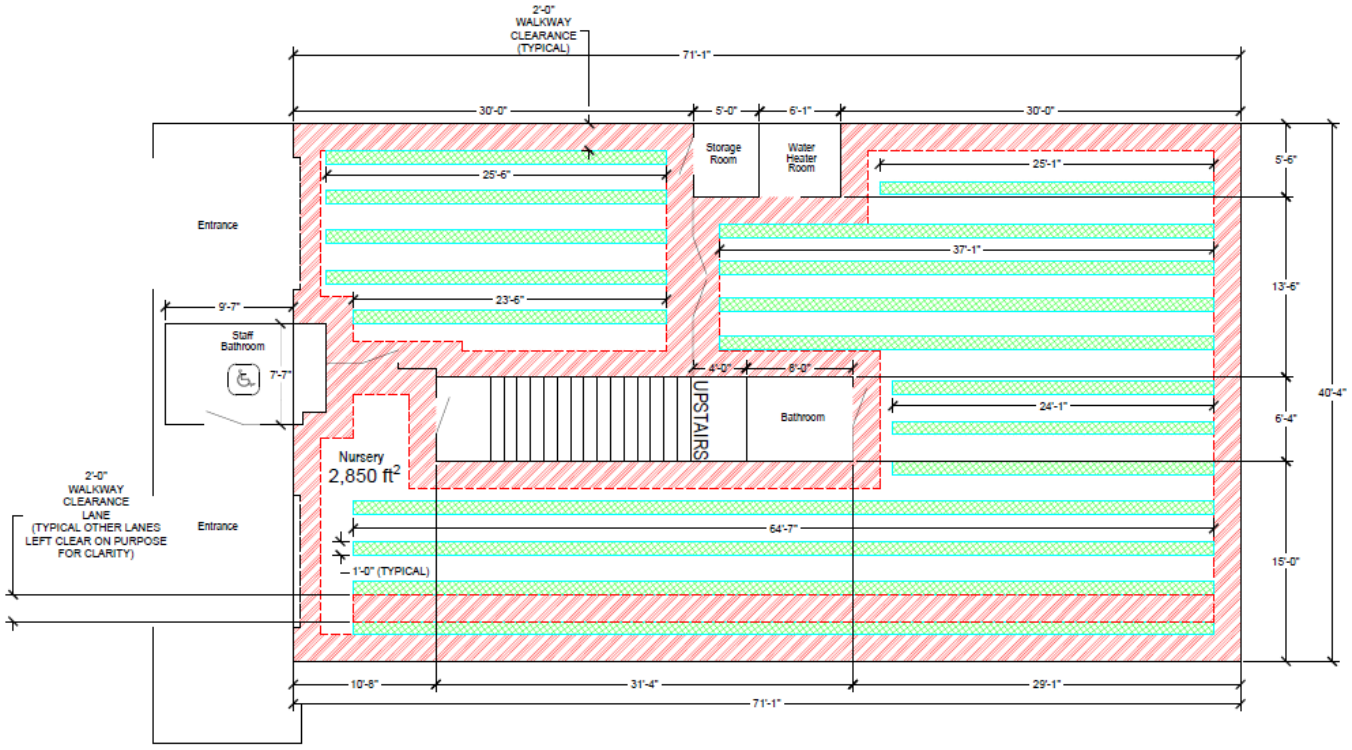
Indoor Nursery

The existing residence is equipped with a commercially built storage garage that will be converted to an indoor nursery with a total of 624 SF of indoor greenhouse nursery space. The garage is a total of 2,850 SF with a working clearance of 2,226 SF (Figure 4).

Table 3: Summary of Residence Building Cannabis Use

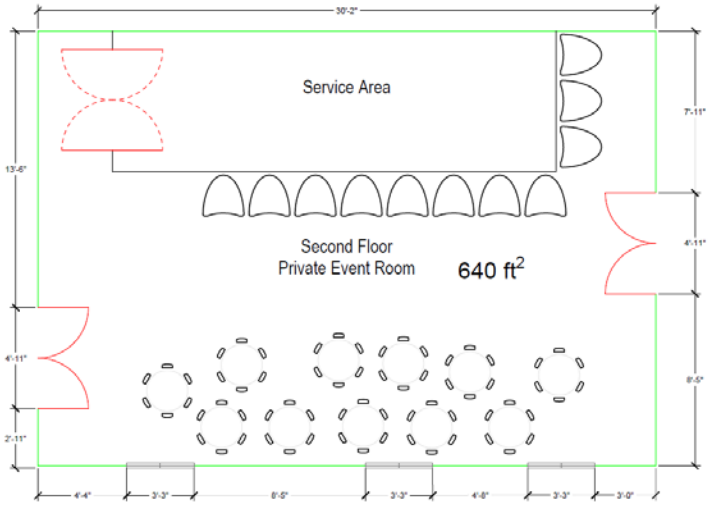
Type	Use	Size	Count	Total Canopy SF
Indoor Greenhouse	Nursery	64’ x 1’	4	256
		24’ x 1’	3	72
		37’ x 1’	4	148
		25’ x 1’	5	125
		23’ x 1’	1	23
				624

Figure 4- Main Building Nursery (green) vs. Working Clearance (red)
Lower Floor Plan



The main residence is equipped with a deck and event space that has physical separation via walls from the residence itself. This upper floor may be utilized for private (non-public) events by the property owner/applicant (Figure 5).

Figure 5- Main Building Upper Floor Plan



Site Operations Plan

Access

The site is accessed from North River Road, through a locking entrance gate. The masonry sidewalls of the entry wall partially encroach onto the County right of way and an encroachment permit will be secured for this as-built condition unless the Public Works Department determines an encroachment permit is not an authorized use. North River Road turns into 14th street 1 mile east of the site and extends 1 mile east to meet State Highway 101. North River Road is the main accessway for all development on that street. This project will not require a road maintenance agreement.

Security

The security plan includes placement of cameras at the entry gate and onsite residence/office to provide onsite security personnel view of access locations and cultivation areas, and 12' perimeter fencing (Figure 6). Staff security measures will be implemented to ensure that product is not removed from the site except through proper channels for distribution or dispensary purposes. The site will operate in full compliance with State licensing requirements for track and trace which will further ensure adherence to security protocols. See attached Confidential Security Plan.

Odor Management

Odor from the cultivation areas is naturally mitigated by the distance to the nearest residence being over 1,200 feet away, and construction of hoop houses over the flowering cultivation areas. The greenhouses will include PIIAN System odor neutralization (refer to www.piianodorcontrol.com for more information). The proposed nursery operation is not anticipated to create any odor issues.

Signage

No exterior signage distinctive to the cannabis operation is proposed. The existing winery signage at the front entrance to the property will be removed.

Parking

The property site provides ample paved and unpaved parking areas for the cultivation operations within the existing developed area and are not in conflict with any adjacent properties or uses. Specifically, 24 parking spaces are currently provided including one ADA accessible space (23 spaces are 8' x 16').

Staffing/Employee Safety

The proposed operations are agricultural in nature and conducted according to controls in place for the industry. The site will require a total of 5 full time staff consisting of 4 laborers who will live in the home onsite and a manager, who will arrive at approximately 6:00 am and leave in the afternoon before 2:00 pm. Three times a year, in May, July and September for harvest, four additional employees will be employed onsite for a total of 9. These harvest times are six days long where the cannabis is cut and hung inside each hoop house or in the existing processing building. Once dried, the onsite staff cut and trim the product. An occasional fourth harvest may occur if there is not an early rain, at the same employee levels listed above. Deliveries will occur via two drivers with up to 4 deliveries each, per day. The applicant currently operates a dispensary in the City of Grover Beach with established employee safety protocols that will be applied to this operation.

Neighborhood Compatibility

Cannabis cultivation is consistent with previous and current agricultural use of the property and surrounding area. The existing structure was previously used for winery processing and is configured appropriately to meet the intended commercial use.

Wastewater and Green Waste

Hoop house cultivation, hoop house nursery, and indoor nursery uses will not produce any wastewater as all water is used within the planting environment. All green waste consisting of dead and/or stripped of flower plants and soil are composted onsite and reused. Compost will be located in the northeast corner of the cultivation fenced area. Two commercial sized dumpsters will be located east of the existing residence for disposal of agricultural production materials and extraneous trash. This location is not visible from offsite due to intervening buildings and vegetation.

Pesticide and Fertilizer Usage

Pesticide and fertilizer usage will be conducted according to the County of San Luis Obispo Department of Agriculture by obtaining an Operator Identification Number and complying with all application, reporting, and use requirements. Products used onsite are stored in small containers within spill containment bins in the cultivation and nursery environments and consist of the following: Activia, Regalia, Venerate, Mildew Cure , neem oil, sulfur, Dawn dish soap, Monterey County insect spray, Merit, Floramiite, Abemectan SM99, Green Clean, Nutrients Flora Nova Grow / Bloom, Armor Si, Diamond Nectar, Carboload, bat guanos, Silica Blast, Root XL, Overdrive, Big Bud, Fox Farm Big Bloom, Tiger Bloom, Big Bud, Kelp me Kelp you, Wholy Mackeral , Micro Brew, Kangaroots, Open Sesame, Beastie Bloomz Chaching. See attached Chemical List for compiled material data safety sheets.

Setbacks

Land Use Ordinance Section 22.40.050(D)(3)(b) requires outdoor cannabis cultivation sites to be setback 300 feet from all property lines and public rights of way. The outdoor cultivation area will be located 300 feet from any property line. The existing buildings are setback over 150 feet from the nearest property line.

The nearest sensitive receptors (schools, parks, libraries, licensed recovery facilities, et.al) are located well outside the 1000-foot setback required by 22.40. D.1. The Agriculture-zoned parcel size of over 62 acres meets the size requirement of 25 acres for three acres of outdoor cannabis cultivation. All cannabis uses will be within hoop house structures, greenhouses, or indoors in the existing winery building. Further, the proposed cultivation uses are over 1,200’ from any offsite residences.

Air Quality

The project is located on an existing winery site with no grading other than agricultural preparation and leveling for greenhouses. The access is paved and no dust effects are anticipated.

Lighting, Screening, and Fencing

Access to the site is provided via North River Road. The area is in agricultural production, with rural residential uses to the south along Mission Lane. The area’s topography is relatively flat in the immediate vicinity; however, the Salinas River valley is located west of River Road. The cultivation operations

will be housed completely within hoop houses, which provide a visual screen of the cultivation environment and therefore will be minimally visible from North River Road or Mission Lane.

The property is fenced along North River Road and Mission Lane. Additional security controls as required by CDFA or BCC as required would be incorporated into the existing operations, including security cameras at key locations. In addition, all cannabis use areas will be contained within secure 12' fencing (screened with black polyethylene cloth for wind break and privacy) with locked gates and motion detection lights (downward facing to reduce light pollution), and the hoop houses will be covered to provide a secure and visual barrier.

Water Management Plan

The project site is served by one existing well that has historically served the property for the residential, vineyard, and winery uses. Vineyards have been removed and the use will not continue within the seven acre cannabis use area. The estimated water usage is outlined below in Table 3.

Table 4 – Water Usage Estimates

Use	Rate	Gross Demand (gallons/year)	Gross Demand (AFY)
Outdoor Hoop House Grow: 130,680 sf	130,680 sf canopy area x 0.03 gal/sf/day x 150 days	588,060	1.80
Outdoor Hoop House Nursery: 16,920 sf	16,920 sf canopy area x 0.03 gal/sf/day x 150 days	76,140	0.24
Indoor Greenhouse Cultivation: 22,000 sf	22,000 sf canopy x 0.1 gal/sf/day x 260 days	572,000	1.76
Indoor Greenhouse Nursery: 22,000 sf	22,000 sf canopy x 0.1 gal/sf/day x 260 days	572,000	1.76
Indoor Nursery (Existing Residence): 624 sf	624 sf canopy x 0.1 gal/sf/day x 260 days	16,224	0.05
Eliminate Irrigation of Existing Vineyard:	1.25 AFY/acre vineyard irrigation x 7 Acres	-2,851,200	*-8.75*
Net Water Demand		**-1,026,776**	**-3.14**

The site has an existing well that serves the project's water needs and removal of vineyard cultivation areas to ensures a neutral (negative) water-demand for the project. A four-hour pump test performed in February 2018 proves the existing water supply amply provides for the proposed use. No import of water is necessary or will occur in association with the proposed cannabis and supportive nursery operations.

Energy Use

The project is served by existing electrical service, which adequately serves the existing winery facility. Energy demands for the former winery building to be used for drying, nursery, and dispensary uses are adequate and no improvements are necessary. The estimated energy use for mixed-light cultivation is attached.

Resources Requiring Special Consideration:

Biological Resources

In accordance with the Biological Resources Assessment prepared by SWCA Environmental Consultants (July 2018), the following measures are incorporated into the project to support the determination that as proposed, the project does not have a potential for causing a significant effect on the environment:

BIO-1 The following measures are recommended to avoid and minimize potential impacts to roosting bat species should any existing buildings be demolished or altered.

a. Prior to demolition of existing buildings, a preconstruction survey should be conducted by a qualified biologist. If bats are found to be roosting, and bat exclusion is necessary, a Bat Exclusion Plan shall be submitted to the County of San Luis Obispo and California Department of Fish and Wildlife for approval prior to construction.

BIO-2 Best Management Practices (e.g., straw wattles, Environmental Sensitive Area/exclusion fencing, gravel bags, silt fencing, etc.) should be installed prior to the start of any cannabis-growing activities to avoid direct inadvertent impacts to the unnamed drainage on the northern edge and the ravines on the western edge of the Biological Survey Area. Best Management Practices should be installed to avoid any indirect impacts to these drainages that may occur from erosion/sedimentation.

BIO-3 Within 30 days prior to ground-disturbing activities, an environmental monitor shall conduct surveys for silvery legless lizards, San Joaquin whipsnake, and coast horned lizard in the

anticipated disturbance area. The surveyor should utilize hand search or cover board methods in areas of disturbance where sensitive reptiles are expected to be found (e.g., under shrubs, other vegetation, debris). If cover board methods are used, they should commence at least 30 days prior to the start of ground-disturbing activities. Hand search surveys should be completed immediately prior to and during disturbances to the vegetated areas. During vegetation-disturbing activities, the environmental monitor should walk behind the equipment to capture sensitive reptiles that are unearthed by the equipment. The surveyor should capture and relocate any reptiles observed during the survey effort. The captured individuals should be relocated from the construction area and placed in suitable habitat on the site but outside of the work area.

San Joaquin Kit Fox

A San Joaquin Kit Fox habitat evaluation was conducted for the project by SWCA Environmental Consultants on February 6, 2018. The site is mapped within 10 miles of a recorded San Joaquin kit fox observation. Though the site is within the kit fox observation range, it is not significant to the Recovery Plan for Upland Species of the San Joaquin Valley. The project area is completely isolated by row crops or development and is greater than 200 yards from potential habitat. There is no potential for increased mortality of the kit fox species due to project implementation. The impact of project development is that it will result in changes to agricultural crops. There have been no kit fox sightings within 3 miles of the project area within the last 10 years.

Cultural Resources

A defined drainage is located on the western portion of the property, outside of the proposed cannabis cultivation area and surrounded by planted vineyard. A Phase I Surface Survey has been completed for the project by Heritage Discoveries, with negative results for significant cultural findings. The final report is provided under separate cover.

Traffic Study

Orosz Engineering Group, LLC prepared a trip generation analysis for the project site (August 2018). A total of 5 full-time employees are expected to operate this facility, including 1 resident manager, 4 farm support staff (6am-2pm), and 1 non-storefront dispensary staff (10am-8pm). Two delivery staff are planned to support the proposed operations, delivering product four times daily. The non-storefront dispensary delivery times are generally: 8am, 11am, 2pm, and 6:30pm.

Based on the analysis below and due to the change of use from winery to cannabis operations, the project is anticipated to reduce existing traffic by a total of 2 PM peak hour trips per weekday. See full report attached.

Table 1
Trip Generation Rate Summary

	Size		PHT Rates			PHT (Trips)
Proposed						
Outdoor Cultivation	3.31	AC	0	PHT/AC		0.0
Greenhouse (Indoor Cultivation)	33.106 0.76	KSF AC	0.025	PHT/KSF		0.8
Nursery (Indoor) (same as Greenhouse rates)	3.358	KSF	0.025	PHT/KSF		0.1
Production/Curing	16.117 (0.37)	KSF AC		Seasonal		
Non-Storefront Dispensary (Distribution)	0.35	KSF	0	PHT/KSF		0.0
					Subtotal Proposed	0.9
Existing						
Outdoor Agriculture	4.07	AC	0	PHT/AC		0.0
Storage	3.358	KSF	0.57	PHT/KSF		1.9
Case Storage	1.84	KSF	0.57	PHT/KSF		1.0
Tasting Room	0.35	KSF	0.76	PHT/KSF		0.3
					Subtotal Existing	3.2
					Total Project	-2

Mindy Fogg

From: Lisa Bugrova <lisa@kirk-consulting.net>
Sent: Thursday, February 21, 2019 10:30 AM
To: Mindy Fogg
Cc: Jessica Edmondson
Subject: Fw: DRC2018-00036 (Pretty/Dayspring CUP) - San Miguel Advisory Council recommendation and Environmental Health referral response

Mindy,
We are finalizing the questions left on the environmental side on this project and making some clarifying edits to the PD, but attached is the Environmental health response removing the holds regarding the water system and haz mat flow chart.
Thanks!
-Lisa

Lisa Bugrova
Kirk Consulting
Cell (805)792-2820

From: Peter Hague <phague@co.slo.ca.us>
Sent: Monday, July 23, 2018 4:08 PM
To: Lisa Bugrova; Kealoha L. Ghiglia
Subject: Re: DRC2018-00036 (Pretty/Dayspring CUP) - San Miguel Advisory Council recommendation and Environmental Health referral response

Hi Ke,

Please remove any EH holds associated with this project.

Regards,
Peter Hague
Environmental Health Specialist
San Luis Obispo County Health Agency
Environmental Health Services
2156 Sierra Way, San Luis Obispo, CA, 93401
Office: (805)781-5554
Fax: (805) 781-4211

From: Lisa Bugrova <lisa@kirk-consulting.net>
Sent: Monday, July 23, 2018 3:35 PM
To: Peter Hague
Subject: RE: DRC2018-00036 (Pretty/Dayspring CUP) - San Miguel Advisory Council recommendation and Environmental Health referral response

Hi Peter,
The cannabis grow will consist of outdoor growing in hoophouses, a greenhouse, as well as use of an existing commercial building for indoor nursery plants. There will be no use of carbon dioxide cylinders or diesel/propane generators/windmill/pumps. The site is a former winery with existing irrigation in place and power available for all of the proposed uses. No agricultural chemicals above 55 gallons or 500 lbs or listed as extremely hazardous will be used for the cultivation.

Lisa Bugrova
Senior Planner / Project Manager
KIRK CONSULTING|8830 MORRO RD | Atascadero, CA 93422
Office 805.461.5765 | Cell 805.792.2820

From: Peter Hague <phague@co.slo.ca.us>
Sent: Thursday, July 5, 2018 3:55 PM
To: Lisa Bugrova <lisa@kirk-consulting.net>
Subject: Re: DRC2018-00036 (Pretty/Dayspring CUP) - San Miguel Advisory Council recommendation and Environmental Health referral response

Hi Lisa,

I have reviewed the attached flowchart, in which you indicate that hazardous materials will not be present at the proposed facility in amounts above reportable thresholds. Can you give me a quick overview of the facility? My understanding is that the facility will be a cannabis grow. Will there be any carbon dioxide cylinders or diesel/propane generators/windmill/pumps? Any agricultural chemicals above 55 gallons or 500 lbs or listed as extremely hazardous (e.g. rodenticides or aluminum phoside)?

Regards,
Peter Hague
Environmental Health Specialist
San Luis Obispo County Health Agency
Environmental Health Services
2156 Sierra Way, San Luis Obispo, CA, 93401
Office: (805)781-5554
Fax: (805) 781-4211

From: Lisa Bugrova <lisa@kirk-consulting.net>
Sent: Thursday, July 5, 2018 12:48 PM
To: Peter Hague
Subject: FW: DRC2018-00036 (Pretty/Dayspring CUP) - San Miguel Advisory Council recommendation and Environmental Health referral response

Hello Peter,

I am following up on this project in regards to a request for a Hazardous Materials Declaration Flowchart. Can you confirm that submission of this form meets the EH requirements for tracking this project or is additional consultation necessary?

Thank you,

Lisa

Lisa Bugrova

Senior Planner / Project Manager

KIRK CONSULTING|8830 MORRO RD | Atascadero, CA 93422

Office 805.461.5765 | Cell 805.792.2820

From: Lisa Bugrova
Sent: Thursday, June 7, 2018 10:54 AM
To: 'klghiglia@co.slo.ca.us' <klghiglia@co.slo.ca.us>
Cc: 'phague@co.slo.ca.us' <phague@co.slo.ca.us>
Subject: FW: DRC2018-00036 (Pretty/Dayspring CUP) - San Miguel Advisory Council recommendation and Environmental Health referral response

Good Morning Kealoha,

I was forwarded your referral response yesterday from Rincon Associates on the above-mentioned project. I am familiar with CUPA regulations and have attached the Haz Materials Business Plan Exemption form signed for the applicant via filed Consent of Landowner documentation on file with the Department of Planning and Building.

Further, I offer the following confirmation of project details that exempt the project from the Public Water Supply requirement.

1. The property is currently owned and operated as Pretty-Smith Winery. Upon final sale to the proposed cannabis operator, the winery operations and associated events will no longer occur.
2. The cannabis cultivation operations will be managed by a staff of 5 full time employees with a seasonal harvest staff of 9. The seasonal staff will be onsite three to four times per year, for six day

periods. The operation will not have an onsite population of 25 persons or more, including residents and employees.

Please let me know if this response is sufficient to meet Environmental Health's concerns on this project. If you have additional questions, or would like additional details of the proposed project, please let me know.
Thank you,
Lisa

Lisa Bugrova
Senior Planner / Project Manager
KIRK CONSULTING|8830 MORRO RD | Atascadero, CA 93422
Office 805.461.5765 | Cell 805.792.2820

From: Rob Mullane <rmullane@rinconconsultants.com>
Sent: Wednesday, June 6, 2018 5:26 PM
To: Lisa Bugrova <lisa@kirk-consulting.net>
Subject: DRC2018-00036 (Pretty/Dayspring CUP) - San Miguel Advisory Council recommendation and Environmental Health referral response

Hi Lisa,

We received two items related to this project:

1. the attached note from the San Miguel Advisory Council
2. A referral response from Environmental Health

Please contact either Kealoha or Peter at Environmental Health regarding their requirements, and please let me know what the conclusion is on the whether a public water system permit is needed.

I am still anticipating a referral response letter from the Ag Department, and will send that along once received. Thank you.

Rob Mullane, MS, AICP
Senior Program Manager

Rincon Consultants, Inc.
805 547 0900 EXT 119 MOBILE 805 350 3282
www.rinconconsultants.com
Environmental Scientists Planners Engineers

5000 Fastest Growing Companies – *Inc. Magazine*

From: Rob Mullane
Sent: Friday, April 27, 2018 2:17 PM
To: 'Lisa Bugrova'
Cc: 'houseofholistics2013@gmail.com'; bcummings@co.slo.ca.us; Harley Voss
Subject: Information Hold Letter for DRC2018-00036 (Pretty/Dayspring CUP, 13350 River Road)

Lisa,

Attached is the information hold letter for this project. Please let me know if you have any questions or would like to further discuss the letter. I'll be out of the office the rest of this afternoon, but available next week. Thanks.

Rob Mullane, MS, AICP
Senior Program Manager

Rincon Consultants, Inc.
805 547 0900 EXT 119 MOBILE 805 350 3282
www.rinconconsultants.com
Environmental Scientists Planners Engineers

5000 Fastest Growing Companies – *Inc. Magazine*

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COUNTY OF SAN LUIS OBISPO
Department of Public Works
John Diodati, *Interim Director*

REFERRAL

Date: September 13, 2018

To: Mindy Fogg, Rincon Consultants
Cassidy McSurdy, Project Planner

From: Glenn Marshall, Development Services

Subject: Public Works Comments on DRC2018-00036 Dayspring CUP, North River Rd., San Miguel, APN 027-271-041

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

Public Works Comments:

A. Revised 9/13/18 after review of 8/7/18 OEG traffic report.

B. The existing entrance gate and walls are located within the County right-of-way. The owner will be required to remove all walls and gates outside the right-of-way.

C. The proposed project is within a drainage review area. Drainage plan may be required at the time of future building permit submittal by Public Works. The applicant should review Chapter 22.52.110 or 23.05.040 of the Land Use Ordinance.

D. The proposed project is bounded by the San Miguel Road Fee Area. Payment of Road Improvement Fees to mitigate cumulative development impacts is required prior to commencing permitted activities.

Recommended Project Conditions of Approval:

Access

1. **On-going condition of approval (valid for the life of the project)**, to minimize project related traffic impacts in accordance with the project description analyzed in the OEG traffic report (dated 8/7/18), the project permit is restricted as follows:
   a. Maximum 3.31-acre onsite outdoor cannabis cultivation.
   b. Maximum 33,106-square feet onsite indoor greenhouse and 3,358 indoor nursery for cannabis cultivation.
   c. Maximum 1,920-square feet onsite processing (curing/trimming/bulk packaging & delivery building).
   d. Maximum 16,117-square feet onsite production (curing/trimming/specialized packaging & delivery building).
   e. Maximum 350-square feet onsite dispensary building.
   f. Maximum 4 deliveries per day, no deliveries between 4:00 pm and 6:00 pm.
   g. Excepting that listed above, no other onsite uses permitted including, but not limited to: full time or seasonal employees, cultivation, greenhouse, processing, manufacturing, distribution, retail sales, tours, events, etc.

County Govt Center, Room 206 | San Luis Obispo, CA 93408 | (P) 805-781-5252 | (F) 805-781-1229
pwd@co.slo.ca.us | slocounty.ca.gov

2. **Prior to commencing permitted activities**, the applicant shall submit to the Department of Public Works an encroachment permit application, plans, fees, and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plans are to include, as applicable:
    a. To remove or relocate all existing non-permitted obstructions from within the public right-of-way of the project frontage. Known obstruction include, but are not limited to:
        i. Entrance gate.
        ii. Entrance walls and signage.
3. **Prior to commencing permitted activities**, all work in the public right-of-way must be constructed or reconstructed to the satisfaction of the Public Works Inspector and in accordance with the County Public Improvement Standards; the project conditions of approval, including any related land use permit conditions; and the approved improvement plans.
4. **Prior to commencing permitted activities,** the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.
5. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc. without a valid encroachment permit issued by the Department of Public Works.
6. **On-going condition of approval (valid for the life of the project)**, the property owner shall be responsible for operation and maintenance of public road frontage landscaping and maintaining County driveway sight distance standards in a viable condition and on a continuing basis into perpetuity.

Drainage

7. **At the time of application for construction permits,** the applicant may be required to submit complete drainage plans and report prepared by a licensed civil engineer for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance.
8. **At the time of application for construction permits,** the applicant may be required to submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.
9. **At the time of application for construction permits,** the applicant shall demonstrate that the project construction plans are in conformance with their Stormwater Control Plan.

Storm Water Pollution Prevention Plan (SWPPP)

10. **At the time of application for construction permits**, if the project site disturbs 1.0 acre or more the applicant must enroll for coverage under California's Construction General Permit, which may include preparation of a project Storm Water Control Plan even if the project is located outside a Stormwater Management Area. Sites that disturb less than 1.0 acre must implement all required elements within the site's erosion and sediment control plan as required by San Luis Obispo County Codes.

Storm Water Control Plan (SWCP)

11. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject post-construction stormwater requirements by submitting a Storm Water Control Plan application.

    a. If required, the applicant must submit a Storm Water Control Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Storm Water Quality Standards and shall include a preliminary drainage plan, a preliminary erosion control and sedimentation plan, and complete drainage calculations for review and approval.

    b. If applicable, the applicant shall submit a draft "Operations and Maintenance Plan" exhibit for review and approval by the County.

    c. If applicable, the applicant shall record with the County Clerk the "Operations and Maintenance Plan " to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

    d. If applicable, the applicant shall record with the County Clerk a General Notice. The Notice documents the location and type of control measures that were installed to mitigate Performance Requirement #2. Those control measures shall remain in good working order in perpetuity.

Fees

12. **Prior to commencing permitted activities,** and in accordance with Title 13.01 of the County Code, the applicant must pay to the Department of Public Works the San Miguel Road Improvement Fee based on the latest adopted area fee schedule and 1 peak hour trip as estimated in the project traffic study prepared by *Orosz Engineering Group (18-404), dated August 7, 2018*. The estimated fee is $6,148 ($6,148/pht x 1 pht).

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COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
MARVIN A. ROSE, *INTERIM DIRECTOR*

THIS IS A NEW PROJECT REFERRAL

DATE: 4/5/2018

TO: 1st District Legislative Assistant, Agricultural Commissioner, Building Division, Environmental Health, Cal Fire/County Fire, Public Works, San Miguel CSD, CA Fish and Wildlife, U.S. Fish and Wildlife, National Guard/Camp Roberts, RWQCB, San Miguel Advisory Council, AB52

FROM: Brandi Cummings (b.cummings@co.slo.ca.us or 805-781-1006)

PROJECT NUMBER & NAME: DRC2018-00036 DAYSPRING

PROJECT DESCRIPTION: Proposed Conditional Use Permit for three 1 acre outdoor cultivation sites and use of existing 2480 sq/ft building for processing, nursery, and mobile dispensary, 13340 North River Rd. San Miguel, CA
APN(s): 027-271-041

Return this letter with your comments attached no later than 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART I: IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☒ YES (Please go on to PART II.)
- ☐ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II: ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☒ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)
- ☐ NO (Please go on to PART III.)

PART III: INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.
Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

5/10/18	Mike Svendsen	805 712-9170
Date	**Name**	**Phone**

The DRC2018-00036 DAYSPRING (Pretty Smith Winery) proposal minor use permit for three 1 acre outdoor cultivation at 13340 North River Road. Gavino moved, and John seconded, to approve the permit along with a notification of the neighbors within 1000 ft. Motion carried.

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF AGRICULTURE / WEIGHTS & MEASURES
Martin Settevendemie, Agricultural Commissioner / Sealer of Weights & Measures

DATE: **May 22, 2018**

TO: **Brandi Cummings, Project Manager**

FROM: **Lynda L. Auchinachie, Agriculture Department**

SUBJECT: **Helio Dayspring (Pretty) Conditional Use Permit DRC2018-00036 (2031)**

The applicant is requesting a conditional use permit to allow for three one-acre outdoor cannabis cultivation sites, a six-acre outdoor cannabis nursery, and the conversion of an existing 2,480 square foot structure to processing, indoor nursery, and dispensing uses. The 63-acre project site is located within the Agriculture land use category and is near San Miguel.

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

- Cannabis cultivation grading activities shall be consistent with the conservation practices and standards contained in the USDA Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG). Practices shall not adversely affect slope stability or groundwater recharge and shall prevent off-site drainage and erosion and sedimentation impacts. Erosion and sedimentation control activities shall adhere to the standards in Section 22.52.150C of the Land Use Ordinance.
- Prior to commencing permitted cultivation activities, the applicant shall consult with the Department of Agriculture regarding potential licensing and/or permitting requirements and to determine if an Operator Identification Number (OIN) is needed. An OIN must be obtained prior to any pesticides being used in conjunction with the commercial cultivation of cannabis; “pesticide” is a broad term, which includes insecticides, herbicides, fungicides, rodenticides, etc., as well as organically approved pesticides.
- Throughout the life of the project, best management water conservation practices shall be maintained.

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

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
MARVIN A. ROSE, *INTERIM DIRECTOR*

THIS IS A NEW PROJECT REFERRAL

DATE: 4/5/2018

TO: 1st District Legislative Assistant, Agricultural Commissioner, Building Division, Environmental Health, Cal Fire/County Fire, Public Works, San Miguel CSD, CA Fish and Wildlife, U.S. Fish and Wildlife, National Guard/Camp Roberts, RWQCB, San Miguel Advisory Council, AB52

FROM: Brandi Cummings (b.cummings@co.slo.ca.us or 805-781-1006)

PROJECT NUMBER & NAME: DRC2018-00036 DAYSPRING
PROJECT DESCRIPTION: Proposed Conditional Use Permit for three 1 acre outdoor cultivation sites and use of existing 2480 sq/ft building for processing, nursery, and mobile dispensary, 13340 North River Rd. San Miguel, CA
APN(s): 027-271-041

Return this letter with your comments attached no later than 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART I: IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☒ YES (Please go on to PART II.)
- ☐ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II: ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)
- ☒ NO (Please go on to PART III.)

PART III: INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.
Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Applicant needs to update Stormwater Control Plan, see attached comments.

4/19/18	Ann Gillespie	781-5602
Date	**Name**	**Phone**

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
MARVIN A. ROSE, *INTERIM DIRECTOR*

Date: 04/19/2018
To: Brandi Cummings
From: Ann Gillespie, Stormwater Program Manager

Subject: Referral Comments, DRC2018-00036 Dayspring

Thank you for the opportunity to provide information on the proposed project. Based on the information provided in the referral package, the applicant should be made aware of the following conditions and requirements that may impact the proposed project.

Recommended Project Conditions of Approval:

1. **At the time of application for construction permits**, the applicant must account for the total area of disturbance associated with construction and indicate the limits of disturbance on the plans. Projects that disturb greater than 1.0 acre for construction related activities must enroll in the General Permit for Stormwater Discharges Associated with Construction (Order 2009-0009-DWQ).

Building Division Stormwater Comments:

1. The existing pre-project impervious area (all paving and structures) is listed as 2,480 square feet on the Land Use Application, but is indicated as 55,756 square feet on the Stormwater Control Plan. Please explain the discrepancy in these values and update the Stormwater Control Plan as appropriate.

2. The area of disturbance for construction purposes on the submitted plans must include all of the following:
    a. Utility improvement areas (installation of water lines or water supply tanks),
    b. New roadways, driveways or turnouts. Include road upgrades that change the grade, line, surface, or drainage capacity of existing roads.
    c. Limits of all grading for permanent structures (dry storage containers, water tanks, roads, buildings, or greenhouses). Greenhouses have associated electrical, mechanical, foundation, and plumbing details.

3. The area of disturbance associated with construction does not need to include the following areas:
    a. Temporary hoophouses or crop protection canopies. (Hoophouses and canopies have no associated electrical, mechanical, foundation or plumbing details.)
    b. Outdoor growing areas where cannabis will be planted if the disturbance is limited to disking, harrowing, terracing and leveling and soil preparation for the purpose of planting.