## SUBJECT

Hearing to consider a request by **California Production Services** for a Conditional Use Permit DRC2019-00180 (Formerly Guitierrez Minor Use Permit DRC2018-00103) to allow 22,000 square feet of indoor cannabis cultivation, two acres of outdoor cannabis cultivation, and 3,000 square feet of ancillary cannabis processing activities. The project will result in the disturbance of approximately 2.7 acres on a 20.13-acre parcel. A modification from the parking standards is requested to reduce the required parking from 50 parking spaces to 24 parking spaces. A modification from the setback requirement is also requested to reduce the setback from 300 feet to 100 feet from the north, south, and east property lines. The project site is within the Agriculture land use category located at 1480 Penman Springs Road, approximately 1.48 miles east of the City of Paso Robles. The site is within the El Pomar-Estrella Sub Area of the North County Planning Area.

## RECOMMENDED ACTION

1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.
2. Approve Conditional Use Permit DRC2019-00180 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.

## ENVIRONMENTAL DETERMINATION

The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on January 24, 2020 for this project. Mitigation measures are proposed to address potential impacts to Air Quality, Biological Resources, Public Services/Utilities/Energy Usage, and Water/Hydrology and are included as conditions of approval.

## LAND USE CATEGORY

| Agriculture |

## COMBINING DESIGNATION

| Renewable Energy |

## ASSESSOR PARCEL NUMBER

| 015-053-035 |

## SUPERVISOR DISTRICT(S)

| 5 |

## PLANNING AREA STANDARDS:

**North County Planning; El Pomar-Estrella Sub Area**

Does the project meet applicable Planning Area Standards: Yes

## EXISTING USES:

Agricultural uses

## SURROUNDING LAND USE CATEGORIES AND USES:

**North:** Agriculture/Agricultural uses  
**East:** Agriculture/Agriculture  
**South:** Agriculture/Agriculture  
**West:** Agricultural uses
<table>
<thead>
<tr>
<th>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The project was referred to: Building Division, Public Works, Agricultural Commissioner, Air Pollution Control District, Sheriff, Cal Fire/County Fire, California Department of Fish and Wildlife, US Fish and Wildlife, Regional Water Quality Control Board, City of Paso Robles, Assembly Bill 52 Tribes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TOPOGRAPHY:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nearly level to gently rolling</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VEGETATION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grassland, Blue Oak, Ruderal</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PROPOSED SERVICES:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water supply: Existing on-site well</td>
</tr>
<tr>
<td>Sewage Disposal: Existing on-site septic and portable restrooms</td>
</tr>
<tr>
<td>Fire Protection: San Luis Obispo County Fire/CalFire Station 52</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ACCEPTANCE DATE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 5, 2019</td>
</tr>
</tbody>
</table>
PROJECT DESCRIPTION

Summary
The applicant proposes to establish up to 22,000 square feet of indoor cannabis cultivation (greenhouse) and up to two acres of outdoor cannabis cultivation. Project development would include eight greenhouses totaling 22,000 square feet, 87,120 total square feet of hoop structures, and a 3,000 square foot steel building for processing activities ancillary to cannabis cultivation (drying, trimming, packaging, and labeling). An existing outdoor cannabis cultivation had been on site and was registered as Cooperative/Collective registration CCM2016-00394 under Urgency Ordinance 3334. The operation consisted of one acre of disturbed area with a total canopy of less than one acre. The operation did not have a valid State license and the cannabis was recently removed due to the code violation. The project was elevated from a Minor Use Permit to a Conditional Use Permit as required by County Land Use Ordinance (LUO) Section 22.40.040.

Other existing development on site includes two single-family residences (one to remain and one to be demolished) and a barn.

Construction and implementation of the project would occur in two phases. All outdoor/hoop house cultivation areas and three of the eight indoor cultivation areas (greenhouses) would be established in Phase One, along with an 80 square foot metal office building, an 80 square foot metal safe room, and a 320 square foot storage unit. Phase Two would consist of developing the last five greenhouses and the permanent 3,000 square foot building for ancillary processing activities. Overall, the operation would cover approximately 2.7 acres of the 20.13-acre site. As proposed, the project would require 1,000 cubic yards of cut and fill to be balanced on site. All greenhouses would be placed directly on the soil without a floor or foundation and would have a maximum height of 14 feet. Indoor cultivation would involve planting in the soil rather than using benches or bays.

The project would also include the installation of five 5,000-gallon water tanks at 7.75 feet in height to be centrally located for irrigation. Additionally, the California Department of Forestry and Fire Protection (CAL FIRE) requires the installation of one 10,000-gallon steel water tank on site; to be accessible to emergency responders. This tank would be 13.5 feet in height and located on the hillside above the cultivation areas. All proposed water tanks would be green or brown in color to blend into the surrounding landscape. Project components are summarized in Table 1.
Table 1 – Project Components

<table>
<thead>
<tr>
<th>Project Component</th>
<th>Structure Size (sf)</th>
<th>Count</th>
<th>Footprint (sf)</th>
<th>Canopy (sf)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Phase One</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hoop Structures</td>
<td>2,200</td>
<td>38</td>
<td>83,600</td>
<td>83,600</td>
</tr>
<tr>
<td></td>
<td>1,100</td>
<td>2</td>
<td>2,200</td>
<td>2,200</td>
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<tr>
<td></td>
<td>1,320</td>
<td>1</td>
<td>1,320</td>
<td>1,320</td>
</tr>
<tr>
<td>Greenhouses D, E, F</td>
<td>2,880</td>
<td>3</td>
<td>8,640</td>
<td>8,640</td>
</tr>
<tr>
<td>Office</td>
<td>80</td>
<td>1</td>
<td>80</td>
<td>n/a</td>
</tr>
<tr>
<td>Safe Room</td>
<td>80</td>
<td>1</td>
<td>80</td>
<td>n/a</td>
</tr>
<tr>
<td>Secure Storage</td>
<td>320</td>
<td>1</td>
<td>320</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Sub-Total of Phase One</strong></td>
<td></td>
<td></td>
<td>96,240</td>
<td>95,760</td>
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<tr>
<td><strong>Phase Two</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Greenhouses A, B, C, H</td>
<td>2,880</td>
<td>4</td>
<td>11,520</td>
<td>11,520</td>
</tr>
<tr>
<td>Greenhouse G</td>
<td>1,840</td>
<td>1</td>
<td>1,840</td>
<td>1,840</td>
</tr>
<tr>
<td>Processing Building - Drying</td>
<td>3,000</td>
<td>1</td>
<td>1,500</td>
<td>n/a</td>
</tr>
<tr>
<td>Processing Building – Packaging</td>
<td></td>
<td></td>
<td>1,500</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Sub-Total of Phase Two</strong></td>
<td></td>
<td></td>
<td>16,360</td>
<td>13,360</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td>112,600</td>
<td>109,120</td>
</tr>
</tbody>
</table>

No road improvements would be required as part of this project. Primary access to the project site is taken from an existing driveway from Penman Springs Road. Onsite parking would include 22 standard spaces and two ADA-compliant spaces. The project would employ up to four people and would operate seven days per week, between the hours of 6:00 AM and 3:30 PM.

Fencing
An existing wire agricultural fence, 6 feet in height, runs along all property lines. A new deer fence with opaque black screening (or similar fence that meets security requirements), 6 feet in height, would be installed to enclose all cultivation activities, and a chain-link security rolling gate would be installed at the entrance of the cultivation site. The project would be screened from public views by the proposed fencing.

Operations
The project application includes an Operations Plan as required by the County LUO Section 22.40.040.A.2. The Operations Plan describes methods for cultivating and processing plants, managing odor, among other operational aspects of the proposed project. Daily operations would be conducted in accordance with the protocols outlined in the attached Operations Plan.

Security Plan
The project includes a security plan that includes lighting, video surveillance and site access controls. The security plan will be reviewed and approved by the Sheriff.

Odor Management Plan
As required by LUO Section 22.40.050 D.8 all structures utilized for indoor cannabis cultivation would be equipped with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite. An odor management plan has been prepared in accordance with the County’s application requirements. Each greenhouse would be equipped with a carbon air filtration system that prevents the emission of odors by scrubbing odor
from the air before it is moved out of the greenhouse by exhaust fans. The cultivation areas are sited a minimum of 600 feet away from any offsite residences. In addition, the applicant proposes to establish a 24-hour phone line to respond to any odor complaints and to plant lavender around the outdoor cultivation areas.

Waste Management
Non-cannabis solid waste consisting of general refuse would be stored in an 8’ x 16’ dump trailer located near the outdoor cultivation area. The trailer would be towed as needed by a waste management company, with access taken from Penman Springs Road.

Cannabis waste generated by pruning, drying, and trimming would be composted on site inside the secure fenced area. Each greenhouse would have a 32-gallon storage container to collect cannabis waste, which would be returned to the soil on site during tilling. No cannabis waste will be disposed of through the solid waste operations.

Neighborhood Compatibility
The nearest residence is located approximately 500 feet south of the proposed cultivation areas. The project incorporates the following elements that address neighborhood compatibility issues:

- Indoor cannabis-related activities will be conducted entirely within buildings and will incorporate odor management features.
- Outdoor cannabis cultivation operations will be enclosed within the proposed 6-foot tall security fencing.
- No machinery noise will be generated in the greenhouses or at the outdoor cultivation sites.

In addition, the applicant obtained 10 signed Statements of Neighborhood Compatibility from neighbors on adjacent parcels. These letters have been submitted to the Planning Commission.

Another important aspect of neighborhood compatibility is the extent to which the intensification of cannabis activities on the project site will impact the ongoing viability of agricultural operations on surrounding properties.

As discussed in the MND prepared for this project the project site is surrounded by agricultural land that supports wine grape vineyards and has the potential to support a wide range of crops. Many of these operations, and other agricultural activities that may be established on surrounding properties, are known to use pesticides, and the State has set thresholds for the level of contaminants, including pesticide residues, that may be allowed in cannabis products which are significantly lower than the thresholds allowed for traditional agricultural crops. As a result, the Agriculture Department is concerned that the residue of pesticides lawfully applied on surrounding properties could inadvertently contaminate cannabis products grown on the project site, thereby rendering the products unmarketable. This potential incompatibility could cause traditional agricultural operations in the area to cease or to significantly curtail production.

Although the Agriculture Element sets forth policies to protect and encourage agricultural operations and conserve agricultural resources, cannabis is not considered an agricultural commodity with respect to local “right to farm” ordinances, nor is it considered “crop production and grazing” as a land use type. Therefore, to address this potential neighborhood compatibility issue, the Agriculture Department has recommended findings and a condition of approval (Condition No. 84) that requires the cannabis project to release surrounding agricultural
operations from any liability for damage to cannabis or cannabis products that may arise from the lawful use of pesticides at nearby agricultural operations.

**Water and Energy Demand**

The project site is served by an existing well that would be sufficient to serve the proposed project. The project would use approximately 2.49-acre feet of water per year after implementation of Phase Two. The project would also include five new water tanks, each one with a 5,000-gallon capacity, to be used for irrigation as well as back-up storage. If it is determined during Phase 2 construction that more tanks are needed, up to 5 more could be added to the site.

The project is in the Paso Robles Groundwater Basin, which is a Level of Severity III impacted basin. Therefore, the project is required to offset the projected water use at a 2:1 ratio. To satisfy LUC requirements, the project Operations Plan includes a water offset study prepared by Paul Henderson. The water demand offset requirement will be 4.98 AFY. The project includes a Water Management Plan which will require the use of Best Management Practices and water metering with quarterly monitoring/reporting to the County. Several measures are proposed to offset water use, including demolition of one of the single-family residences, cessation of existing tree irrigation and making the existing pond inoperable in terms of use by the cannabis cultivation. Should the metered water demand exceed the permitted water demand offset, the permittee will be required to undertake corrective measures to bring water demand back to within the permitted amount.

The project’s energy demand would be supplied by Pacific Gas and Electric Company (PG&E). According to the project’s Energy Plan, the expected electrical kWh drawn annually for the full operation of the cannabis cultivation project is estimated to be 113,493 kWh. Energy use during construction of the project is estimated at 20,000 kWh per year. The IS/MND contained analysis that estimated energy consumption for the indoor cultivation floor area (22,000 square feet) to be approximately 841% in excess of estimates for operation of a generic commercial building of the same size. The proposed energy use would potentially be wasteful and inefficient, and mitigation measures are required.

**PROJECT ANALYSIS**

**Conditional Use Permit**

A Conditional Use Permit is required in accordance with County LUC Section 22.40.040.C because a previous code violation was issued for cannabis cultivation operations without a valid State license for the site.

**Ordinance Compliance**

The project is subject to LUC Section 22.40.040, Requirements for all Cannabis Activities; Section 22.40.050, Cannabis Cultivation. The project’s compliance with relevant standards is summarized in the attached Land Use Ordinance Consistency Analysis Table.

**Indoor and Outdoor Cultivation**

The County’s regulations define cannabis cultivation as any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis. Also included are storage, packaging, and labeling of non-manufactured cannabis products. Indoor and outdoor cultivation are differentiated in LUC Section 22.40.050.A, with a cumulative canopy area maximum of 22,000 square feet for indoor cultivation and three acres for outdoor cultivation. The project would not exceed the maximum area for cultivation.
Ancillary Activities
The applicant proposes ancillary processing and ancillary transport to support the indoor and outdoor cultivation activities. The LUO defines processing as all activities associated with the drying, curing, grading, trimming, rolling, storing, packaging, and labeling of nonmanufactured cannabis products. Per Section 22.40.050.A.3, cannabis grown on site may be processed in an on-site, non-residential structure. The applicant proposes to process on-site cannabis in a 3,000 square foot metal building. Section 22.40.050.A.3 allows the ancillary transport of cannabis grown or processed on site between certain license types – e.g. from cultivator to manufacturer or distributor. Transport to end users or for retail sale is not allowed.

MODIFICATIONS

Parking Requirements
Section 22.18.050.C.1 of the LUO sets forth parking requirements for commercial agricultural uses. The proposed project would be considered a “Nursery Specialties” land use in regard to a parking designation, which requires one parking space per 500 square feet of floor area and Agricultural Processing, which requires one parking space per 1,000 square feet. The proposed greenhouses and buildings would require the applicant to provide up to 50 parking spaces. The project would employ up to 4 employees and Staff has determined that the 24 spaces proposed are sufficient to meet the parking demands of the project.

Setback Standards
Section 22.40.050.D.3.b of the LUO sets forth setback standards for cannabis cultivation. The required setback is 300 feet from the property line, or public right-of-way, whichever is closer. Modification of the setback standard to reduce the setback from 300 feet to 100 feet from the north, south and east property lines is justified because the required setback would be unnecessary and ineffective. The nearest residence would be located approximately 600 feet south of the cultivation areas. The cultivation area will be surrounded by security fencing that would both visually screen the operation and provide security. In addition, the applicant obtained 10 signed Statements of Neighborhood Compatibility from neighbors on adjacent parcels. For these reasons and in accordance with Section 22.40.050.D.3.e, Staff supports a modification to the required setback.

NORTH COUNTY PLANNING AREA STANDARDS:

The project site is located within the El Pomar-Estrella Sub Area of the North County Planning Area.

Paso Robles Groundwater Basin (LUO 22.94.025 F)
Pursuant to Section 22.94.025.F, new development requiring a discretionary land use permit shall offset the resulting new water demand through County-approved water conservation measures at a 2:1 ratio. Section 22.40.050.D.5 of the LUO requires all cannabis cultivation sites located within a groundwater basin with a Level of Severity (LOS) III to provide an estimate of water use associated with cultivation activities and a description of how the new water use will be offset and provides for a minimum 2:1 offset ratio in an identified Area of Severe Decline.

Staff comments: The proposed project is located within the Paso Robles Groundwater Basin and an identified Area of Severe Decline and would be subject to water offset requirements required under the planning area standard, if applicable, or the LUO, whichever is more restrictive.
A total of 2.49-acre feet per year (AFY) of water is proposed for cannabis uses. The project site is served by an existing well which is sufficient to serve the proposed project. In this case, the applicant also proposes to demolish one of the single-family residences and cease irrigation of existing trees. The offset of eliminating existing demand would total 0.73 AFY. The water demand offset requirement will be 4.98 AFY and the project will be conditioned to provide the offset prior to building permit issuance.

ENVIRONMENTAL DETERMINATION:

Mitigated Negative Declaration
A Mitigated Negative Declaration (MND) was prepared for the project and circulated for 30 days starting on January 24, 2020. The MND was recirculated in response to comments received from the California Department of Fish and Wildlife (CDFW) and California Department of Food and Agriculture (CDFA). All changes are shown in strikeout/underline format in the attached MND. The recirculated MND contains an amended Biological Resources section which now contains additional analysis and mitigations in response to CDFW’s comments on Special Status Wildlife. The recirculated document also contains amendments to the Air Quality, Noise, Public Services/Utilities/Energy Usage, Water/Hydrology, and Mandatory Findings of Significance sections in response to comments received from CDFA.

During the 30-day public review of the recirculated MND the Planning and Building Department received written comments from the California Department of Toxic Substances Control (CDTSC). The MND and comments from CDTSC have been included in the Attachments of this staff report. The CDTSC comments suggest that the MND would be strengthened if it discussed the potential release of hazardous waste substances; if any sites have been previously used for mining activities; if the demolished buildings should be surveyed for hazardous materials (e.g. lead-based paint); if soil needs to be imported for fill material; or if an investigation for organochlorinated pesticides has been conducted for past agricultural uses of the site. The comments do not require any significant modifications to the MND that would necessitate re-circulation as required by Section 15073.5 of the CEQA Guidelines because they do not identify a new, avoidable significant effect, mitigation measure(s) or project revision that would reduce one or more significant impacts to a level of insignificance. Section 15074 (b) requires the decision-making body of the lead agency (in this case, the Planning Commission) to consider the proposed MND together with any comments received during the public review process; the Guidelines do not require the lead agency to prepare written responses for such comments.

Mitigation measures have been identified to address potentially significant impacts related to Air Quality, Biological Resources, Energy and Greenhouse Gas Emissions, and Water/Hydrology and are included as conditions of approval.

These conclusions are supported by the following technical reports and supporting information provided with the project permit application package:

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


Air Quality
Project construction would result in the disturbance of approximately 2.7 acres to allow for the construction of the new greenhouses, ancillary buildings, and water tanks, which would result in the creation of dust during the construction phase, as well as short- and long-term vehicle emissions. The nearest sensitive receptor to the site is a single-family residence located approximately 600 feet south of the proposed greenhouses. With implementation of mitigation measures recommended in the attached MND, construction related impacts would be less than significant.

Project operation would not exceed operational thresholds triggering mitigation, based on Table 1-1 of the CEQA Air Quality Handbook (2012). The proposed project is consistent with the level of development anticipated and projected in the Clean Air Plan. No significant air quality impacts related to the operation are expected.

Biological Resources
Habitat types on site include annual grassland, blue oak woodland, and Ruderal/Anthropogenic. A natural drainage feature crosses the southeastern corner of the property and a dry stock pond is located north of the previous grow area.

The drainage feature is located to the east of the project footprint and may be subject to regulation under Fish and Game code 1600, and the U.S. Army Corps of Engineers (Clean Water Act section 404) and the Regional Water Quality Control Board (Clean Water Act section 401). The project would not have direct impacts to the drainage and no permits would be required under the Clean Water Act sections 401 or 404; however, best management practices are required to ensure that sediment and pollutants do not enter the drainage area.

Shining navarretia or other rare plans may occur in the on-site grasslands. Spring botanical surveys and a report are required and incorporated into the mitigation measures of the attached MND. Impacts to potential presence of special status plants would be less than significant with implementation of the mitigation measures.

The project site, and surrounding land within the Salinas River Sub Area of the North County Planning Area, provide habitat for the San Joaquin kit fox. A kit fox Habitat Evaluation form was prepared for the project by Daniel Meade on May 21, 2018. The evaluation resulted in a score of 76 out of 100; therefore, impacts should be mitigated at a ratio of three acres conserved for each acre impacted (3:0). The project would result in 2.7 acres of potential impact to designated kit fox habitat and the mitigation requirement for the project is: 2.7 acres X [3:1] = 8.1 acres. With implementation of mitigation measures recommended in the attached MND, impacts would be less than significant.

Suitable foraging and nesting habitat is present for migratory birds on the subject property. Construction activities could adversely impact nesting resident or migratory bird species that may
be present on-site. With the incorporation of the mitigation measures recommended in the attached MND, project impacts to nesting and migratory birds would be less than significant.

American badger could occur on the project site periodically at any time of year. Recommended avoidance and minimization measures have been incorporated into the MND mitigation measures. Impacts to American Badger would be less than significant with implementation of the mitigation measures.

AGENCY REVIEW:

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Pollution Control District</td>
<td>No response received to date.</td>
</tr>
<tr>
<td>California Department of Food &amp; Agriculture</td>
<td>Per public comment on the MND (Rains, October 2, 2019) the impact analysis could be further supported by a discussion of the effects of state regulations on reducing the severity of impacts on Aesthetics, Air Quality and Greenhouse Gas Emissions, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Utilities and Service Systems, Energy, and Cumulative Impacts related to the aforementioned sections. Specific comments and recommendations are included in the attached Responses to Public Comments. These recommendations have been incorporated into the attached conditions of approval.</td>
</tr>
<tr>
<td>County Public Works</td>
<td>Per referral response (Grim, June 14, 2019), 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. On-going condition of approval (valid for the life of the project), and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; landscaping; agricultural operations; etc. without a valid Encroachment Permit issued by the Department of Public Works. At the time of application for construction permits, the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 of the Land Use Ordinance. At the time of application for construction permits, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with Section 22.52.120 of the Land Use Ordinance. At the time of application for construction permits, if the project disturbs more than 1.0 acre or is part of a common plan of development, the applicant must enroll for coverage under California's Construction General Permit. 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...</td>
</tr>
</tbody>
</table>
Obispo County Codes. These recommendations have been incorporated into the attached conditions of approval.

**County Building Division**
Per referral response (Stoker, July 9, 2018), a building permit is required. A California State licensed design professional (Architect/Engineer) shall prepare plans in compliance with current codes adopted by the County of San Luis Obispo (Current version of the California Building Standards Codes and Title 19 of the SLO County Codes at time of permit submittal). A thorough plan review will be conducted at the time of building permit application. These recommendations have been incorporated into the attached conditions of approval.

**County Department of Agriculture**
Per referral response (Auchinachie, July 23, 2018), 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). Parking area associated with the greenhouses should be minimized to protect farmland for agriculture production and the use of pervious and semi pervious surfaces should be maximized to promote groundwater recharge and minimize erosion and sedimentation. The applicant shall consult with the Department of Agriculture regarding potential licensing and/or permitting requirements and to determine if an Operator Identification Number is needed. In addition, best management water conservation practices shall be maintained throughout the life of the project. These recommendations have been incorporated into the attached conditions of approval. Additionally, the Agriculture Department has become aware of potential incompatibility issues between cannabis activities and traditional crop production. Accordingly, the Agriculture Department recommends findings and a condition of approval requiring the cannabis project to hold harmless surrounding properties from the lawful use of pesticides (discussed under Neighborhood Compatibility).

**County Environmental Health**
No response received to date.

**County Sheriff**
No response received to date.

**Northern Chumash Tribal Council**
Per referral response (Collins, July 20, 2018) any archaeological reports and/or record searches were requested, and a report prepared by Thor Conway was sent. The NCTC had no comments.

**CalFire**
No response received to date. The applicant will be required to submit a fire safety plan to Cal Fire for review and
Regional Water Quality Control Board
No response received to date.

California Fish & Wildlife (CDFW)
Per public comment on the MND (Vance, October 10, 2019) the project has the potential to impact biological resources. An analysis of potential impacts and recommended mitigation measures is summarized in the Responses to Public Comments on the MND. These recommendations have been incorporated into the attached conditions of approval.

California Department of Toxic Substances Control
Per public comment on the MND (McCreary, February 10, 2020) the MND could be strengthened with additional discussion on the potential for hazardous substances to be present onsite. The comments do not require any significant modifications to the MND that would necessitate recirculation as required by Section 15073.5 of the CEQA Guidelines because they do not identify a new, avoidable significant effect, mitigation measure(s) or project revision that would reduce one or more significant impacts to a level of insignificance. Additionally, the project is required to comply with other agency requirements (e.g. Regional Water Quality Control Board) that address the potential issues raised in the comment letter.

US Fish & Wildlife Service
No response received to date.

City of Paso Robles
No response received to date.

LEGAL LOT STATUS
The existing lot was legally created by a recorded map.

Staff report prepared by Steve Conner and reviewed by Eric Hughes, Senior Planner.

ATTACHMENTS
Attachment 1 – Exhibit A – Findings
Attachment 2 – Exhibit B – Conditions of Approval
Attachment 3 – Graphics
Attachment 4 – Land Use Ordinance Consistency Analysis Table
Attachment 5 – Operations Plan
Attachment 6 – Mitigated Negative Declaration (SCH#2019099030)
Attachment 7 – Public Comments Received on MND
Attachment 8 – Responses to Public Comments on MND
Attachment 9 – Referral Responses
Attachment 10 – Signed Statements of Neighborhood Compatibility