



CALEB, SIMON  
SUPPLEMENTAL DEVELOPMENT STATEMENT  
CANNABIS USE PERMIT  
8015 CARRISA HIGHWAY, SANTA MARGARITA, CA 93453  
APN (072-311-014, 072-311-018)  
**Revised PROJECT DESCRIPTION**

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<b>Parcel Size:</b>	+/- 40.9 Acres
<b>APN:</b>	APN (072-311-014, 072-311-018)
<b>Address:</b>	8015 Carrisa Highway, Santa Margarita, CA 93453
<b>Land Use Designation:</b>	Agriculture
<b>Williamson Act:</b>	No
<b>Water:</b>	On-Site Well
<b>Existing Uses:</b>	Cannabis Cultivation, Single Family Dwelling
<b>Access:</b>	Private Gate Access from Carrisa Highway (58)

The subject property consists of 2 parcels totaling approximately 40.9 acres, located at 8015 Carrisa Highway, Santa Margarita, CA 93453 (APN 072-311-014, 072-311-018), approximately 0.1 miles south of California State Highway 58, east of the City of San Luis Obispo in the Carrizo Planning Area, zoned Agriculture. Existing uses on the site include a single-family residence, agricultural storage pond, outdoor cannabis cultivation via authorization certification CCM2016-00007, and other agricultural uses (storage structures, tilling, disking).

### **Proposed Project**

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A request by Simon Caleb for a Minor Use Permit to authorize the cultivation 3 acres of outdoor (hoop house) canopy and 22,000 sq. ft. of indoor (greenhouse) for cannabis cultivation on an approximately 41 acre agricultural-zoned parcel. Supportive uses include nursery greenhouses for mother plants and clone production to support the onsite cultivation, a processing area for curing/drying/trimming activities, onsite compost/mulching and a security office. The entire operation will be fenced within a 22-acre secure fence designed to preclude easy off-site visibility of cannabis plants. The property is authorized for cannabis cultivation uses under CCM2016-00007. Also requested is a modification of the setback requirement of Land Use Ordinance Section 22.40.050.

The area is sparsely developed with very low densities and larger parcel sizes (40+ acres). The area's topography consists of level grassland, solar uses, and agricultural uses. Vegetation coverage sparse. The crop area will utilize existing agricultural use areas consisting of existing cannabis cultivation and other non-cannabis related agricultural uses.

**Figure 1: Site Location**

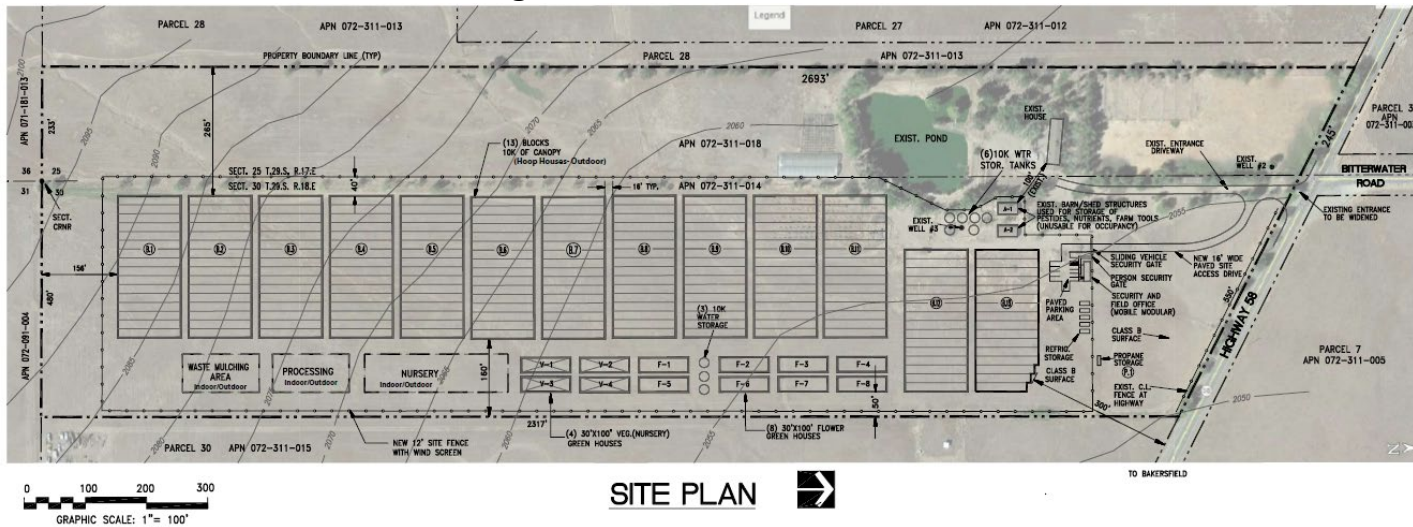


The site consists of two contiguously owned parcels APN (072-311-014, 072-311-018). The cannabis activities are proposed within a fenced area approximately 22 acres in size. The 3-acre outdoor cultivation will be clustered in under 10,000 sf canopy areas consisting of 128'x288' hoop house blocks. A single hoop house will accommodate 620 sq. ft. of canopy, with each cluster providing 9,920 sq. ft. of canopy in compliance with State small license requirements. All blocks together will total 128,960 sq. ft, or 2.96 acres of canopy area. An additional 22,600 sq. ft. area is defined for outdoor supportive nursery use. Indoor operations (cultivation-flower and nursery-non-flower) will be located in twelve 30' x 100' greenhouses. Four 3,000 sq. ft. greenhouses will be used for non-flower nursery supporting plants and eight 3,000 sq. ft. greenhouses will be used for flowering plants for up to 22,000 sq. ft of indoor (mixed-light) in compliance with State medium-mixed light cultivation. Supporting development includes water storage tanks for irrigation, irrigation lines, a processing area (within an outdoor shade structure), compost/waste storage, a security/field office, and a parking/staging area (refer to Site Plan). The existing storage structures onsite will be used solely for equipment and fertilizer. There will be 5 cold storage containers onsite east of the parking area near the front of the property. See Figures 2-4 below, and Site Plans.

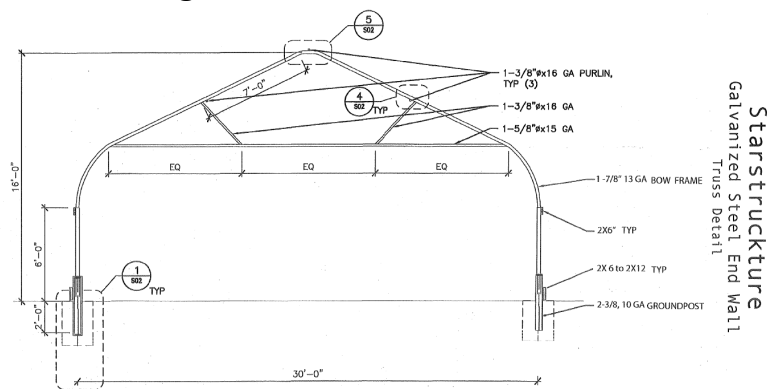
**Table 1: Summary of Project Scope**

Type	Use	Size	Count	Total SF	Canopy SF
(N/E) Hoop House	Flowering	128' x 18'	192	478,358	128,720
TOTAL Hoop House				478,358	128,720
(N) Greenhouse	Flowering	100' x 30'	8	24,000	22,000
(N) Greenhouse	Nursery/Vegetative	100' x 30'	4	12,000	n/a
TOTAL Greenhouse				36,000	22,000
(E) Barn/Shed	Pesticide/Fertilizer Storage	40' x 24'	2	1,920	n/a
(N) Processing Area*	Processing	125' x 96'	1	12,000	n/a
(N) Refrigerator	Storage	36' x 10'	5	1,800	n/a
(N) Mobile Structure	Security and Field Office	40' x 12'	1	480 <i>540 (including entrance platform)</i>	n/a
*Processing to be conducted in temporary hoops or high bay tunnel structures specifically for drying crop					

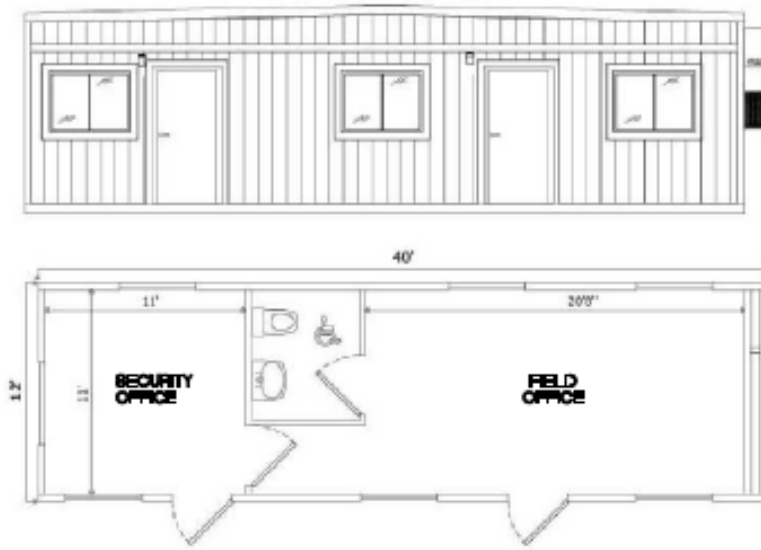
**Figure 2: Site Plan**



**Figure 3: Greenhouse Elevation**



**Figure 4: Security/Field Office**



### **Grading Estimates**

The total grading estimate for all proposed buildings is approximately 500 CY (including the greenhouses, installation of utilities, irrigation, mobile tie-down, fence posts, and water tanks tie downs).

### **Site Operations Plan**

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#### Facility

Access to the exterior premises will be limited by the secure 12' fence and locked key operated gate to the cannabis use area within the property. Vehicles will access via the main entrance, park in open area at front of property and enter through the secure sliding entry gate.

#### Lighting

Low voltage perimeter security lighting will be mounted around the perimeter fence. Fencing will be downcast and appropriate to not cast light offsite. Additional controls required by CDFW would be addressed as necessary. Lighting specific for the greenhouse operations will be shielded with black out screening within the greenhouses and is detailed in the attached energy use spreadsheet. Refer to the Security Site Plan for further details.

### Access

Access will be via a sliding security gate controlled by managing staff onsite. No public or otherwise unauthorized access will occur into the cannabis use fenced area.

### Secure Inventory

Every cannabis cultivation area is secured within the fenced area. During harvest, strict adherence to tracking procedures will be met as required to meet State track and trace requirements for plants in every stage of the life cycle.

### Secure Transportation

Cannabis transportation operations for harvest will occur via registered and authorized vehicles and delivered offsite for distribution or further processing.

### Employee Screening & Personnel Policies

- 1) Employees will all have training to their specific job description along with security training and access restrictions.
- 2) A diversion prevention program will reinforce employee controls through:
  - a) Routine employee education and awareness programs
  - b) Requirements for drug testing, including a for-cause policy for drug testing.
  - c) Sanctions for diversion violations, which emphasize that any violation of the diversion prevention policy will result in adverse employment action up to and including dismissal and referral for criminal prosecution.
  - d) Management will conduct pre-employment background checks for all employees in compliance with State of California requirements. Every person listed as an owner, manager, supervisor or employee of the business will submit fingerprints and other information deemed necessary by the County Sheriff's Department or the State of California.
  - e) Potential employees are vetted (background checks) to the satisfaction of the Sheriff's Department and in compliance with State requirements.
- 3) Training sessions organized by the Security Director will be conducted as part of a new employee's orientation and will include all personnel policies and security procedures.

**Odor Management Plan**

Cannabis has been legally cultivated outdoors on this property since 2016 without complaint or incident of any kind by neighbors due to odor. Greenhouses will be equipped with motorized intake vents. Should a complaint of nuisance odor be raised by a neighboring property owner, the greenhouses will be modified to include additional odor control techniques such as a passive wind supported odor neutralization system. No proposed operations are anticipated to cause any offsite nuisance odor issues. Further, for the proposed open-air drying/processing area, in the event an odor complaint is raised, the applicant would comply with the Cannabis Monitoring Program to identify appropriate odor management practices as appropriate.

**Signage**

No signage distinctive to the operation of any kind is proposed.

**Staffing, Parking, and Access**

The proposed operations are agricultural in nature and conducted according to controls in place for the industry. The proposed project will require a total of 5 year-round full-time staff. Due to employee safety considerations due to the high temperature climate at the site, operations will typically be restricted to early morning and evening hours in order to avoid the heat of midday. There will be approximately 20 seasonal employees for annual harvest activities for approximately one week. Seasonal staffing will be provided either by the local agricultural community or facilitated in a bus to transport staff to/from the site. Greenhouse operations will be staffed by regular full-time staff.

A paved parking area adjacent to the entrance gate will provide staff 8 8'x20' regular parking spaces and 1 ADA compliant parking space. A request for exemption from the parking standard and necessary findings is included.

**Pesticide and Fertilizer Usage/Hazardous Materials Storage and Response Plan**

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. Two existing sheds located on the property are defined for storage of pesticides and other agricultural materials and will be stored at low levels that would not require

submission of a Hazardous Materials Business Plan to the Environmental Health Department. All chemicals will be stored within the defined structures in compliance with safety controls for both wet and dry storage.

### **Setbacks**

The nearest sensitive receptors (schools, parks, libraries, licensed recovery facilities, et.al) are in the town of Santa Margarita approximately 28 miles west of the project site. The Agriculture-zoned parcel size of 41 acres meets the size requirement of 25 acres for the proposed use. The proposed operations will be condensed within a secure fenced area to preclude offsite visibility. Adjacent land uses include open grassland, cannabis operations, and rural agricultural operations. The requested setback modifications for the outdoor grow are appropriate for this agricultural operation and will not negatively impact any adjacent property by allowing a reduction in the 300' setback requirement. Appropriate setbacks are met from the nearest public right of way (Highway 58).

### **Neighborhood Compatibility**

Cannabis has been legally cultivated outdoors on this property in accordance with the urgency ordinance for several years. The adjacent property to the east currently is registered for cannabis cultivation and a property to the north is being considered for a cannabis cultivation application as well. Nuisance odor of the cultivation area is naturally mitigated by the conditions of the area. With regards to lighting, the greenhouses will be minimally lit to mitigate nighttime visibility against the dark skies. The security lighting to be included onsite will be cast downwards to reduce offsite visibility. See Security Site Plan for lighting details. No neighborhood compatibility issues are anticipated.

### **Air Quality**

The project site is accessed by direct access off of Highway 58 @ Bitterwater Road. No additional access improvements are necessary and no dust mitigation measures are necessary.

### **Water Management Plan**

The site is served by a well with an estimated yield of 100 GPM, which is more than adequate for the proposed cannabis cultivation activity. Irrigation and water storage tanks are proposed within the cannabis fence area to provide adequate supply for the proposed operation. An updated well completion report is attached.

Water Use estimates utilizing Regional Water Quality Control Board Usage estimates are as follows:

**Table 2: Water Estimates**

<b>Canopy</b>	<b>Rate</b>	<b>Gross Demand (Gallons/year)</b>	<b>Gross Demand (AFY)</b>
22,000 sf (Greenhouse Cultivation)	0.1 gal/sf/day x 260 days	572,000	1.76
11,500 sf (Greenhouse Nursery)	0.1 gal/sf/day x 260 days	299,000	0.92
3 acres (Outdoor Cultivation)	0.03 gal/sf/day x 150 days	588,060	1.80
22,600 sf (Outdoor Nursery)	0.03 gal/sf/day x 150 days	101,700	0.31
<b>TOTAL</b>			<b>4.79 AFY</b>

### **Screening and Fencing Plan**

The cannabis operation will be fully fenced and preclude visibility from offsite. The fence will be a 12' tall secure chain link fence, with a wind screen consisting of durable dark green fabric to preclude visibility. It will include Kit Fox passage openings located near the ground at a minimum of 4"x5" approximately 200' apart.

#### **KIT FOX NOTE**

TO ENABLE KIT FOXES TO PASS THROUGH CHAIN LINK FENCE AND WIND SCREEN, PROVIDE PASSAGE OPENINGS A MINIMUM OF 4"x5" APPROXIMATELY 200 FEET APART. OPENINGS SHALL BE CONSTRUCTED SO AS NOT TO INJURE AN ANIMAL PASSING THROUGH. OPENINGS SHALL BE LOCATED NEAR THE GROUND TO ALLOW EASY ACCESS FOR AN ANIMAL. ALTERNATELY PROVIDE A CHAIN LINK FENCE WITH LINK OPENINGS SUFFICIENTLY LARGE TO ENABLE KIT FOX PASSAGE. MIN. LINK OPENING 3"x3.5". ENTIRE FENCE DOES NOT NEED TO MEET THIS REQUIREMENT, ONLY SECTIONS APPROXIMATELY 200 FT APART.

### **Energy Use**

The property is served by PG&E. The estimated annual energy usage is 387,505 kWh. See a breakdown of the estimate in the energy table attached.

### **Waste Management Plan**

All waste produced by the cannabis cultivation will be stored within the fenced area as defined on the site plan as Waste/Mulching and will either be taken offsite for disposal or used for soil amending onsite. The existing septic is appropriately sized



for the current uses on the site and is not anticipated to require expansion. Portable restrooms may be utilized during harvest times for additional staff on site.

### **Resources Requiring Special Consideration:**

#### ***Setback Modification and Required Finding***

Land Use Ordinance section 22.40.050 (D)(3)(b) requires outdoor cannabis cultivation sites to be setback 300' from all property lines and public right of way. The cannabis operations will be set back 300' from Highway 58 and secured within a 12' tall secure fence with windscreen to prevent easy offsite visibility. The cultivation area adjacent to privately owned parcels is less than the stated 300' setback in the ordinance.

The setback modification request is as follows: from the northerly property line reduce from 300' to 265', from the easterly property line reduce from 300' to 156', from the southerly property line reduce from 300' to 160' for the outdoor cultivation. Due to the rectangular nature of the project site and adherence to the setback standard to the public right of way, the above-modifications area necessary to create a viable cultivation scenario for the applicant. Modification of these setbacks will allow the applicant to maximize the allowed cultivation canopy and will not have an impact on adjacent property owners as detailed below.

According to Land Use Ordinance Section 22.30.050 E.(7), in order to approve the setback modification finding. The Review Authority must find:

*“Specific conditions of the site and/or vicinity make the required setback unnecessary or ineffective. Modification of the setback will not allow nuisance odor emissions from being detected off site”.*

In this case, specific conditions of the site and vicinity make the required 300-foot setback for outdoor cultivation unnecessary and ineffective. Setbacks of this type are implemented to address issues such as noise, lighting, odor and concentration of development. This is a low density, large parcel agricultural area surrounded by either large agriculture-zoned undeveloped parcels or those with similar compatible uses. All cultivation will be screened within a secure fence precluding offsite visibility or incompatibility with adjacent parcels. No lighting is proposed within the outdoor hoop structures relevant to the setback modification request.

South of the project site is undeveloped. The nearest residence to the west is approximately 2,000' from the property line. The nearest residence to the east is approximately 650' from the property line. Setbacks are met from California State Highway 58. The cannabis cultivation will be entirely fenced. Cannabis has been cultivated on this site for several years with no complaints from the adjacent neighbors. This empirical evidence indicates that, as the required modification finding states, "...modification of the setback will not allow nuisance odor emissions from being detected off site". Further, the applicant will be required to comply with the Cannabis Monitoring Program in the event off-site nuisance odors are a problem, would initiate project controls to reduce the nuisance.

The low density, rural nature of the area makes the 300-foot setback unnecessary. The proposed 156' to 265' setback from the western, northern, and southern property lines are sufficient to address the off-site nuisance odor effects (if any) of the cannabis cultivation site.

#### **Parking Modification and Required Findings**

The project site is designed to accommodate staff within existing level area adjacent to the proposed secure fence. Due to the limited nature of the staff required for the operation, parking standards as outlined in Chapter 22.18, Nursery Specialties are not appropriate for the project.

The following findings are provided for use in a request for modification of parking standards of Chapter 22.18, Nursery Specialties.

In accordance with Chapter 22.18.18.020.H, the following three findings support the request to modify the parking standards:

- a. The characteristics of the project, which consists of an agricultural crop with occasional seasonal temporary staff, does not necessitate the creation of a fully improved parking area as the cultivation activities will be conducted by a low number of staff who have parking provided on site adjacent to the fenced cultivation area covered with Class 2 base material.
- b. The Class 2 base covered parking area, that consists of a level area adjacent to the fenced cannabis use area is adequate to accommodate on the site all parking needs generated by the use as the operation will be

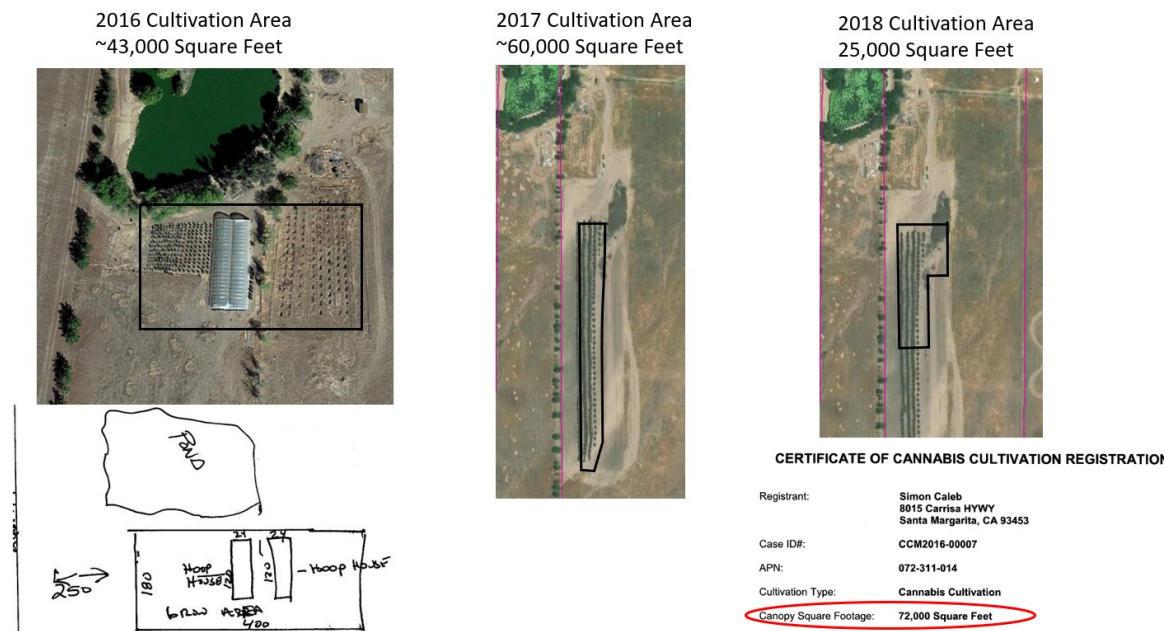
- staffed by a low number of employees with deliveries to/from the site occurring by employees of the company.
- c. No traffic safety problems will result from the proposed modification of the parking standards as there is ample existing parking area on the site for the cannabis cultivation business.

## Cultural Resources – Archaeology

A Phase I archaeological surface survey was completed by Heritage Discoveries, Inc. for all areas chosen for development on the parcel. The records search and Phase I surface survey produced negative results for the presence of cultural resources. No further cultural resource studies are required for this cultivation project on agricultural property.

## CCM Compliance

The onsite cannabis cultivation operation has remained in compliance with CCM registration of 72,000 sq. ft. In 2016, the total cultivation area onsite was approximately 43,000 sq. ft.; in 2017, the cultivation area totaled approximately 60,000 sq. ft. In 2018, the cultivation located onsite is approximately 25,000 sq. ft. See exhibit, below.



## Biological Resources

A reconnaissance level biological study was conducted by Althouse and Meade, Inc. on June 18, 2018 to provide baseline biological information and an assessment of

potential special status plant and animal species that could occur on the property or be affected by the proposed project. The results indicate that no special status plants were observed, and no special status animals were detected and are not expected to be occupying the project site. However transient species such as Kit Fox and badger are known from the vicinity and could pass through the site on occasion. The following mitigation measures will be 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:

**BR-1.** Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the City of Paso Robles, Department of Community Development, Planning Division that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

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

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

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

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would total **\$[Amount of fee based on \$2500 per acre]**. This fee is calculated based on the current cost-per-unit of \$2500 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 must be paid after the Department provides written notification about your mitigation options but prior to City permit issuance and initiation of any ground disturbing activities.

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

Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank and would total \$[**Amount of mitigation acres required (i.e. credits), currently priced at \$2500 per credit**]. This fee is calculated based on the current cost-per-credit of \$2500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to City permit issuance and initiation of any ground disturbing activities.

**BR-2.** Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the City. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. preconstruction) survey for known or potential kit fox dens and submit a letter to the City reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. **The qualified biologist shall conduct weekly site visits during site-disturbance activities** (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-18 through BR-28. Site disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-19iii). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the City.
- c. Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact USFWS and the CDFW for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the USFWS determines it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the USFWS. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.



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

1. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of distance measured outward from the den or burrow entrances, dependent on the use and activity of the den (i.e. potential, known, active, or natal den), to be determined by the kit fox biologist.
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring by a qualified biologist shall be required during ground disturbing activities.

**BR-3.** Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate the following as a note on the project plans: *“Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox”*. Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.

**BR-4.** During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the City, during which additional kit fox mitigation measures may be required.

**BR-5.** Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). 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 City, as well as any related biological report(s) prepared for the project. The applicant shall notify the City 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.

**BR-6.** During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavations, steep-walled holes and trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

- BR-7.** During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved. If necessary, the pipe may be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR-8.** During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of only in closed containers. These containers shall be regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-9.** Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, State and Federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR-10.** During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and City. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and CDFW by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to CDFW for care, analysis, or disposition.
- BR-11.** Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12 inches.
  - b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards
  - c. Upon fence installation, the applicant shall notify the City to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

#### *American Badger*

American badger was not present on the Property or within the project footprint during our June 2018 site survey. American badgers are known to occur in the Carrizo Plain and near the Project, and could occupy the site or move through the site at any time. To reduce the potential for construction impacts to badgers to a less than significant level the following measure is recommended.

- BR-12.** A pre-construction survey shall be conducted within thirty days of beginning work on the site to identify if badgers are using the site. The results of the survey shall be sent to the project manager and the County of San Luis Obispo. If the pre-construction survey finds potential badger dens, they shall be inspected to determine whether they are occupied. The survey shall cover the entire property and shall examine both old and new dens. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction. If badgers are found in dens on the property between February and July, nursing young may be present. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February and July. Between July 1<sup>st</sup>

and February 1<sup>st</sup> all potential badger dens shall be inspected to determine if badgers are present. During the winter badgers do not truly hibernate but are inactive and asleep in their dens for several days at a time. Because they can be torpid during the winter, they are vulnerable to disturbances that may collapse their dens before they rouse and emerge. Therefore, surveys shall be conducted for badger dens throughout the year. If badger dens are found on the property during the pre-construction survey, the CDFG wildlife biologist for the area shall be contacted to review current allowable management practices

### *Nesting Birds*

Migratory non-game native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take (as defined therein) of all native birds and their active nests, including raptors and other migratory non-game birds (as listed under the Federal MBTA).

- BR-13.** Within one week of ground disturbance or tree removal/trimming activities, if work occurs between March 15 and August 15 nesting bird surveys shall be conducted. To avoid impacts to nesting birds, grading and construction activities that affect trees and grasslands shall not be conducted during the breeding season from March 1 to August 15. If construction activities must be conducted during this period, nesting bird surveys shall take place within one week of habitat disturbance. This survey shall include a 250-foot buffer around the Study Area for burrowing owls. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within a distance specified by a qualified biologist, until chicks are fledged or nest fails. This includes nests of all common bird species (under the MBTA), as well as special status birds and raptor nests. Construction activities shall observe the delineated buffer, determined by a qualified biologist, where buffer radius will be specified according to special status rank, intensity of construction activity or impact (i.e. high decibel levels or heavy ground disturbance) and where local, state, and federal regulations apply. A preconstruction survey report shall be submitted to the lead agency immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the Project site and nest locations shall be included with the report. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions.

### *Special Status Reptiles and Amphibians*

Special status reptiles and amphibians could potentially be present in the Project footprint at the time of construction. To reduce potential construction impacts to special status reptiles and amphibians to a less than significant level, the following measure is recommended.

- BR-14.** A qualified biologist shall conduct a pre-construction survey immediately before any initial ground disturbances (i.e. the morning of the commencement of disturbance). If any special status reptiles and/or amphibians are found in the area of disturbance, the biologist shall move the animal(s) to an appropriate location outside the area of disturbance. The candidate site(s) for relocation shall be identified before construction and shall be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the species' range.