



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 4/9/2019	(3) CONTACT/PHONE Megan Martin, Supervising Planner / (805) 781-4163 Theresa Braden, Secretary / (805) 781-1392	
(4) SUBJECT Hearing to consider 1) an appeal (APPL2018-00006) by Morgan Holland of a request by SLO Cultivation, Inc. for a Conditional Use Permit (DRC2017-00118) to establish an indoor (mixed-light) cannabis cultivation, indoor cannabis nursery, and a non-storefront dispensary located on three parcels totaling approximately 75 acres at the project site located at 1808 and 1810 Willow Road and 520 Albert Way, in the community of Nipomo, within the Inland Sub Area of the South County Planning Area and 2) the environmental determination that the project is categorically exempt under CEQA, pursuant to CEQA Guidelines Section 15061(b)(2). District 4.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1. Adopt the resolution denying the appeal of Morgan Holland and upholding the decision of the Planning Commission to approve of the Conditional Use Permit (DRC2017-00118) based on the Findings and Conditions set forth in Attachment 2 – Exhibit A and Exhibit B, respectively; and 2. Adopt the Categorical Exemption in accordance with CEQA Guidelines Section 15061(b)(2) and authorize the Director to file a Notice of Exemption pursuant to CEQA Guidelines Section 15062. 			
(6) FUNDING SOURCE(S) \$850 Appeal Fee and Planning Department Budget	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. 60 minutes) <input type="checkbox"/> Board Business (Time Est. _____)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? Yes	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date _____	
(17) ADMINISTRATIVE OFFICE REVIEW 			
(18) SUPERVISOR DISTRICT(S) District 4			



COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: Planning and Building / Megan Martin, Supervising Planner

VIA: Trevor Keith, Director

DATE: 4/9/2019

SUBJECT: Hearing to consider 1) an appeal (APPL2018-00006) by Morgan Holland of a request by SLO Cultivation, Inc. for a Conditional Use Permit (DRC2017-00118) to establish an indoor (mixed-light) cannabis cultivation, indoor cannabis nursery, and a non-storefront dispensary located on three parcels totaling approximately 75 acres at the project site located at 1808 and 1810 Willow Road and 520 Albert Way, in the community of Nipomo, within the Inland Sub Area of the South County Planning Area and 2) the environmental determination that the project is categorically exempt under CEQA, pursuant to CEQA Guidelines Section 15061(b)(2). District 4.

RECOMMENDATION

It is recommended that the Board:

1. Adopt the resolution denying the appeal of Morgan Holland and upholding the decision of the Planning Commission to approve of the Conditional Use Permit (DRC2017-00118) based on the Findings and Conditions set forth in Attachment 2 – Exhibit A and Exhibit B, respectively; and
2. Adopt the Categorical Exemption in accordance with CEQA Guidelines Section 15061(b)(2) and authorize the Director to file a Notice of Exemption pursuant to CEQA Guidelines Section 15062.

DISCUSSION

Background

The Planning Commission considered the request of SLO Cultivation, Inc. (Applicant) at their regular meeting on November 8, 2018. The meeting included public testimony provided by the applicant, agent, and members of the public. Issues raised by the surrounding residents, as well as the recommended Findings and Conditions, were discussed. After considering the application, the recommendations of staff, and public testimony, the Commission approved the project subject to the Findings and Conditions found within Attachment 6.

On November 27, 2018, Morgan Holland (Appellant) filed an appeal of the Planning Commission's approval of the Conditional Use Permit (CUP).

Project Description Summary

The Applicant proposes to establish an indoor mixed-light cannabis cultivation operation, an indoor cannabis nursery, cannabis processing operations, and a non-storefront cannabis dispensary within the easterly 2.5-acre (108,900-square-foot) section of an existing 5-acre greenhouse structure and a new 3,000-square-foot prefabricated building located at 1808 Willow Road, northwest of the community of Nipomo. The remaining 50,200 square feet of the 108,900-square-foot easterly half of the greenhouse would remain vacant. The easterly half of the greenhouse is separated from the westerly half by a vinyl greenhouse partition wall with a locking door. The westerly half is currently occupied by Ocean Breeze International, Inc. and is used for the cultivation of cucumbers.

No cannabis uses have occurred on this site to date. The application is being processed using a relocated Cooperative/Collective registration (CCM2016-00363) under Urgency Ordinance 3334.

The project site currently includes the existing 5-acre greenhouse, vacant area, and avocado groves with a single-family residence and two storage sheds located on the northern-most parcel (APN 091-181-019). Surrounding land uses include active agricultural operations to the north, agriculture and scattered rural residential development to the east and west, and Willow Road and scattered rural residential development to the south. Project components are described below and summarized in Table 1.

Table 1 – Project Components

Project Component	Floor Area/ Canopy
Mixed-Light Indoor Cultivation	22,000 sq.ft. canopy
Nursery	35,000 sq.ft.
Dry Hanging Area	2,600 sq.ft.
Processing and Storage Building	2,700 sq.ft.
Non-Storefront Dispensary	300 sq.ft.
Total:	62,600 sq.ft.

Operations

The application materials found within Attachment 6 includes the proposed project's management plans for security, odors, water use, and energy use, standards for workplace safety, and pesticide/fertilizer storage.

The Applicant will share 20 full time employees (FTE) with Ocean Breeze International, Inc. to maintain both operations on-site. All employees would undergo a background check prior to employment and no persons under the age of 21 would be permitted to be employed.

Hours of operation would be as follows:

- Indoor nursery, cultivation, and processing activities: Monday through Saturday, 7:00 a.m. to 4:30 p.m.
- Retail delivery service: Monday through Sunday, 9:00 a.m. to 4:00 p.m.

All employees would have access to the 25 parking spaces located north of the greenhouse facility and to the existing modular plumbed restroom facilities located east of the facility.

Odor Management Plan

Nuisance odors are primarily generated by flowering plants within a cultivation area, drying, and processing of cannabis products. In addition to the installation of carbon scrubbers on the existing greenhouse facility and 3,000-square-foot processing and dispensary building, odors will be managed using vapor phase technology to prevent cannabis nuisance odors from drifting off-site.

Parking Modification

The County's parking requirements are set forth in Land Use Ordinance (LUO) Section 22.18.050. The LUO considers cannabis cultivation a *Nursery Specialty* which requires one parking space per 500 square feet of indoor floor area.

The Applicant is requesting a modification of the parking requirements to allow for a reduction of required parking from 120 spaces to 25 spaces, which accommodates the number of employees associated with the proposed cannabis uses. The proposed reduction is justified because:

- The proposed cannabis uses are not as labor intensive as typical nursery specialties as mature cannabis plants do not need as much attention as nursery plants;
- The project site provides an existing parking area that includes 25 parking spaces located immediately north of existing greenhouse;
- The applicant is proposing a maximum of 20 daily employees to serve both on-site operations (SLO Cultivation and Ocean Breeze International); and
- The project is conditioned to allow a maximum of 20 employees daily.

Environmental Review

After considering the project characteristics, the environmental setting of the project site and the supporting technical studies, it was determined that the appropriate CEQA document for the project is a Categorical Exemption under Sections 15301 and 15303 of the CEQA Guidelines.

APPEAL ISSUES

The table below provides a summary of the appeal issues and staff's recommendation. A complete discussion and analysis are provided below Table 1.

Table 1. Appeal Issues Summary Table

Appeal No.	Topic/Issue Area	Staff Recommendation	Page No.
1	Air Quality	No additional or revised Findings or Conditions are required.	Page 5-6 of 11
2	Water Supply; Quantity	No additional or revised Findings or Conditions are required.	Page 6-7 of 11
3	Neighborhood Compatibility	No additional or revised Findings or Conditions are required.	Page 7-8 of 11
4	Cumulative Impacts	No additional or revised Findings or Conditions are required.	Page 8-9 of 11
5	Environmental Determination	No additional or revised Findings or Conditions are required.	Page 9-10 of 11

Appeal Issue 1: **The decision of the Planning Commission fails to adequately research and account for the effects that the proposed use will have upon the air quality of the surrounding community and environment prior to issuance of the requested permit.**

Staff Response: The project will generate temporary emissions associated with construction activities for the 3,000-square-foot pre-fabricated building, and emissions from motor vehicles associated with ongoing operations. Based on the thresholds provided in the San Luis Obispo Air Pollution Control District (SLOAPCD) CEQA Air Quality Handbook, emissions associated with construction and ongoing cannabis operations are expected to be less than significant. The project has been conditioned to comply with the permitting requirements of the SLOAPCD for equipment used in cannabis operations.

There are no standards for odors in either the Federal or State Clean Air Acts. Accordingly, there are no objective federal or state standards through which the adverse effects of odors may be assessed. Odors are treated as a nuisance by the County and abated under the County's nuisance abatement procedures via abatement, reduction or modification of the emitting cannabis activity.

The ordinance requires that cannabis cultivation, nurseries, processing, distribution and manufacturing must be sited and operated so that odors are not detected off-site. In addition, all structures utilized for cannabis activities must be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected off-site. To achieve these standards, the approved project incorporates the following features:

- All cannabis-related activities will occur within enclosed buildings that will be equipped with carbon scrubbers as part of the ventilation system to prevent odors from escaping the site.
- The project will employ an industrial vapor-phase odor management system (Byers Scientific and Manufacturing) that includes installation of a 6-inch diameter pipe around the perimeter of the easterly half

of the greenhouse roof (approximately 25 feet above ground level) which would continuously release a non-toxic odor-neutralizing vapor at each vent location. As cannabis odors rise from the proposed indoor and nursery canopy and exit through the greenhouse vents, they will pass through the proposed carbon scrubbers and through an invisible curtain of the non-toxic vapor that neutralizes, not masks, drifting odor molecules released from the pipe.

- The Byers Scientific and Manufacturing odor control system has been implemented and has been demonstrated to be effective at eliminating cannabis nuisance odors from indoor and mixed-light greenhouse cultivation in the County of Santa Barbara. The owners of Ever-Bloom, a cannabis company operating within a 15-acre greenhouse located in close proximity to sensitive receptors (including a public school and residential community), installed a Byers Scientific vapor-phase odor control system in November 2017. Santa Barbara County Air Pollution Control District (SBAPCD) staff inspected the site in February 2018 and could not detect cannabis odors directed outside the greenhouse facility or at the property line (SBAPCD 2018).
- The project has been conditioned to participate in an ongoing cannabis monitoring program. Once implemented by the County, the project site will be inspected four times per year to ensure ongoing compliance with conditions of approval, including those relating to odor management. In addition, any neighbor complaints regarding potential violations of County Code or conditions of approval would also be investigated by Code Enforcement staff.

Staff Recommendation

Project impacts on air quality and odors have been documented and supported by substantial evidence. Compliance with County and SLOAPCD standards, implementation of the Operations Plan and ongoing use of the ventilation system will help ensure air quality is protected and odors are confined to the project site. No additional or revised Findings or Conditions are required.

Appeal Issue 2: The decision of the Planning Commission fails to adequately require research and account for the effects that the use will have upon the water in the common wells, aquifers, and underground of the surrounding and neighboring community prior to issuance of the requested permit.

Staff Response:

Water Supply. The approved project includes a Water Management Plan as required by LUO Section 22.40.040. The Water Management Plan was prepared by Stearns, Conrad & Schmidt, Consulting Engineers, Inc. (SCS Engineers) and details the estimated water demand and applicable water conservation measures. The project would replace 2.5 acres of indoor cucumber cultivation with 22,000 square feet of indoor cannabis cultivation and 35,000 square feet of indoor cannabis nursery. The overall water balance is provided below. As shown in Table 3, water demand associated with the proposed project would be reduced by 108,288 gallons of water per year when compared with existing operations.

Table 3. Water Use

Historical Water Use	Water Use (gallons per year)	Total Historic Use (gallons per year)
Cucumber Cultivation – 2.5 acres (to be removed)	565,923	565,923
Water Use of Project	Water Use (gallons per year)	Total Future Use (gallons per year)
Indoor Cultivation – 22,000 sq.ft.	302,585	457,635
Nursery – 35,000 sq.ft.	155,050	
Net Change in Water Use Compared to Historic Use:		-108,288

The project site is also subject to the Nipomo Mesa Water Conservation Area standards contained in LUO Section 22.98.070 F. Under these standards, all building permits issued for construction in the Nipomo Mesa Water Conservation Area must comply with Section 19.07.042 of the Building and Construction Ordinance (Title 19), which requires plumbing fixtures to be retrofitted and water demand offset clearance. As shown in Table 3 above, the cannabis-related water use will be offset 1:1 by the removal of 2.5 acres of cucumbers. Therefore, no additional offset is required. In the event a building permit is required for interior tenant improvements, or to change the occupancy designation of portions of the greenhouse, the applicant will be required to comply with the Title 19 requirements.

Water Quality. Project impacts on water quality will be addressed by the following:

- All cannabis activities will be conducted within enclosed buildings;
- The project has been conditioned to limit the number of employees per day to a maximum of 20;
- Although new construction with the potential to adversely impact surface water quality will be minimal, the project has been conditioned to provide a complete erosion and sedimentation control plan at the time of building permit application;
- The project has been conditioned to comply with all relevant standards of the Regional Water Quality Control Board and the County Department of Environmental Health with regard to the use and storage of hazardous materials, pesticides, fertilizers, insecticides, herbicides, fungicides, rodenticides, etc.; and
- The project has been conditioned to submit evidence of compliance with all applicable standards for solid waste disposal and recycling prior to occupancy.

Staff Recommendation

The project has adequately quantified historic and projected water demand. Water demand with the project will be about 20% less than current (baseline) conditions. No additional or revised Findings or Conditions are required.

Appeal Issue 3: The proposed project is not consistent with the character and plan of the existing community.

Staff Response: The project site consists of 75 acres located on the north side of Willow Road in the Rural Residential land use category. Multiple cannabis-related activities are allowed on properties in the Residential Rural land use category subject to a Conditional Use Permit.

The County's cannabis regulations include standards to help ensure compatibility with surrounding land uses. These standards include (but are not limited to) mandatory setbacks for cultivation activities, management plans for

security, odors and water conservation, and restrictions on how close a cannabis operation may be located with respect to (among others) schools, parks, and residences. Lastly, all non-exempt cannabis activities are subject to a discretionary permit review process through which issues such as neighborhood compatibility are considered by the review authority. The project is consistent with all applicable LUO standards relating to cannabis activities.

Neighborhood compatibility is also addressed by the following attributes of the project:

- All cannabis activities will take place within enclosed structures which will include ventilation and odor scrubbers to contain odors on site;
- Physical changes to the project site will be minimal; the only site disturbance will be the construction of a 3,000-square-foot pre-fabricated building;
- The small volume of traffic and low density of development minimize the opportunities for the public to view the project site. The existing greenhouse is set back about 600 feet from Willow Road and screened by the avocado orchard. Views of the project site from the east are partially screened by a landscaped berm along Albert Way;
- All the proposed cannabis facilities meet or exceed the required setbacks for cultivation and accessory structures;
- Total vehicle trip generation from the project site will be comparable to the existing use;
- Although construction noise will temporarily increase noise levels in the area, construction is limited by County regulations to the hours of 7 a.m. and 9 p.m. during weekdays and 8 a.m. to 5 p.m. during weekends;
- Security lighting is conditioned to prevent shining off-site; and
- The project has been conditioned to participate in an ongoing monitoring program. Once implemented by the County, the project site will be inspected four times per year to ensure ongoing compliance with conditions of approval, including those relating to odor management.

Staff Recommendation

No additional or revised Findings or Conditions are required.

Appeal Issue 4: The proposed project is one of several cannabis projects of similar or greater size that are either already operating or under review for approval by the Planning Commission that are likely to have a significant impact upon the immediate community, as well as the community of Nipomo in general.

Staff Response: Attachment 7 shows current cannabis use permit applications and operations approved under the emergency ordinance. The project site is one of several in the area with a current use permit application and/or previously registered under the urgency ordinance and may continue their existing operations under the abeyance resolution until permit approval or denial. A Minor Use Permit (DRC2018-00069) for 22,000 square feet of indoor cultivation was approved on December 21, 2018 for the adjacent property to the north which is subject to a separate appeal.

In the event cannabis activities are approved for some or all of these properties, the number and density of potential cannabis operations in the vicinity may, over time, increase. The cumulative effects of these approvals will be addressed by the following factors:

- As discussed above under Appeal Issues 1 and 3, the project incorporates several features required by the LUO to address neighborhood compatibility and to ensure ongoing compliance.

- All new cannabis activities in the area will be subject to project-specific environmental review as well as compliance with County standards, including those relating to water management, odors, water quality, neighborhood compatibility and ongoing monitoring.

Staff Recommendation

No additional or revised Findings or Conditions are required.

Appeal Issue 5: The decision improperly applies Class 1 and 3 Exemptions as set forth in the CEQA Guidelines without considering and applying those exceptions to the Categorical Exemptions under CEQA Guideline 15300.2.

Staff Response: The CUP was approved subject to a Categorical Exemption based on Sections 15301 and 15303 of the CEQA Guidelines. The decision to recommend a Categorical Exemption as the appropriate level of CEQA compliance was based on the following:

- *A detailed analysis of the potential adverse environmental effects associated with construction and operation of the proposed cannabis facilities.*

County staff considered the project setting, the location and intensity of development, and the environmental resources that would be affected.

- *A review of the technical studies included in the project description.*

The analysis of potential environmental affects was informed by the following technical studies which are incorporated into the project description and were considered along with all other aspects of the project:

- Water Management Plan, SCS Engineers
- Trip Generation Analysis and Sight Distance Evaluation, Pinnacle Traffic Engineering
- Focused Biological Resources Assessment, Sage Institute, Inc.
- Cultural Resources Survey of the SLO Cultivation Project, Central Coast Archeological Research Consultants
- *A review of previous environmental determinations.*

The County has issued Categorical Exemptions for projects of comparable scale and environmental setting.

- *Consideration of the applicable provisions of the CEQA Statutes and Guidelines;*

After considering the project characteristics, the environmental setting of the project site, and the supporting technical studies, it was determined that the appropriate CEQA document for the project is a Categorical Exemption under Sections 15301 and 15303 of the CEQA Guidelines.

Sections 15301 and 15303 of the CEQA Guidelines provide examples of the types of activities covered by these categories. The bulk of cannabis-related activities will occupy a 2.5-acre portion of the existing 5-acre greenhouse. This use is consistent with the limitations prescribed under Section 15301 (Class 1). With regard to new construction

as allowed under Class 3, the example that most closely corresponds to the construction of the 3,000 square foot pre-fabricated building is the one relating to accessory or other similar structures. The examples provided by Section 15303 include quantitative limits for certain types of new residential and commercial construction. However, no such limits are provided for accessory or other similar structures.

Lastly, the appellant has not provided substantial evidence that the project, as conditioned, will result in one or more significant adverse impacts for which an exemption would not be appropriate. Recent case law suggests that a project opponent showing substantial evidence supporting a “fair argument” that an otherwise-exempt project may have significant adverse environmental impacts does not defeat an exemption – the opponent must also make a “factual” showing to the satisfaction of the lead agency (the Board of Supervisors) that “unusual circumstances” exist that may result in the potentially significant impacts. No such evidence has been provided.

Staff Recommendation

No additional or revised Findings or Conditions are required.

OTHER AGENCY INVOLVEMENT/IMPACT

The project was referred to Public Works, Building Division, Cal Fire, the Nipomo Community Services District and Northern Chumash Tribal Council.

On March 26, 2018, the South County Advisory Council reviewed and discussed the project. At the time of the meeting, the project included an outdoor cultivation area, which has since been removed from the project scope. Residents and the Council expressed concerns with traffic, water, odor, security, fire safety, and water management. A motion was made to recommend approval of the project, but the motion failed on a 3–5 vote. Another motion was made to recommend approval of the project with the elimination of the outdoor cultivation components, and the motion tied on a 4–4 vote.

In addition, County Counsel has reviewed and approved as to form and effect the attached Resolution with Findings or Conditions

FINANCIAL CONSIDERATIONS

This appeal was accompanied by an \$850.00 appeal fee. This appeal was processed using this fee and using department allocated General Fund support.

BUSINESS IMPACT STATEMENT

Denying the appeal and upholding the decision of the Planning Commission would mean the project is approved. As a result, the proposed indoor cultivation, nursery and non-storefront dispensary will benefit businesses in the Uniquely SLO County cluster identified in the San Luis Obispo County Clusters of Opportunity Economic Strategy (November 2010). The Uniquely SLO County cluster represents a combination of Wine, Agriculture, Recreation, Accommodation, and other regional specialty products and services. Also, some businesses in the Building Design and Construction cluster may benefit through design and construction opportunities.

RESULTS

Denying the appeal and upholding the Planning Commission's decision to conditionally approve the project would mean the project is approved with conditions. As a result, the approval would allow the proposed cannabis operation to be developed as described in the project description. This is consistent with the County's goal to promote a well-governed and livable community.

ATTACHMENTS

- 1 Attachment 1 – PowerPoint Presentation
- 2 Attachment 2 – Resolution Denying the Appeal with Exhibit A Findings and Exhibit B Conditions of Approval
- 3 Attachment 3 – Appeal Form & Letter
- 4 Attachment 4 – Notice of Final Action of Planning Commission Hearing of November 8, 2018
- 5 Attachment 5 – Draft Minutes from Planning Commission Hearing of November 8, 2018
- 6 Attachment 6 – Link to Staff Report from the Planning Commission Hearing of November 8, 2018 and Supporting Documentation
- 7 Attachment 7 – Graphics & Location Map

Attachment 4

From: Brandi Cummings
To: [Cassidy Williams](#); [Jameson Honeycutt](#)
Subject: FW: DRC2017-00118 SLO CULTIVATION South County E-Referral, Conditional Use Permit, Arroyo Grande
Date: Friday, July 13, 2018 12:47:30 PM

Building comments for SLO Cultivation.

Brandi Cummings

Environmental Resource Specialist

Planning & Building, County of San Luis Obispo

Tel: (805) 781-1006

[Website](#) | [Facebook](#) | [Twitter](#) | [Map](#)

From: Michael Stoker
Sent: Thursday, July 05, 2018 10:15 AM
To: Brandi Cummings <bcummings@co.slo.ca.us>
Cc: Don C. Moore <dcmoore@co.slo.ca.us>; Cheryl Journey <cjourney@co.slo.ca.us>
Subject: Re: DRC2017-00118 SLO CULTIVATION South County E-Referral, Conditional Use Permit, Arroyo Grande

Brandi,

Please find buildings recommendations for DRC2017-00118 below. Please let me know if you have any questions.

In regards to this preliminary review, a building permit is required. The drawings specify the work to be completed consists of cultivation, nursery, retail delivery service. 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).

While a thorough plan review will be conducted at the time of the building permit application, the following items are noted to assist design review;

1. A California licensed Architect or Engineer is required to submit the plans for this project per BPC 5536.1.

2. A pre application meeting will be needed prior to submitting for a building permit to answer any questions and / or discuss code related issues.
3. Separate building permits will be required for the separate structure/building located on the site.
4. Please specify the buildings Occupancy Group and Type of Construction on the cover sheet of the plans to coordinate with the California Building Code.
5. Provide a reference on the cover sheet of the plans to the applicable codes.
6. The greenhouses will need to comply with the requirements of CBC Appendix C.
7. Provide plans which clearly show the structural design to verify compliance with the 2016 California Building Code and referenced standards. The plans and supporting calculations will need to be prepared by a California Licensed Design Professional (Architect or Engineer) justifying the structural design.
8. Provide isometric / single line drawings for the electrical, plumbing, and mechanical elements to verify compliance with the current versions of the California Electrical, Plumbing, and Mechanical Codes.
9. The building(s) will need to be provided with fire sprinklers and an alarm system under a separate permit. At the time of the permit application provide plans and calculations showing the design of the system.

If there is any processing on the site the following items will be applicable as it would change the buildings "Occupancy Group":

10. Please specify the buildings Occupancy Group and Type of Construction on the cover sheet of the plans to coordinate with the California Building Code.
11. Provide an allowable area analysis on the plans to verify compliance with CBC Chapter 5, including Table 503 and sections 504, 506, and 508. Also, provide information stating is the building is using the separated, non-separated, or accessory occupancy method or combination of each per CBC Chapter 5.
12. Any fire resistive walls or ceilings due to occupancy separations will need to be detailed on the plans to comply with the requirements of with CBC, including Chapter 5, 6 and 7. The specific details for the wall construction on the plans will need to reference an approved UL listing or gypsum manual listing.
13. Provide an occupant load and exiting analysis on the plans to verify compliance with CBC, including Chapter 10 for the processing containers, security trailer.
14. The accessibility elements throughout will need to be shown, detailed, and / or noted on the plans to verify compliance with CBC Chapter 11B. (i.e. accessible parking, path of travel, restroom design, access to work areas, etc.)
15. Provide a plumbing fixture analysis on the plans to verify the number of fixtures provided is sufficient for the proposed use and complies with CPC Chapter 4 and Table A and Table 422.
16. The septic system will need to comply with Teir 1 of the Onsite Water Treatment

System (OWTS) or it will need to be reviewed / permitted by the Regional Water Quality Control Board.

thanks

**County Of San Luis Obispo
Planning & Building**

Michael Stoker, CASp

Building Division Supervisor

(p) 805-781-1543

mstoker@co.slo.ca.us

From: Mail for PL_Referrals Group

Sent: Thursday, June 28, 2018 11:48 AM

To: Brandi Cummings

Subject: DRC2017-00118 SLO CULTIVATION South County E-Referral, Conditional Use Permit, Arroyo Grande

**County of San Luis Obispo
Department of Planning & Building**

DRC2017-00118 SLO CULTIVATION South County E-Referral, Conditional Use Permit, Arroyo Grande

APN(s): 091-181-046, 045 & 019

A *revised version of this application was recently filed with the Planning Department for review and approval. Because the proposal may be of interest or concern to your agency or community group, we are notifying you of the availability of a referral on the project.

[DIRECT LINK TO REFERRAL PACKAGE](#)

Link to webpage for all referral packages on new website (07/26/2017 and later):

<http://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Informational/Planning-Referrals.aspx>

[Planning Referrals - San Luis Obispo County](#)

www.slocounty.ca.gov

The San Luis Obispo Permit Center (downtown) will be closing 3:00 pm each day until further notice. The North County Service Center (NCSC) in Atascadero will be closed to the public for permit issuance, permit intake or fee payment until further notice.

Link to Archive Referrals: <http://archive.slocounty.ca.gov/planning/referrals.htm>

Community Advisory Groups: You will want to contact the applicant and/or agent for the project to request a presentation to your group, or simply to answer questions about the project. The telephone number and address for the applicant/agent are provided in the link below.

Please comment on all issues associated with this project **within 14 days** of receiving this e-mail
(Community Advisory Groups: please respond within 60 days)

Direct your comments to the project manager(s):
Brandi Cummings (805-781-1006 or bcummings@co.slo.ca.us)

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Referral Response:

As part of your response to this referral, please answer the following questions:

Are there significant concerns, problems or impacts in your area of review?

If Yes, please describe the impacts along with any recommendations to reduce the impacts in your response.

If your community has a "vision" statement in the Area Plan - does the community feel this project helps to achieve that vision? If No, please describe.

What does the community like or dislike about the project or proposal?

Is the project compatible with surrounding development, does it fit in well with its surroundings? If No, are there changes in the project that would make it fit in better?

Does the community believe the road(s) that provide access to the site is(are) already overcrowded?

Does the community wish to have a trail in this location?

If the proposal is a General Plan Amendment, does the community feel the proposed change would encourage other surrounding properties to intensify, or establish intense uses that would not otherwise occur?

Please feel free to include information or questions other than those listed above. You may also choose to respond that you have no comments regarding the proposal.

Cassidy Williams

From: Michael Stoker <mstoker@co.slo.ca.us>
Sent: Tuesday, October 16, 2018 11:35 AM
To: Cassidy Williams
Cc: Megan Martin; Cassidy McSurdy
Subject: Re: [EXTERNAL]SLO Cultivation Building Revised Referral Response

Cassidy,

As discussed, below find some revised code clarifications that I spoke with the architect about.

SLO Cultivation is proposing to have a portion of an existing green house to be used for processing. The greenhouse was permitted as a Group-U occupancy. Once processing is added within the structure, the occupancy group would change to a mixed-use building consisting of a Group U and Group F occupancy. Below are a few items that would need to be addressed by the design professional (architect or engineer) when submitting for a building permit(these are some clarifying items to the DRC recommendations)

- Due to the change in occupancy, the building would need to be provided with a fire-sprinkler system per Title 19 Table 903.2.
- Mixed occupancy buildings will need to comply with the provisions of California Building Code (CBC) Chapter 5, specifically section 508, Chapter 6, and Chapter 7 for the occupancy separations.
- An existing analysis would be required per CBC Chapter 10
- Verify the Type of Construction is compliant with CBC
- If a membrane structure is being used, conformance with CBC section 3012 will need to be clarified on the plans, due to the occupancy change.

Let me know if this is what your looking for. My understanding is due to the cost of of addressing some of the above code clarifications, it may be cheaper to propose a separate building for the processing aspect of the project.

Thanks

County Of San Luis Obispo
Planning & Building
Michael Stoker, CASp
Building Division Supervisor
(p) 805-781-1543
mstoker@co.slo.ca.us

From: Cassidy Williams <Cassidy.Williams@swca.com>
Sent: Tuesday, October 16, 2018 10:19 AM
To: Michael Stoker

Cc: Megan Martin; Bill Henry

Subject: [EXTERNAL]SLO Cultivation Building Revised Referral Response

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Hello Mike,

Per our conversation this morning, I would like to request that you put together an email or revised referral response summarizing the determination that was made regarding the implementation of fire suppression requirements (commercial fire sprinklers and installation of fire walls) for the SLO Cultivation land use permit based on occupancy change of the existing greenhouse structure. Given the high-profile nature of this project, it would be really helpful to include a general summary of how that determination was made and what options were provided to the applicant in order to come into compliance with the building code requirements. I am currently preparing the staff report and compiling the referral response package and this information would be really helpful to have in writing by the end of the day tomorrow. Please let me know if you have any clarifying questions regarding this request.

Thank you,

Cassidy Williams

Environmental Planner

SWCA Environmental Consultants

1422 Monterey Street, Suite B-C 200

San Luis Obispo, CA 93401-2945

P 805.543.7095 X 6802 | F 805.543.2367



Visit Our Website: <http://www.swca.com>

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COUNTY OF SAN LUIS OBISPO
Department of Public Works
 Colt Esenwein, *Director*

REFERRAL

Date: September 21, 2018
 To: Cassidy Williams, Project Planner
 From: Glenn Marshall, Development Services
 Subject: **Public Works Comments on DRC2017-00118 SLO Cultivation CUP, Willow Rd., Nipomo, APN 091-181-046**

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. Updated 9/21/18 to reflect revised project description dated 9/12/18. Note we underestimated the number of afternoon peak hour trips in our last referral.
- B. The above comments address the March 12, 2018 revised project application submittal, and the May 15, 2018 Pinnacle Traffic Engineering report.
- C. Estimating trip rates the project is expected to generate 27 average daily trips (ADT) with 3 afternoon peak hour (PHT) based on the below project description:
 - a. Cultivation and processing (15 ADT) includes:
 - i. Maximum 22,000 square feet indoor cultivation
 - ii. Maximum 35,000 square feet indoor nursery
 - iii. Maximum 6,375 square feet processing and distribution
 - b. Maximum 6 retail deliveries per day (12 ADT)

Project impacts to County maintained roads may be mitigated by payment into the South County road improvement fee program.
- D. The proposed project is within a drainage review area. Future building permits may require a drainage plan submittal for review by Public Works. The applicant should review Chapter 22.52.110 of the Land Use Ordinance prior to future submittal of development permits.
- E. The proposed project is within the South County Road Fee Area 1. Payment of Road Improvement Fees is required prior to commencing permit 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, the permit is restricted as follows:
 - a. Maximum 22,000 square feet indoor cultivation
 - b. Maximum 35,000 square feet indoor nursery

- c. Maximum 6,375 square feet processing and distribution
 - d. Maximum 6 retail deliveries per day
2. **Prior to commencing permitted activities**, the applicant shall submit an encroachment permit application to the Department of Public Works to secure an encroachment permit and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:
 - a. Reconstruct the Albert Way driveway approach to a B-1 rural driveway and A-5 sight distance standards.
 - b. Trim vegetation at the northwest corner of Willow Road at Albert Way (per Pinnacle Traffic Engineering, 5/15/18), and other locations as needed to maintain sight distance in accordance with A-5 standards.
 3. **Prior to commencing permitted activities**, all work in the public right-of-way must be constructed or reconstructed to the satisfaction of the County Public Works Inspector and in accordance with 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; landscaping; agricultural operations; etc. without a valid Encroachment Permit issued by the Department of Public Works.

Drainage

6. **At the time of application for construction permits**, the applicant may be required to submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) or 23.05.040 (Drainage) of the Land Use Ordinance.
7. **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 22.52.120.

Fees

8. **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 South County Area 1 Road Improvement Fee based on the latest adopted area fee schedule and 3 peak hour trips as estimated from the project description. The estimated fee is \$15,399 (\$5,133/pht x 3 pht).

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Attachment 4

From: Brandi Cummings
To: [Cassidy Williams](#); [Jameson Honeycutt](#)
Subject: FW: AB52, STMSLO -- DRC2017-00118 SLO CULTIVATION Revised Referral
Date: Friday, July 13, 2018 12:14:34 PM

FYI

This is past the consultation date, but I have sent her the arch report.

Brandi Cummings

Environmental Resource Specialist

Planning & Building, County of San Luis Obispo

Tel: (805) 781-1006

[Website](#) | [Facebook](#) | [Twitter](#) | [Map](#)

From: Mail for PL_Referrals Group
Sent: Thursday, July 05, 2018 12:04 PM
To: Brandi Cummings <bcummings@co.slo.ca.us>
Subject: Fw: AB52, STMSLO -- DRC2017-00118 SLO CULTIVATION Revised Referral

From: Salinan Tribe of Monterey & San Luis Obispo Counties <salinantribe@aol.com>
Sent: Monday, July 2, 2018 9:10 PM
To: Mail for PL_Referrals Group
Subject: Re: AB52, STMSLO -- DRC2017-00118 SLO CULTIVATION Revised Referral

Greetings Brandi, I have reviewed the proposed project and was wondering if I could get a copy of the phase I archaeological survey that was done for the project.

Thanks so much,

Patti Dunton, Tribal Administrator

Salinan Tribe
of Monterey & San Luis Obispo Counties
7070 Morro Rd. #A
Atascadero, CA 93422
805.464-2650 office
805.464-2651 fax
info@salinantribe.com
www.salinantribe.com

-----Original Message-----

From: Mail for PL_Referrals Group <plreferrals@co.slo.ca.us>

To: salinantribe_aol.com <salinantribe@aol.com>
Cc: Brandi Cummings <bcummings@co.slo.ca.us>
Sent: Thu, Jun 28, 2018 12:09 pm
Subject: AB52, STMSLO -- DRC2017-00118 SLO CULTIVATION Revised Referral

**County of San Luis Obispo
Department of Planning & Building**

**DRC2017-00118 SLO CULTIVATION, South County Revised Referral, Minor Use
Permit, Arroyo Grande
APN(s): 091-181-045, 091-181-046, 091-181-019**

[DIRECT LINK to SLO Cultivation Revised Referral Package](#)

**PLEASE CONTACT:
Brandi Cummings (805-781-1006 or bcummings@co.slo.ca.us)**

**The deadline for consultation request is:
July 28th 2018**

The County of San Luis Obispo is notifying you of the proposed project listed above. The project application was recently filed with the Planning Department for review and approval. State law under Assembly Bill 52 (Public Resources Code Section 21080.3.1) allows California Native American tribes 30 days to request consultation regarding possible significant effects that implementation of the proposed project may have on tribal cultural resources. The attached letter is your official notification and provides target timelines for the AB 52 Consultation Process.

If you have questions about this project or wish to request consultation, please contact the project manager(s) listed above and provide a designated lead contact person for this consultation

RE: AB52, NCTC -- DRC2017-00118 SLO CULTIVATION, *REVISED* South County E-Referral, Conditional Use Permit, Arroyo Grande

Fred Collins <fcollins@northernchumash.org>

Mon 3/19/2018 9:50 AM

To: Brandi Cummings <bcummings@co.slo.ca.us>;

Hello Brandi,

We did a lot of work on the Willow Pass road, please send me the records search for the property and any archaeological reports, thank you.

Fred Collins
NCTC

From: Mail for PL_Referrals Group [mailto:plreferrals@co.slo.ca.us]
Sent: Monday, March 12, 2018 4:07 PM
To: fcollins_northernchumash.org
Cc: Brandi Cummings
Subject: AB52, NCTC -- DRC2017-00118 SLO CULTIVATION, *REVISED* South County E-Referral, Conditional Use Permit, Arroyo Grande

County of San Luis Obispo Department of Planning & Building

DRC2017-00118 SLO CULTIVATION, *REVISED* South County E-Referral, Conditional Use Permit, Arroyo Grande
APN(s): 091-181-045, -046, & -019

PLEASE CONTACT:
Brandi Cummings (805-781-1006 or bcummings@co.slo.ca.us)

[DIRECT LINK to SLO CULTIVATION Referral Package](#)

The County of San Luis Obispo is notifying you of the proposed project listed above. The project application was recently filed with the Planning Department for review and approval. State law under Assembly Bill 52 (Public Resources Code Section 21080.3.1) allows California Native American tribes 30 days to request consultation regarding possible significant effects that

implementation of the proposed project may have on tribal cultural resources. The attached letter is your official notification and provides target timelines for the AB 52 Consultation Process.

If you have questions about this project or wish to request consultation, please contact the project manager(s) listed above and provide a designated lead contact person for this consultation

For general questions about the AB52 process, or as an additional point of contact for specific projects, inquiries can be directed to the AB 52 Coordinator, Brian Pedrotti (805-788-2788 or bpedrotti@co.slo.ca.us) or Hilary Brown (805-788-2009 or hbrown@co.slo.ca.us).



April 2, 2018

Brandi Cummings, Project Manager
County of San Luis Obispo
Department of Planning & Building
976 Osos Street, Room 300
San Luis Obispo, California 93408
bcummings@co.slo.ca.us

**Subject: Conditional Use Permit Application (DRC2017-00118 SLO Cultivation)
PROJECT REFERRAL
Indoor and Outdoor Cannabis Cultivation (PROJECT)**

Dear Ms. Cummings:

The California Department of Fish and Wildlife (CDFW) received a Project Referral for a Conditional Use Permit Application from San Luis Obispo County for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State (Fish & Game Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Brandi Cummings, Project Manager
Department of Planning and Building
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CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. For example, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (Fish & Game Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

In this role, CDFW is responsible for providing, as available, biological expertise during public agency environmental review efforts (e.g., CEQA), focusing specifically on project activities that have the potential to adversely affect fish and wildlife resources. CDFW provides recommendations to identify potential impacts and possible measures to avoid or reduce those impacts.

Water Pollution: Pursuant to Fish and Game Code § 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into "Waters of the State" any substance or material deleterious to fish, plant life, or bird life, including non-native species. It is possible that without mitigation measures this Project could result in pollution of Waters of the State from storm water runoff or construction-related erosion. Potential impacts to the wildlife resources that utilize watercourses in the Project area include the following: increased sediment input from road or structure runoff; toxic runoff associated with Project-related activities and implementation; and/or impairment of wildlife movement. The Regional Water Quality Control Board and United States Army Corps of Engineers also have jurisdiction regarding discharge and pollution to Waters of the State.

Bird Protection: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include §§ 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Fully Protected Species: CDFW has jurisdiction over fully protected species of birds, mammals, amphibians, reptiles, and fish pursuant to Fish and Game Code §§ 3511, 4700, 5050, and 5515. Take of any fully protected species is prohibited and CDFW cannot authorize their incidental take.

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T as specified in the CEQA Guidelines (California Code of Regulations, Title 14,

Brandi Cummings, Project Manager
Department of Planning and Building
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Chapter 3, § 15380), CDFW recommends it be fully considered in the environmental analysis for this Project.

PROJECT DESCRIPTION SUMMARY

Proponent: Kyle Hardy, SLO Cultivation, Inc.

Objective: The Project proponent seeks a Conditional Use Permit for cannabis cultivation activity to include a 22,000 square-foot (sq ft) indoor cultivation site, 51,200 sq ft nursery, 2,400 sq ft manufacturing facility, and a 1,000 sq ft dispensary all to be located within existing structures in addition to a 44,000 sq ft outdoor cultivation site.

Location: The Project is located on an 80-acre parcel at 1808 and 1810 Willow Road, Arroyo Grande, California and 520 Albert Road, Arroyo Grande, California; Assessor's Parcel Numbers 091-181-046, -045, -019; in San Luis Obispo County.

Timeframe: Unspecified.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following recommendations to assist San Luis Obispo County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

I. Environmental Setting and Related Impact

Review of the California Natural Diversity Database (CNDDB) reveals records for several special-status species within the vicinity of the Project area including, but not limited to the State Species of Special Concern and federally Threatened California red-legged frog (*Rana draytonii*); the State and federally Endangered marsh sandwort (*Arenaria paludicola*); the State and federally Endangered Nipomo Mesa lupine (*Lupinus nipomensis*); and the State Rare and federally Endangered Pismo clarkia (*Clarkia speciosa* ssp. *immaculata*); the State Species of Special Concern Coast Range newt (*Taricha torosa*), coast horned lizard (*Phrynosoma blainvillii*), northern goshawk (*Accipiter gentilis*), northern harrier (*Circus cyaneus*), loggerhead shrike (*Lanius ludovicianus*), burrowing owl (*Athene cunicularia*), American badger (*Taxidea taxus*), and northern California legless lizard (*Anniella pulchra*); the following California Rare Plant Rank 1B.1 Gambel's water cress (*Nasturtium gambelii*), San Luis Obispo owl's clover (*Castilleja densiflora* var. *obispoensis*), and Kellogg's horkelia (*Horkelia cueata* var. *sericea*), and the following California Rare Plants Rank 1B.2: Blochman's leafy

Brandi Cummings, Project Manager
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daisy (*Erigeron blochmaniae*), San Bernardino aster (*Symphyotrichum defoliatum*), Santa Margarita manzanita (*Arctostaphylos pilosula*), sand mesa manzanita (*Arctostaphylos rudis*), southern curly-leaved monardella (*Monardella sinuate* ssp. *sinuata*), San Luis Obispo monardella (*Monardella undulata* ssp. *undulata*), San Luis Obispo owl's clover (*Castilleja densiflora* var. *obispoensis*), dune larkspur (*Delphinium parryi* ssp. *blochmaniae*), black flowered figwort (*Scrophularia atrata*), and Hoover's bent grass (*Agrostis hooveri*) (CDFW 2018).

Review of aerial imagery indicates that the Project area has been previously disturbed and consists mainly of tree orchards, open land, a large warehouse/greenhouse, parking lot, and residence. The parcels north of the Project site contain trees, shrubs, and natural areas and borders Black Lake Canyon Creek, all of which contain habitat with the potential to support special status species. The Project has the potential to impact biological resources. An analysis of potential impacts and recommended mitigation measures summarized by species follows below.

Prior to ground-disturbing activities associated with the Project, CDFW recommends that a qualified biologist assess the Project area to determine if sensitive biological resources are present on or in the vicinity and that results of this assessment be used to identify appropriate subsequent CEQA documents and any potential permitting needs for this Project.

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or the United States Fish and Wildlife Service (USFWS)?

COMMENT 1: Special-status plants

Issue: Sixteen special-status plants meeting the definition of rare or endangered under CEQA § 15380 are known to occur in the vicinity of the Project area including the State and federally Endangered marsh sandwort (*Arenaria paludicola*), the State and federally Endangered Nipomo Mesa lupine (*Lupinus nipomensis*) and the State Rare and federally Endangered Pismo clarkia (*Clarkia speciose* ssp. *immaculata*); the following California Rare Plants Ranked 1B.1 including Gambel's water cress (*Nasturtium gambelii*), San Luis Obispo owl's clover (*Castilleja densiflora* var. *obispoensis*), and Kellogg's horkelia (*Horkelia cueata* var. *sericea*); and the following California Rare Plants Ranked 1B.2: Blochman's leafy daisy (*Erigeron blochmaniae*), San Bernardino aster (*Symphyotrichum defoliatum*), Santa Margarita manzanita (*Arctostaphylos pilosula*), sand mesa manzanita (*Arctostaphylos rudis*), southern curly-leaved monardella (*Monardella sinuate* ssp. *sinuata*), San Luis Obispo monardella (*Monardella undulata* ssp. *undulata*), San Luis Obispo owl's clover (*Castilleja densiflora* var. *obispoensis*), dune larkspur (*Delphinium parryi* ssp.

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blochmaniae), black flowered figwort (*Scrophularia atrata*), and Hoover's bent grass (*Agrostis hooveri*).

Specific impact: Without appropriate avoidance and minimization measures for special-status plants, potential significant impacts associated with the Project's construction include inability to survive and reproduce and direct mortality.

Evidence impact is potentially significant: The Project site is located adjacent to properties with natural lands and the Black Lake Canyon Creek, both of which may provide suitable habitat for special status plant species. The Project site has the potential for the sixteen special-status plants listed above to occur on site. As a result, ground-disturbing activities have the potential to significantly impact special-status plant species.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact)

To evaluate potential impacts to special status plant species, CDFW recommends conducting the following evaluation of the subject parcel and its vicinity and implementing the following mitigation measures.

Mitigation Measure 1: Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment of the Project site in advance of Project implementation to determine if special-status plant species or their habitats are present on the Project site.

Mitigation Measure 2: Special Status Plant Surveys

If suitable habitat is present on the Project site, CDFW recommends that the Project site be surveyed for special-status plants by a qualified botanist following the "*Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*" (CDFG, 2018). This protocol, which is intended to maximize detectability, includes identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period.

Mitigation Measure 3: Special-Status Plant Avoidance

CDFW recommends special-status plant species be avoided whenever possible by delineation and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species.

Brandi Cummings, Project Manager
Department of Planning and Building
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Mitigation Measure 4: Special-Status Plant Take Authorization

If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species. If a State or federally listed plant species is identified during botanical surveys and cannot be avoided, consultation with CDFW and/or USFWS to determine permitting needs is recommended. For State-listed plant species, take authorization would occur through issuance of an Incidental Take Permit by CDFW, pursuant to Fish and Game Code § 2081(b).

COMMENT 2: California red-legged frog (CRLF)

Issue: CRLF have been documented to occur within 0.25 miles of the Project area (CDFW 2004). CRLF requires a variety of habitats including aquatic breeding habitats and upland dispersal habitats. Breeding sites of CRLF are in aquatic habitats including pools and backwaters within streams and creeks, ponds, marshes, springs, sag ponds, dune ponds and lagoons. Additionally, CRLF frequently breed in artificial impoundments such as stock ponds (USFWS 2002). Breeding sites are generally found in deep, still or slow-moving water (greater than 2.5 feet) and can have a wide range of edge and emergent cover amounts. CRLF can breed at sites with dense shrubby riparian or emergent vegetation, such as cattails or overhanging willows or can proliferate in ponds devoid of emergent vegetation and any apparent vegetative cover (i.e., stock ponds). CRLF habitat includes nearly any area within 1-2 miles of a breeding site that stays moist and cool through the summer; this includes non-breeding aquatic habitat in pools of slow-moving streams, perennial or ephemeral ponds, and upland sheltering habitat such as rocks, small mammal burrows, logs, densely vegetated areas, and even, man-made structures (i.e. culverts, livestock troughs, spring-boxes, abandoned sheds) (USFWS 2017). Review of aerial imagery indicates that the Project site could provide upland sheltering habitat for CRLF.

Specific impact: Without appropriate avoidance and minimization measures for CRLF, potentially significant impacts associated with the Project's construction could include exposure to fertilizers and pesticides including herbicides and fungicides, which may pose contamination threats to the CRLF and direct mortality.

Evidence impact is potentially significant: Habitat loss from growth of cities and suburbs, mining, overgrazing by cattle, invasion of nonnative plants, impoundments, water diversions, stream maintenance for flood control, degraded water quality, and introduced predators, such as bullfrogs are the primary threats to CRLF (USFWS 2017). Potential suitable sheltering habitat for CRLF may occur within or adjacent to the Project site. Therefore, subsequent ground-disturbing activities have the potential to significantly impact CRLF.

Brandi Cummings, Project Manager
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Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts to CRLF, CDFW recommends conducting the following evaluation of the subject parcel and implementing the following mitigation measures.

Mitigation Measure 5: CRLF Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment of the property and assessment of CRLF locality records in the vicinity of the Project site.

Mitigation Measure 6: CRLF Surveys

CDFW recommends that a qualified wildlife biologist conduct surveys for CRLF within 48 hours prior to commencing work (two night surveys immediately prior to construction or as otherwise required by the USFWS) in accordance with the *USFWS Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog* (USFWS, 2005) to determine if CRLF are within or adjacent to the project area.

Mitigation Measure 7: CRLF Avoidance

If any CRLF are found during preconstruction surveys or at any time during construction, construction should cease and the CDFW contacted to discuss a relocation plan for CRLF by a qualified biologist.

CDFW recommends that initial ground-disturbing activities be timed to avoid the period when CRLF are most likely to be moving through upland areas (November 1 and March 31). When ground-disturbing activities must take place between November 1 and March 31, CDFW recommends a qualified biologist monitoring construction activities daily for CRLF.

COMMENT 3: Burrowing Owl (BUOW)

Issue: BUOW are known to occur in the vicinity of the Project area. BUOW inhabit open grassland containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. The Project area consists of open areas, which have the potential for to support BUOW colonization.

Specific impact: Without appropriate avoidance and minimization measures for BUOW, potential significant impacts associated with the Project's construction include burrow collapse, inadvertent entrapment, nest abandonment, reduced reproductive success, reduced health and vigor of eggs and/or young, and direct

Brandi Cummings, Project Manager
Department of Planning and Building
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mortality of individuals in violation of the Migratory Bird Treaty Act and Fish and Game Code.

Evidence impact is potentially significant: The Project site is within the range of BUOW. BUOW are known to occur in the vicinity of the Project area, and open areas and grassland habitat within and adjacent to the Project area has the potential to provide suitable habitat for the species. Therefore, subsequent ground-disturbing activities associated with the Project could have the potential to significantly impact local BUOW populations. In addition, and as described in CDFW's "*Staff Report on Burrowing Owl Mitigation*" (CDFG 2012), excluding and/or evicting BUOW from their burrows is considered a potentially significant impact under CEQA.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact)

To evaluate potential impacts to BUOW, CDFW recommends conducting the following evaluation of the subject parcel and its vicinity and implementing the following mitigation measures.

Mitigation Measure 8: BUOW Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of Project implementation, to determine if the Project area or its vicinity contains suitable habitat for BUOW.

Mitigation Measure 9: BUOW Surveys

If suitable habitat is present on or in the vicinity of the Project area, CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's "*Burrowing Owl Survey Protocol and Mitigation Guidelines*" (CBOC 1993) and CDFW's "*Staff Report on Burrowing Owl Mitigation*" (CDFG 2012). Specifically, CBOC and CDFW's Staff Report suggest three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable. In addition, CDFW advises that surveys include a 500-foot buffer around the Project area.

Mitigation Measure 10: BUOW Avoidance

CDFW recommends no-disturbance buffers, as outlined in the "*Staff Report on Burrowing Owl Mitigation*" (CDFG 2012), be implemented prior to and during any ground-disturbing activities. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table

Brandi Cummings, Project Manager
 Department of Planning and Building
 April 2, 2018
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unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

* meters (m)

Mitigation Measure 11: BUOW Passive Relocation and Mitigation

If BUOW are found within these recommended buffers and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. However, if necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting BUOW. BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance, at a rate that is sufficient to detect BUOW if they return.

COMMENT 4: Other State Species of Special Concern

American badger, coast range newt, coast horned lizard, northern California legless lizard, northern goshawk, northern harrier, loggerhead shrike.

Issue: American badger can inhabit grassland habitats with dry friable soils, suitable for excavating dens (Zeiner et al. 1990a); coast range newt can inhabit oak, chaparral, and grasslands. In the terrestrial phase, they live in moist to dry habitats under woody or leafy debris, in rock crevices, or in animal burrows. In the aquatic phase, they are found in ponds, streams, and reservoirs (Thomson, et al. 2016); coast horned lizard can inhabit sage scrub, dunes, alluvial scrub, annual grassland, chaparral, oak woodland, riparian woodland, Joshua tree woodland, coniferous forest, and saltbush scrub. They prefer loose, fine soils for burrowing, open areas, and shrub cover (Thomson, et al. 2016); the northern California legless lizard are found primarily in areas with sandy or loose organic soils or where there is plenty of

Brandi Cummings, Project Manager
Department of Planning and Building
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leaf litter (Zeiner et al. 1990b); the northern goshawk prefer dense, mature conifer and deciduous forest, interspersed with meadows, other openings, and riparian areas (Zeiner et al. 1990c); the northern harrier mostly found in flat, open areas of tall, dense grasses, moist or dry shrubs, and edges for nesting, cover and feeding; prefer meadows, grasslands, open rangelands, desert sinks, and fresh and saltwater emergent wetlands (Zeiner et al. 1990d); and the loggerhead shrike prefer open habitats with scattered shrubs, trees, and other suitable perches, and low or sparse herbaceous cover (Zeiner et al. 1990e). The subject parcel is within the range of the seven species mentioned above. These seven species have been documented to occur in the vicinity of the parcel. In addition, the subject parcels and/or adjacent lands have the potential to support habitat elements mentioned above. Therefore, the subject parcels may have potential suitable habitat for these seven species.

Specific impact: Without appropriate avoidance and minimization measures for American badger, coast range newt, coast horned lizard, and northern California legless lizard, potentially significant impacts associated with the Project's construction could include nest/den/burrow abandonment, which may result in reduced health or vigor of eggs and/or young, and/or direct mortality.

Evidence impact is potentially significant: Habitat loss is a primary threat to all seven of the species mentioned above (Zeiner et al. 1990a, b, c, d, and e and Thomson et al. 2016). The Black Lake Canyon Creek adjacent to the Project area and trees and habitat within the project area has the potential to support the seven special-status species listed above. Therefore, ground-disturbing activities have the potential to significantly impact local populations of these species.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact)

To evaluate potential impacts to these species, CDFW recommends conducting the following evaluation of the subject parcel and its vicinity and implementing the following mitigation measures.

Mitigation Measure 12: Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment in advance of Project implementation to determine if the Project area or its immediate vicinity contains suitable habitat for the species mentioned above.

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Mitigation Measure 13: Species of Special Concern Surveys

If suitable habitat is present, CDFW recommends that a qualified biologist conduct focused surveys for each species and their requisite habitat features to evaluate potential impacts resulting from ground-disturbance.

Mitigation Measure 14: Avoidance

In the event that Species of Special Concern are detected during preconstruction surveys, CDFW recommends implementation of a minimum 50-foot no-disturbance buffer around burrows and dens, a 250-foot no-disturbance buffer around active nests of non-listed bird species, and a 500-foot no-disturbance buffer around active nests of non-listed raptors.

COMMENT 5: Nesting Birds

Issue: Trees within and adjacent to the Project area likely provide suitable nesting habitat for migratory birds, including the following State Species of Special Concern: northern goshawk, northern harrier, and loggerhead shrike.

Specific impact: Without appropriate avoidance and minimization measures for nesting birds, potential significant impacts associated with the Project activities could include nest and/or colony abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young.

Evidence impact would be significant: As mentioned above, trees within and adjacent to the Project area likely provide suitable nesting habitat for migratory birds, including the following State Species of Special Concern: northern goshawk, northern harrier, and loggerhead shrike. For this reason, depending on timing, disturbance to nesting birds can cause abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young, significantly impacting nesting birds.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact)

To evaluate potential impacts to nesting birds, CDFW recommends conducting the following evaluation of the subject parcel and its vicinity and implementing the following mitigation measures.

Brandi Cummings, Project Manager
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Mitigation Measure 15: Nesting Bird Surveys

CDFW recommends that construction be timed to avoid the normal bird-breeding season (February 1 through September 15). However, if construction must occur during that time, CDFW recommends that a qualified wildlife biologist conduct surveys of the Project area and within 250 feet of the Project for nesting birds no more than 10 days prior to the start of the Project.

Mitigation Measure 16: Nesting Bird Take Avoidance

In the event that nesting birds are detected during preconstruction surveys, CDFW recommends implementation of a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If variance from these no-disturbance buffers is required, CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

Editorial Comments and/or Suggestions

Notification of Lake and Streambed Alteration

Business and Professions Code 26060.1 (b)(3) includes a requirement that California Department of Food and Agriculture cannabis cultivation licensees demonstrate compliance with Fish and Game Code § 1602 through written verification from CDFW. CDFW recommends submission of a Lake and Streambed Alteration Notification to CDFW for the proposed Project prior to initiation of any cultivation activities. Please note that CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link:

http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address:

Brandi Cummings, Project Manager
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CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089).


CONCLUSION

CDFW appreciates the opportunity to comment on the Project to assist San Luis Obispo County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Heather Rodriguez, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014 extension 243, or by electronic mail at Heather.Rodriguez@wildlife.ca.gov.

Sincerely,



 Julie A. Vance
Regional Manager

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Department of Planning and Building
April 2, 2018
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Department of Fish and Game, Sacramento, California.



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

RECEIVED JUN 28 2018

RECEIVED

20 JUL 2018

THIS IS A **REVISED PROJECT REFERRAL**

DATE: 6/28/2018
TO: 4th District Legislative Assistant, Building Division, County Fire / CAL FIRE,
Public Works, RWQCB, South County Advisory Council, Sheriff, AB52
FROM: Brandi Cummings, (805-781-1006 or bcummings@co.slo.ca.us)
Development Review Team / Current & Environmental Planning

PROJECT NUMBER & NAME: DRC2017-00118 SLO CULTIVATION

PROJECT DESCRIPTION: Proposed Conditional Use Permit for Cannabis activity to include cultivation, nursery, and retail delivery service: located at 1808 and 1810 Willow Road as well 520 Albert Way in Arroyo Grande.

APN(S): 091-181-045, -046, & -019

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.

SEE FIRE SAFETY LETTER

7-18-18

Date

DELL WELLS

Name

805-593-3427

Phone



CAL FIRE
San Luis Obispo
County Fire Department

635 N. Santa Rosa • San Luis Obispo, CA 93405
Phone: 805.543.4244 • Fax: 805.543.4248
www.calfireslo.org

Scott M. Jalbert, Unit Chief

July 18, 2018

San Luis Obispo County
Department of Planning & Building
County Government Center
San Luis Obispo, CA 93408

Subject: DRC2017-00118 SLO CULTIVATION

Ms. Cummings,

CAL FIRE/San Luis Obispo County Fire Department has reviewed the New Project Referral information, the Supplemental Development Statement and building plans provided for the proposed Conditional Use Permit to allow for the development for 2 1/2 acre indoor Cannabis activity. Proposed activity will include - 22,000 sq/ft indoor cannabis cultivations with 35,000 Nursery, 500 sq/ft processing, 500 sq/ft delivery room, 11,000 drying and Hanging. This project will be located at 1808 and 1810 Willow Road as well as 502 Albert Way in Arroyo Grande.

Special Concerns:

The cumulative effects of commercial development within areas such as this continue to place challenges upon CAL FIRE/County Fire's ability to provide effective and efficient emergency services within rural areas.

The nearest CAL FIRE/County Fire station (#22-Mesa) is located at 2391 Willow Road, Arroyo Grande, CA. This station has an approximate 1.5-mile vehicular travel distance and a 2-minute response time. At a minimum, 2 full-time firefighters are on duty at this station throughout the entire year regardless of weather conditions.

This geographic location is within lands classified as State Responsibility Area (SRA) having a "High"

The following are requirements that must be satisfied prior to final inspection and occupancy.

- A Registered Fire Protection Engineer (F.P.E.) is required to design and/or approve of the commercial fire sprinkler system(s), water storage system; underground piping; fire hydrants and fire pump for the proposed project(s).
- **All structures associated with the current proposal will require the installation of a properly designed and installed commercial fire sprinkler system. An NFPA 13 system will be required.** (Greenhouse exception will be done through county Building)

- Greenhouse structure must be approved by County Building Department and CAL FIRE/County Fire with an Alternate Materials and Methods document. Occupancy of greenhouse will meet California Building Code. If this provision is met, no fire sprinklers will be required in the greenhouse.
- The Registered Fire Protection Engineer must provide a detailed written technical analysis of the entire fire protection system. This technical analysis must account for the phased approach to the project. The required water storage upon buildout should be detailed within this report.
- **WATER STORAGE** - "Poly" and or plastic style water storage tanks shall not be allowed. Multiple or "daisy chained" tanks are not allowed to be utilized to provide water held in storage dedicated to fire suppression purposes. A single water storage tank or properly designed, engineered and installed water storage pond shall be allowed. The Registered Fire Protection Engineer must determine the amount of water required to be held in storage dedicated to fire suppression purposes. System will meet NFPA 1142 standards
- **FIRE PUMP/HYDRANTS** – Pressurized fire hydrants may be required due to the proposed size of the new commercial development. Fire Hydrant placement and proper sizing/type of all underground piping shall be addressed within the written technical analysis provided by the Registered Fire Protection Engineer.
- **ACCESS**- The grade for all roads, streets, private lands and driveways shall not exceed 16 percent. Design criteria shall be in accordance with San Luis Obispo County Public Works public improvement standards. Roads 12%-16% shall be a nonskid asphalt or concrete surface as specified in San Luis Obispo County public improvement standards, specifications and drawings.

All roads shall:

- Be able to support Fire Apparatus 75,000 pounds
- Provide a vertical clearance of 13 feet 6 inches
- Provide a 10-foot fuel modification zone on both sides (Combustible Vegetation)

The current property access road will need to meet a 20 foot width requirement.

- 1) CAL FIRE will not require a 2 foot shoulder for this project.
- 2) Turn Radius on all access roads will meet Access Road Standards.
- 3) Fire access shall be provided to within 150 feet of the furthest outside building perimeter including green houses. Current access around the greenhouse will need a minimum 12 foot wide base on west and east end of greenhouse.

Parking is only allowed where an additional 8 feet of width is added to each side of the road to accommodate parking. "No Parking - Fire Lane" signs may be required in areas determined by County Fire.

Turn arounds will be provided for access exceeding 150 feet.

- **ALARMS/DETECTION** – The required fire sprinkler system shall be monitored in accordance with all relative standards set forth within NFPA 72 and 13. A properly designed and installed heat/smoke detection system shall be required. All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels, and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electrically monitored for integrity and to ensure valves are locked in the open position. Monitoring shall be provided by a central station listed by Underwriters Laboratories for receiving fire alarms.
- **OCCUPANCY CLASSIFICATION** – An occupancy classification will be set based on California Building Code. The San Luis Obispo County Building Department will set occupancy.
- **EMERGENCY ACCESS** – A Knox Corporation key switch shall be installed on all electric gates and rapid entry. Knox box(s) shall be attached to commercial structure(s) agreed upon by County Fire.
- **ADDRESSING** – Address numbers shall meet current commercial standards of 8 inch high with ½ inch stroke. Building identification may be required. Proper signage shall be required onsite in order to properly identify access and egress routes.

The proposed project(s) will require a Fire Safety Plan review for issued permits and rough and final inspection prior to occupancy. Please contact this office at (805) 593-3490 to schedule the final inspection once all requirements have been satisfied.

If I may be of additional assistance regarding this matter, please do not hesitate to contact me at (805) 593-3427.

Sincerely,

Dell Wells
Fire Captain / Inspector



March 28, 2018

Supervisor Lynn Compton, 4th District Supervisor
County Government Center
San Luis Obispo, CA 93408

Dear Supervisor Compton:

The SCAC took the following actions at its March 26, 2018 meeting:

VERIZON WIRELESS – DRC2017-00104 - Proposed Conditional Use Permit for a cell site consisting of an 80' Eucalyptus tree w/12 panel antennas, with support equipment on a 30'x 30' lease area within a chain link fence at 1455 Willow Road, Nipomo. APN:091-204-027. The full Council voted unanimously to recommend approval for this project.

SLO CULTIVATION – DRC2017- 00118 – Proposed Conditional Use Permit for Cannabis activity to include cultivation, nursery, manufacturing and a dispensary. The location is for 1808 and 1810 Willow Road in Nipomo. APN(S): 091-181-045, -046 & -019. This permit includes both an indoor grow and an outdoor grow. The one acre outdoor grow is located on Agricultural zoning surrounded by Rural Residential zoning. A presentation was made by Kyle Hardy, President of SLO Cultivation and Nathan Eady of SCS. The following discussion included questions from both the Council and the audience and answers from the presenters. A motion was made to recommend approval of the application but the motion failed on a 3-5 vote. A subsequent motion recommending approval while eliminating the one acre outdoor grow was made but ended with a 4-4 split vote.

On behalf of the South County Advisory Council,

A handwritten signature in cursive script, appearing to read "Richard Wright".

Richard Wright,
Correspondence Secretary

**COUNTY OF SAN LUIS OBISPO****DEPARTMENT OF AGRICULTURE / WEIGHTS & MEASURES**

Martin Settevendemie, Agricultural Commissioner / Sealer of Weights & Measures

DATE: May 17, 2018

TO: Brandi Cummings, Project Manager

FROM: Lynda L. Auchinachie, Agriculture Department

SUBJECT: SLO Cultivation Conditional Use Permit DRC2017-00118 (2009)

The applicant is requesting a conditional use permit to allow for two one-acre outdoor cannabis cultivation sites within an existing avocado orchard, conversion of an existing greenhouse to 22,000-square feet of indoor cannabis cultivation, and 51,200-square feet of cannabis nursery. The 80-acre project site is near Nipomo and half within the Agriculture land use category and half within the Rural Residential land use category. 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 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.

Cassidy Williams

From: Kealoha L. Ghiglia <klghiglia@co.slo.ca.us>
Sent: Friday, October 5, 2018 4:45 PM
To: Cassidy Williams
Subject: Re: DRC2017-00118 SLO Cultivation

Follow Up Flag: Follow up
Flag Status: Completed

Hi Cassidy -

Currently the application reads "20 or fewer employees performing cannabis activities requested by the application" under the "Employee Information" section. With the information as it is presented in the application, it seems very likely that 20 + cucumber operation would hit 25. If the applicant has changed the number of employees, they will need to provide that information in writing, as it is a change to the project description. I would also like to understand what their breakdown for each cannabis related activity would be (basically, how they are estimating their employee number). In any event, the condition will be on their use permit.

In addition, the application does not speak to wastewater flows. If there will be an increase in the number of people onsite compared to the existing use, they will need to estimate the wastewater flows based on the increased number of people and demonstrate that the existing onsite wastewater system is adequate to manage flows.

Thanks!

Kealoha Ghiglia, REHS
Environmental Health Specialist III
Land Use and Small Water Systems
Environmental Health Services
2156 Sierra Way, Suite B, San Luis Obispo, CA 93401
| Direct line: 805.781.5551 | Receptionist: 805.781.5544 |

| [Website](#) |

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From: Cassidy Williams <Cassidy.Williams@swca.com>
Sent: Friday, September 28, 2018 8:13 AM

To: Kealoha L. Ghiglia
Cc: Jay Johnson
Subject: RE: DRC2017-00118 SLO Cultivation

Hi Kealoha,

I followed up with the project agent yesterday with a phone call, and he told me that the employee count they had originally relayed to us (25 employees) included both Oceanbreeze, Inc. (the other company sharing the well onsite) and SLO Cultivation employees. With the revised project scope (removal of the outdoor cultivation area) he told me that the employee count would be then reduced to no more than 20 between both companies, as they share the same company owner. I'd still like to include the condition stating if at any point they have 25 or more FTE the public water system permit would be required. Could you send me a referral response including that kind of language, along with any other comments and the hazardous materials questionnaire attached?

Thank you,

Cassidy Williams
Environmental Planner

SWCA Environmental Consultants
1422 Monterey Street, Suite B-C 200
San Luis Obispo, CA 93401-2945
P 805.543.7095 X 6802 | F 805.543.2367



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From: Kealoha L. Ghiglia <klghiglia@co.slo.ca.us>
Sent: Thursday, September 27, 2018 10:28 AM
To: Jay Johnson <jgjohnson@co.slo.ca.us>
Cc: Cassidy Williams <Cassidy.Williams@swca.com>
Subject: DRC2017-00118 SLO Cultivation

Hi Jay-

I received a phone call yesterday from one of the County's contracted consultants at SWCA, Cassidy Williams (cc'd), regarding the above project. Her question was specifically about whether or not the proposed project would require a public water system.

After reviewing our files, it seems that this project was not referred to us originally or in the revised referral. Looking at the project details, it does seem likely that the system would need to permit as a public water system. They propose 20 full time employees, and as Cassidy noted, their traffic study indicated even more. She confirmed with the applicant that they are planning 25 full time employees. In addition, there are other

farming operations on the property that will be served by the same water system and will continue to farm. As such, it seems very likely they will hit the 25 people per day for at least 60 days a year, and will most likely hit the threshold of at least 6 months out of the year, which will bump them into a nontransient, noncommunity water system. I attached the water system decision tree for determining a public water system for reference.

Basically, I want to make sure the public water system condition will be written into their NOFA. Right now, the timeline to become a public water system is 12-18 months. There are two phases of technical reports required by the State. I think Cassidy already relayed the information to the applicant, but the condition needs to be documented.

Last, they would also be required to submit their haz mat questionnaire to determine if a haz mat business plan will be required. They plan to use pesticides, so we need to know if they will store reportable quantities.

Let me know if you just want me to write a referral response.

Thanks,

Kealoha Ghiglia, REHS

Environmental Health Specialist III

Land Use and Small Water Systems

Environmental Health Services

2156 Sierra Way, Suite B, San Luis Obispo, CA 93401

| Direct line: 805.781.5551 | Receptionist: 805.781.5544 |

| [Website](#) |

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