Eric Powers

(Previously Carlos Beltran)

MINOR USE PERMIT - CANNABIS CULTIVATION

PROJECT DESCRIPTION

(REVISED: February 24th 2020)

DRC2018-00077

PROPOSAL

- Minor Use Permit:
  - Outdoor Cultivation (3ac)
- Landowner: Richard Forth
- Applicant (Lessee): Eric Powers
- Agent: AGZONE Services, LLC

The following application is for a Minor Use Permit to establish an outdoor cannabis cultivation operation. The outdoor cultivation involves three acres of row crops.

SITE

- Address: 8710 Carrisa Highway, Santa Margarita, CA 93453
- APN: 072-301-011
- Acreage: 42 acres
- Land Use Designation: Agriculture

EXISTING USES

One residence, barn, and two small accessory structures occupy the property. Existing access is from a shared, paved private road (Tule Elk Lane,). The remainder of the site is dry farmed. The topography is flat and a blue line creek crosses the northeast corner.

Figure 2: Tule Elk Road access off of HWY 58

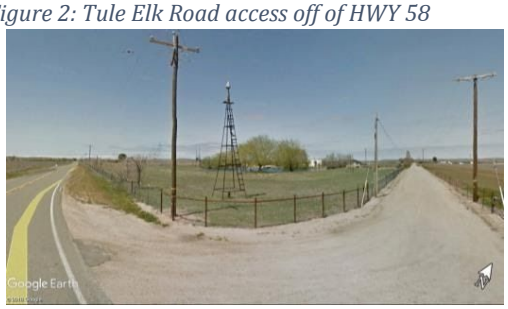
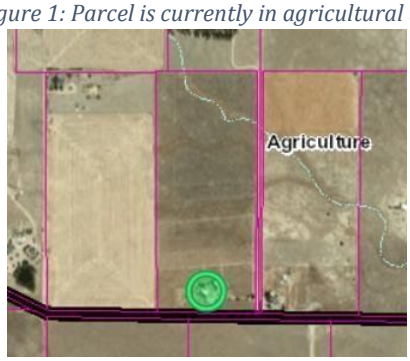


Figure 1: Parcel is currently in agricultural use.



BACKGROUND

The applicant was previously Carlos Beltran and is now replaced by Eric Powers. Please see the document "Consent to the Exchange of Agricultural Sublease Sub-Tenants" included with this resubmittal on February 24th, 2020.

He has contracted with AGZONE Services, LLC to lease the subject property and operate the new grow. The landowner, Richard Forth, has leased the subject property to AGZONE Services, LLC and applicants. The applicant has a previous existing medical cannabis outdoor cultivation operation (totaling 5,000sf) in San Luis Obispo County, information listed below.

Name	County Reg No.	Previous Grow Site Address	Plant Count	Area (sf)
Eric Powers	CCM2016-00074	780 W. Teft	30	2000

The proposal will relocate these operations to the subject property discussed in this project description.

PROJECT DETAILS

According to County of SLO LUO Section 22.40, outdoor cannabis cultivation activities are allowed on AG land subject to a Minor Use Permit and additional requirements set forth in that section. A minimum of 25 acres within the Agriculture land use category is required to host a maximum 3-acre outdoor cannabis cultivation. The outdoor cannabis cultivation will occur onsite within a distinguished canopy and protected by fencing. The cultivator reserves the right to conduct all cannabis activities required for the cultivation and sale of cannabis as permissible by the county of San Luis Obispo and the state of California.

Outdoor Cultivation

The applicant has a 3-acre canopy for an outdoor cultivation operation under CCM noted above. He is proposing to relocate this operation to the subject site in order to operate under the recent medical and adult cannabis use state and county regulations.

The site for cultivation is vacant and regularly tilled. Outdoor cultivation will occur in row crops. This area will be enclosed with a chain link fence no higher than 8' or as required, slatted and gated for security purposes or as required. A detail of the proposed fence is included at the end of this project description.

Cal Fire visited the site on 5/10/18 and provided recommendations for access and water supply for the cultivation operation. CalFire met with the agent on 1/24/2020 to discuss requirements with proposed changes (Please see attached email). As a result, the project will implement a 5000 gallon water tank with fire hose hook up as well as a 16' wide fire access road to the edge of the cultivation canopy. This road will include a hammerhead turnaround.

Land Preparation

The ground is prepared by first disking three times, chiseling (ripping) (3 feet deep) four times and disking again three times. Fertilizer and amendments may be applied as allowed. Planting beds are then shaped.

Plant Stock

Several cannabis strains are selected for high yields and high oil production quality. A mix of stains for each specific site is selected and planted.

Planting

Cannabis is planted as early as April 1st each year. Plant spacing may vary depending on the strain. A planting density between 100 and 40,000 plants per acre may occur.

Trellising

Some strains may require trellising to support the plants weight.

Training/Pruning

Plants are trained and pruned on a limited basis during the growing season.

Plant Nutrition

Applications of N-P-K fertilizers will be based on soil or plant tissue tests, which quantify fertility needs and determine a fertilizer program. Fertilizer will be applied directly to the ground . Gypsum may be incorporated into the soil at the rate of 2 tons-per-acre.

Irrigation

Drip irrigation will be used for all cannabis irrigation. Irrigation water is sourced from groundwater aquifers through agricultural wells. Well water is pumped using electrical power. All irrigation is applied through the drip system to match crop evapotranspiration and to account for 85% irrigation efficiency. The drip system requires chemical flushing to retard calcium build up and emitter clogging. Chemical flushing is performed after harvest with N-pHuric acid applied through the drip system with 0.5 acre-inch of water. Up to two drip irrigation lines are installed per row. Beds may be covered with plastic mulch using a mulch laying implement.

Plant Establishment

Uniquely identified ('Track-and- Trace' tagged) cannabis plants are delivered to the field edge and then transplanted. Fields are irrigated with roughly 1.5 acre-inches of water immediately after planting. Fertigation may be used to help establish plants.

Pest Control Adviser/Certified Crop Advisor (PCA/CCA)

Written recommendations are required for many pesticides and are available from licensed pest control adviser. In addition, the PCA/CCA or independent consulting will monitor the field for agronomic pest problems including irrigation and nutrition, which would include a nitrogen management plan. During the vegetative growth period weekly applications of organic fungicides, e.g. Bacillus thuringiensis [Bt] and pesticides are applied per the PCA/CCA recommendation. Cannabis cultivators who are licensed by the CDFA are required to comply with pesticide laws and regulations as enforced by the Department of Pesticide Regulation (DPR) and the County Agricultural Commissioners (CAC). Vertebrates are controlled with physical barriers, traps, and repellents castor oil and geraniol.

Yields

An estimated season yield of 5,445 pounds-per-acre of dried plant mass is used to reflect yields under sub-surface drip irrigation. The yield will vary based on strain selection and planting date.

Harvest

The crop is harvested when things are ripe. Crew size is 10 to 12 people. The flows of the plant are removed from the stalks with destemming equipment.

Plant material may either be dried in the field, stored temporarily (less than 72 hours) in a secured transport vehicle, or immediately transported to a licensed facility.

Fencing

A fence up to 8' high or as required with slatted chain linked fence, or as required, will encompass the outdoor cultivation unless. The fencing will provide both a visual barrier and security. Refer to the site plan for location.

Lighting

No artificial lighting proposed aside from minimal necessary for security. Lighting will be incorporated within seven (7) solar-powered portable security units. They will be deployed on the fence-line, one at each corner of the site and one each in the middle of the long edges of the site. Lighting will be shielded and manually-activated in the case of a security incident during the hours of darkness. Once the security incident is resolved, the lights will be manually turned off.

Neighborhood Compatibility

This 42-acre parcel (+/-) is surrounded by the Topaz Solar Farm as well as rural residences and other agriculture. Properties to the immediate west and northwest have also filed applications to cultivate cannabis. Their operations will be managed by AGZONE Services, LLC by separate landowner agreements. There aren't any schools; alcohol or drug facilities within 1,000 of this subject property or anywhere remotely close within vicinity. The nearest source is around 15,000 feet away and is the Carrisa Plains Elementary School.

Figure 5: Location of Project Site (red dot) in relation to the nearest school.

Access

Existing access is taken off of HWY 58 onto a private and shared access road. The road is gravel based and is approximately 20' wide. A road maintenance and dust mitigation plan has been provided with this application.

A private, 16' wide road on the subject property will access outdoor cultivation location. This road will have a locked key coded gate for security where it meets the shared access road. A 16' wide fire road will reach the edge of the cannabis cultivation canopy.

Parking Modification Request

A designated parking area with 5 spaces will be located adjacent to the outdoor cultivation site, outside of the fenced boundary, refer to the site plan.

Section 22.18.050 (B) requires 1 space per 1,000sf of outdoor cultivation area, which equates to 131 spaces (130,680sf cultivation area). In order to grant a parking modification, the following findings must be made according to Chapter 22.18.020H:

a. The characteristics of use, the site, or its immediate vicinity do not necessitate the number of spaces, types of design, or improvements required by this Chapter; and
b. Reduced parking or an alternative to the parking design standards of this Chapter will be adequate to accommodate on the site all parking needs generated by the use, or that additional parking is necessary because of special features of the use, site, or site vicinity and
c. No traffic safety problems will result from the proposed modification of parking standards.

The characteristics of use for the site do not necessitate the number of parking spaces required by Chapter 22.18. The plan is for strictly outdoor cultivation with minimal human labor required. The cultivation strategy is for minimal-touch growing, similar to a typical vegetable crop.

Here is the planned work schedule for one year:

Planting and Growing: up to 5 workers will be collectively
working full time to service this cannabis cultivation and the
other three adjacent cannabis cultivation sites.
Harvesting: 10-12 workers for 4 days
Maintenance: Contractors will be hired to maintain equipment and fixtures as needed.
Maintenance contractors are expected up to 14 days per year.

Reduced parking of five spaces will be adequate to accommodate on the site all parking needs generated by the use. Excluding harvesting, a maximum of 5 workers will be onsite simultaneously. For harvesting, all workers will carpool. Total number of cars onsite will not exceed 5. No traffic safety problems will result from the proposed modification of parking standards. All parking is located adjacent to the cultivation site.

A designated parking area with 5 spaces will be located adjacent to the outdoor cultivation site, outside of the fenced boundary, refer to the site plan.

Signage

No signage is proposed at this time.

Setback Modification Request

Per Section 22.40.050D.3.e setbacks can be modified through Minor Use Permit approval so long as the required finding can be made:

> "(For setback modifications only.) Specific conditions of the site and/or vicinity make the required setback unnecessary or ineffective. Modification of the setback will not allow nuisance odor emissions from being detected offsite."

In order to avoid impacting the natural water resources identified on this project, a setback modification is being requested. After doing studies to determine the locations of these water resources it became clear that it is not possible to avoid the natural water resources and meet all the 300' setback requirements. This cannabis cultivation is one of four contiguous cannabis cultivation sites in a neighborhood with several other cannabis cultivation sites. Therefore the 300' minimum setback will be achieved with the Northern, Southern, and Eastern property lines. Only the Western property line which borders on one of the four contiguous cannabis cultivation sites will require a set back modfication of 75.83'. Other alternatives were considered but deemed infeasible such as moving the cultivation site closer to the existing residence but there were concerns of the impact this may have on the residence. The only impacts of this modification will be that this cannabis cultivation will be closer to the property located at 11525 Tule Elk Ln. which is currently in the process of permitting cannabis cultivation. The residence located at 11525 Tule Elk Ln. is well over 300' from the proposed cultivation area and therefore will not be impacted. Odor management for this setback should not be considered a valid concern as the property being impacted by the setback is currently applying for a land use permit to cultivate cannabis.

OPERATIONS

The following information discusses additional site's operational compliance with the requirements set forth in Section 22.40.040.

Employee Safety and Training Plan

The operations will be run by AGZONE Services, lessee. Part of their role is to properly ensure the safety of the site and their employees. The Employee Safety and Training Plan has previously been submitted.

Security

Site security will be provided by a security system approved by the San Luis Obispo County Sheriff. High definition cameras (720p) on board solar-powered, mobile security units will oversee ingress/egress locations and also surveil the cultivation area. Included on these units is manually-
activated LED security lighting, using the All-Pro FSL2030LW box light (or similar). Each station will have two of these LED light systems, each providing at least 1950 lumens. All lighting will be shielded, and the only use will be for the illumination of security incidents at

the site, during hours of darkness. Lights will be extinguished after resolution of the security incident. The normal state of the site will be "lights-out" at all times.

Figure 6: All-Pro FSL2030LW Box Light

The detection of motion by the security system will trigger alerts to the mobile devices of trained security personnel, the permittee, the landowner, and other key personnel. Real-time video will be presented to the user so the appropriate action plan can be implemented.

Public access will be restricted and achieved with the installation of a electronic key code security gate at the entrance to the parcel, and two secure gates within the fence that surrounds the cultivation area. All camera and gate locations are identified on the site plan. An additional mobile unit will be located at the gated access to the parcel.

Fire Safety

Cal Fire visited the site on 5/10/18 and provided recommendations for access and water supply for the cultivation operation. CalFire met with the agent on 1/24/2020 to discuss requirements with proposed changes (Please see attached email). As a result, the project will implement a 5000 gallon water tank with fire hose hook up as well as a 16' wide fire access road to the edge of the cultivation canopy. This road will include a hammerhead turnaround.

A 5,000-gallon galvanized steel water tank will be installed on a compressed gravel pad outside the fence line. The tank will have a 4" fire hookup that will be accessible within 12' of the access road. The tank will also be used as a source of irrigation water for the grow sites. Accordingly, the tank will have a booster pump and a nutrient injection system.

Odor Management

The proposed operation is not anticipating any odor nuisance since the adjacent properties are proposing operation of the same use except for the property to the east which will meet the 300' setback . Additionally, this site is an extremely remote area and adjacent to the Topaz Solar Farm.

Pesticide and Fertilizer Application

A list of pesticides and fertilizer products are included as an attachment to this project description. All products are non-hazardous and in compliance with the Department of Pesticide Regulation (DPR) and the County of San Luis Obispo Agricultural Commissioner (CAC).

Pesticide plan will evolve and change depending on pests we encounter on site and will be varied to avoid pest adaptation. Planned pesticides will be selected from the following list:

<u>Insecticides and Miticides</u>

Azadirachtin • Bacillus thuringiensis sub. kurstaki • Bacillus thuringiensis sub. israelensis • Beauveria bassiana • Burkholderia spp. strain A396 • Capsaicin • Cinnamon and cinnamon oil • Citric acid • Garlic and garlic oil • Geraniol • Horticultural oils (petroleum oil) • Insecticidal soaps (potassium salts of fatty acids) • Iron phosphate • Isaria fumosorosea • Neem oil • Potassium bicarbonate • Potassium sorbate • Rosemary oil • Sesame and sesame oil • Sodium bicarbonate • Soybean oil • Sulfur • Thyme oil

<u>Fungicides and Antimicrobials</u>

Bacillus amyloliquefaciens strain D747 • Cloves and clove oil • Corn oil • Cottonseed oil • Gliocladium virens • Neem oil • Peppermint and peppermint oil • Potassium bicarbonate • Potassium silicate • Reynoutria sachalinensis extract • Rosemary and rosemary oil • Sodium bicarbonate • Trichoderma harzianum

<u>Vertebrate Repellants</u> •

Castor oil

All pest management activity will be contracted out. No storage of pesticides will occur onsite.

Traffic

The proposed operation is indicative of other agricultural operations in the county. Working hours have been designed for the safety of the employees, and the avoidance of peak traffic hours.

Working hours are typically from 30 minutes prior to sunrise and extend for 8 hours. Work may take place 24 hours a day 7 days a week if needed. A cultivation manager will visit at least once per week. Other contract labor for nutrition and pest control will occur on a weekly basis.

A traffic report is provided with a previous revised project description submittal, which resulted in no peak hour trips.

Waste Management Plan

For solid waste, a large waste bin will be located just outside the fence line to the grow site, near the water tank. Trash pick-up services will be contracted, and the bin will be emptied when it becomes full. For compostable waste, all unused plant materials and soils will be either be shredded and tilled back into the soil after harvest or stored in a compost pile inside the secured area to be composted. During the grow season, compostable waste will be maintained in a pile inside the secured portion of the grow site.

Air Quality

Dust Control

A dust control mitigation agreement is being prepared for the shared access driveway. Dust suppression measures will be applied to this access road for operation mitigation. Additionally, the cultivation area will be ripped, disked just after the rainy season to strategize for cultivation. Onsite roads will also implement dust control measures in compliance with the Air Pollution Control District's CEQA Handbook Section 3.6.3.

Water

Water Management Plan

Proposed water supply, use and conservation measures are provided in the project's water management plan prepared by Wallace Group. Wallace Group based their cultivation water use rates based on the Central Coast Regional Water Quality Control Board's cannabis development teams estimates of 0.03 gal/sf canopy/day for outdoor cannabis plants. The project is estimated to yield 1.80 AFY. Estimates are represented in the tables below.

Table 1: Annual Water Demand Estimate for Each Site

Use	Rate	Gross Demand (gallons/ year)	Gross Demand (AFY)
Outdoor Cultivation: 130,680 sf	130,680 square feet canopy area x 0.03 gal/sf/day x 150 days	588,060	1.80
Total New Water Demand			1.80

Table 2. Estimated Monthly Water Demand for Each Site

Month	ETo (in)**	Outdoor ETo During Growing Season (%)	Outdoor Cultivation Water Use/Month (AF)
October	3.50	-	-
November	2.02	-	-
December	1.51	-	-
January	1.69	-	-
February	2.24	-	-
March	3.72	-	-
April	4.76	13.5	0.24
May	6.03	17.1	0.31
June	6.56	18.6	0.34
July	6.60	18.8	0.34
August	6.30	17.9	0.32
September	4.94	14.0	0.25
Total	**49.87**	**100%**	**1.80**

**California Irrigation Management Information System (CIMIS) Weather (active November 2000 to March 2018) Station #163; Atascadero

Biological

A Biological Resources Assessment is provided in accordance with the County of San Luis Obispo Guidelines for Biological Resources Assessments. This report identifies potential adverse impacts to sensitive biological resources and provides recommended avoidance, minimization, and mitigation measures as required to avoid or reduce those impacts.

A San Joaquin Kit Fox Habitat Evaluation Form, including the final score, has been provided.