

Notice of Completion & Environmental Document Transmittal

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

SCH # _____

Project Title: DRC2018-00234 Big Foot Valley, LLC Conditional Use Permit

Lead Agency: County of San Luis Obispo Contact Person: Eric Hughes
Mailing Address: 976 Osos Street, Room 300 Phone: (805)781-1591
City: San Luis Obispo Zip: 93408-2040 County: San Luis Obispo

Project Location: County: San Luis Obispo City/Nearest Community: community of Santa Margarita

Cross Streets: Calf Canyon Highway Zip Code: 93453

Lat. / Long.: 35° 26' 01" N/ 120° 30' 45" W Total Acres: 88.49

Assessor's Parcel No.: 070-174-012; 070-174-022 Section: _____ Twp.: 29S Range: 14E Base: _____

Within 2 Miles: State Hwy #: Highway 58 Waterways: Pilitas Creek, Middle Branch Huer Huero Creek

Airports: N/A Railways: N/A Schools: Atascadero Unified School District

Document Type:

CEQA: NOP Draft EIR NEPA: NOI Other: Joint Document
 Early Cons Supplement/Subsequent EIR EA Final Document
 Neg Dec (Prior SCH No.) _____ Draft EIS Other _____
 Mit Neg Dec Other _____ FONSI

Local Action Type:

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

Development Type:

Residential: Units _____ Acres _____ Water Facilities: Type _____ MGD _____
 Office: Sq.ft. _____ Acres _____ Employees _____ Transportation: Type _____
 Commercial: Sq.ft. _____ Acres _____ Employees _____ Mining: Mineral _____
 Industrial: Sq.ft. _____ Acres _____ Employees _____ Power: Type _____ MW _____
 Educational _____ Waste Treatment: Type _____ MGD _____
 Recreational _____ Hazardous Waste: Type _____
 Other: Cannabis Activities

Project Issues Discussed in Document:

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

Present Land Use/Zoning/General Plan Designation:

Rural Lands

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

See Attached

Reviewing Agencies Checklist

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

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

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

Starting Date November 19, 2021 Ending Date December 23, 2021

Lead Agency (Complete if applicable):

Consulting Firm: <u>SWCA Environmental Consultants</u>	Applicant: <u>Eric Clark</u>
Address: <u>1422 Monterey Street, B-C 200</u>	Address: <u>7343 El Camino Suite 113</u>
City/State/Zip: <u>San Luis Obispo, CA 93405</u>	City/State/Zip: <u>Atascadero, CA 93422</u>
Contact: _____	Phone: _____
Phone: _____	

Signature of Lead Agency Representative: _____ Date: 11/19/2021

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

Notice of Completion – Attachment 1

Request by **Big Foot Valley, LLC** for a Conditional Use Permit (DRC2018-00234) to allow for the phased establishment of outdoor cannabis cultivation, outdoor ancillary nursery, ancillary processing activities, and ancillary transport. Phase 1 would include up to one acre of outdoor cultivation canopy within two separate cultivation areas, up to 3,000 square feet (sf) of outdoor ancillary nursery canopy, and establishment of ancillary transport. Phase 1 site improvements would include construction of a new driveway entrance off Highway 58 (SR 58), permitting and partial revegetation of the previous as-built driveway, relocation of six existing 190-watt solar panels, establishment of a 625-sf composting area, vegetation removal along the east boundary of the cultivation area for fire defensibility, installation of fencing around both cultivation areas, and installation of a portable restroom. Four existing 2,500-gallon water storage tanks, eight 9-foot by 18-foot parking spaces, a 30' by 100' hoop house, and an existing 200 square foot (sf) pesticide/fertilizer storage shed would also be used for cannabis operations. Phase 2 would include establishment of ancillary processing within an existing 2,403 sf barn. Phase 2 site improvements would include the realignment of a segment of the existing driveway, construction of one new Americans with Disabilities Act (ADA)-compliant 9-foot by 18-foot paved parking space, and installation of a 10,000-gallon steel fire suppression water storage tank. The project includes a request to modify the fencing standards set forth in Land Use Ordinance (LUO) Section 22.10.080 to allow eight-foot-tall fixed-knot deer fencing with three-strand barbed wire around the perimeter of each outdoor cultivation area and no fencing around the processing building. The project would result in approximately 4.3 acres of site disturbance on the 88.49-acre parcel, including 3,500 cubic yards (cy) of cut and 1,800 cy of fill (5,300 cy of combined earthwork with 1,700 cy to be spread onsite). The project would require the removal of two oak trees within Cultivation Area #1. The project site is located at 5145 Calf Canyon Hwy, approximately 6 miles northeast of the community of Santa Margarita within the Rural Lands land use designation in the Las Pilitas sub-area of the North County Planning Area.

Outdoor Cultivation

Outdoor cultivation would be planted in above ground pots in two separately fenced cultivation areas located within the southwestern portion of the project site. Combined, the two cultivation areas would encompass 54,450 sf (1.25 acres) with a cultivation canopy of 43,560 sf (1 acre).

Cultivation Area #1 would be 33,310 sf in size with a 26,648-sf canopy. A portion of Cultivation Area #1 has previously been used for outdoor cannabis cultivation, registered with the County as CCM2016-00182, and ceased in 2020. Six existing ground-mounted 190-watt solar panels are located within the proposed bounds of Cultivation Area #1 near the barn and would be relocated to allow for cultivation in this area. Additionally, two oak trees and chaparral vegetation are within the proposed bounds of Cultivation Area #1 and would be removed, along with a 5-foot-wide swath of vegetation on the east side of the cultivation area, to provide a buffer for fire protection purposes. The ancillary nursery, discussed below, would be located within Cultivation Area #1.

Cultivation Area #2 would be 21,140 sf with a 16,912-acre canopy. A 5-foot-wide swath of vegetation on the east side of the cultivation area would be removed to provide a buffer for fire protection purposes.

Water for irrigation would be supplied by an existing on-site well and four existing 2,500-gallon plastic water storage tanks located on the hillside would be used for storage. Outdoor cultivation activities

would produce one harvest per year, which would occur in the month of October. Both cultivation areas would be setback at least 300 feet from the property lines, in accordance with LUO requirements.

Ancillary Nursery

The outdoor ancillary nursery would be established during Phase 1 and would be located within an existing 3,000 sf hoop house. The hoop house is located in an area previously used for the outdoor cultivation of cannabis and would be moved approximately 50 feet north from the existing location to Cultivation Area #1. Seeds and/or immature plants would be purchased from a licensed cultivator and would be propagated within the proposed nursery for onsite use. Once plants within the nursery are mature, they would be moved to one of the outdoor cultivation areas. The ancillary nursery would be setback at least 300 from all property lines, in accordance with LUO requirements.

Ancillary Processing and Transportation

During Phase 1, establishment of ancillary transport of cannabis product grown onsite would occur. Ancillary transport includes exporting harvested product to a licensed facility located offsite for further processing and distribution. Product would be packaged into totes for transportation.

During Phase 2, the existing 2,403 sf barn would be converted to allow for processing of cannabis grown onsite. No manufacturing (extraction) is proposed. During Phase 1 all cannabis would be taken offsite for processing and distribution.

Driveway Improvements

The project site is accessed from SR 58 via an existing unimproved driveway. Phase 1 of the project would include relocation and reconstruction of the driveway approach further to the east in order to meet Caltrans sight distance requirements. The new driveway approach would connect to the existing driveway onsite and would result in approximately 40,560 sf of site disturbance and 17,424 sf of revegetation area. The existing driveway has a pending as-built permit (PMTG2017-01444), which would be resolved during Phase 1.

During Phase 2, a portion of the driveway would be realigned to meet California Department of Forestry and Fire Protection (CAL FIRE) and County Fire standards for turn radius and road width. Realigned portions of the driveway, including the driveway approach and other existing portions of the driveway that are not necessary for the project would be revegetated. Phase 2 driveway improvements would result in approximately 63,440 sf of site disturbance, including revegetation.

Utilities

As previously described, water for irrigation would be supplied by an existing on-site well and four existing 2,500-gallon water storage tanks located on a hillside northeast of the cultivation areas. The existing well produces 6 gallons per minute (gpm) based on a well pump test conducted in July of 2017. All irrigation distribution pipes and storage would be placed on the ground (no excavations) and would be located within previously disturbed areas onsite. In addition, a 10,000-gallon steel fire suppression water storage tank would be installed during Phase 2. The proposed operation estimates a total maximum annual water demand of 0.99 acre-feet per year (AFY) or 323,960 gallons per year, based on historical water use. There are six existing ground-mounted 190-watt solar panels onsite that would be moved to a new location onsite. The well is powered by six solar panels (producing 190 watt/hour each)

and the existing barn is powered by an additional six ground-mounted panels (producing 255 watt/hour each). The total annual estimated energy use for the cannabis operation is 11,180 kWh.

Security

The cannabis cultivation areas will be contained within secure eight-foot-tall fixed-knot deer fencing with three-strand 14-gauge barbed wire. The main gates in the fencing will be one and one half-inch frame with non-climb panel welded to the frame. The front (north) property line is secured with existing three-strand barbed wire fencing, and a new gate would be installed at the new driveway approach.

The proposed security plan includes placement of several cameras at key locations throughout the property to ensure that unauthorized access does not occur. The main entrance gate and the access gates to each cultivation area will have remote messaging systems that send an alarm to the emergency contact list when triggered. The site will operate in full compliance with State licensing requirements for track and trace and adhere to all required security protocols. The project does not propose any outdoor lighting, including for security lighting.

Odor Management

The proposed project is compliant with all required setbacks from property lines which were established with the intent to naturally mitigate nuisance odors from cannabis cultivation activities (LUO 22.40.050.D.8). The processing building would be equipped with odor mitigation technology in the form of carbon filters. The distance to the nearest off-site residence is approximately 1,029 feet away to the southwest from the cannabis activities. Prevailing wind primarily comes from the south travelling toward Calf Canyon Highway (SR 58). The surrounding area is intermixed with very low residential densities dispersed among hills. In the event an odor nuisance complaint is raised during operations on the site, the applicant will coordinate with the County to implement additional odor management controls.

Parking

The project site currently provides eight 9' x 18' unimproved vehicle parking spots. The parking area is located in an existing dirt area adjacent to the existing barn and where one new paved ADA-compliant parking space would be added during Phase 2, adjacent to the processing building.

Employees

The proposed hours of operation would be six days per week from 8:00 a.m. to 6:00 p.m. The project would employ one full-time employee and one part-time employee and an additional six to seven additional employees during harvest. Harvesting would take place over six days in the month of October and would occur for the same hours of operation as typical operations. Offsite product transport is anticipated after each harvest and would include the use of one passenger van or utility vehicle accessing the site over the course of one week. Existing cannabis operations onsite result in two round trips per day. Implementation of the project would create four commercial deliveries per year for soil and other farm supplies.

Setbacks

Outdoor cannabis cultivation must be setback a minimum of 300 feet from all property lines and public rights of way (LUO Section 22.40.050 (D)(3)(b)). In this case, the cultivation areas would be setback 300 feet from the southern property line, 637 feet from the western property line, 768 feet from the northern property line, and 1,366 feet from the eastern property line. The nearest public right of way is SR 58, which is located approximately 768 feet north of the proposed cannabis activities.

Pesticide and Fertilizer

The applicant has obtained an Operator Identification Number (40-20-4022879) for application of pesticides and fertilizers at the site. The project would be required to comply with all application, reporting, and use requirements according to the County of San Luis Obispo Department of Agriculture. All materials will be stored within an existing 10' x 20' storage shed located outside of the barn. The following products will be used for soil and pest control: Capsaicin, cinnamon, garlic and garlic oil, citric acid, geraniol, horticultural oils (petroleum oils), insecticidal soaps (potassium salts of fatty acids), iron phosphate, bean oil, potassium bicarbonate, potassium sorbate, sesame and sesame oil, sodium bicarbonate, soybean oil, sulfur, thyme oil, cloves and clove oil, cottonseed oil, peppermint and peppermint oil, potassium silicate, rosemary and rosemary oil, castor oil. Soil amendments will include the following products: vermiculite, perlite, rice hulls, oyster shells, bat guano, sphagnum moss, earthworm castings, kelp meal, granite dust.

Requested Modifications:

The project includes a request to modify the fencing standards set forth in LUO Section 22.10.080 to allow eight-foot fixed knot woven wire deer fencing with three-strand barbed wire around the perimeter of each outdoor cultivation area.

Baseline Conditions:

The project is located in a rural area east of the community of Santa Margarita, California. The project site is located on two legal parcels that make up an 88.49-acre project area. Existing uses consist of a barn and outdoor areas (approximately 37,000 sf) that were previously used for outdoor cannabis cultivation activities under CCM2016-00182 and were removed in 2020. Existing onsite structures and improvements include eight 9' x 18' parking spaces, a 200-sf pesticide/fertilizer storage shed, four 2,500-gallon plastic water storage tanks, and an existing 2,403 sf barn with restroom associated with previous cannabis cultivation operations onsite. In addition, an access driveway was previously constructed onsite and would need to be upgraded as part of the proposed project.

The project site is located along SR 58 in an area consisting of parcels ranging from three to twenty acres sparsely developed with very low residential density. The average slope of the project area is 28 percent, with steeper slopes occurring outside the project site areas. There are various ephemeral and blue-line drainages that transect the project area, including two (Drainage A and Drainage B) that are Jurisdictional Non-Wetland Waters of the State and one small jurisdictional wetland. Habitats within the project area include chamise chaparral, blue oak woodland, and ruderal/developed.