Kirk Consulting

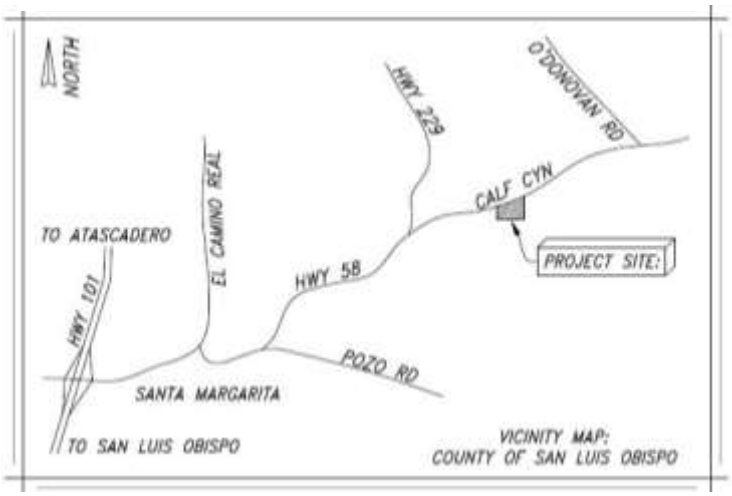
BIGFOOT VALLEY, LLC
CANNABIS CONDITIONAL USE PERMIT
5145 CALF CANYON HIGHWAY, SANTA MARGARITA, CA 93453
PROJECT DESCRIPTION (May 2021)

Parcel Size:	88.49 Acres
APNs:	070-174-012, 070-174-022
Address:	5145 Calf Canyon Hwy, Santa Margarita CA 93453
Land Use Designation:	RL
Williamson Act:	No
Water:	On-Site Well
Existing Uses:	Commercial Barn
Access:	California State Highway 58 (Calf Canyon Highway)

Proposed Project - DRC2018-00234

A request by Bigfoot Valley, LLC for a Conditional Use Permit to establish a phased cannabis operation for outdoor cannabis cultivation, outdoor ancillary nursery, ancillary processing, and ancillary transport located at 5145 Calf Canyon Highway, approximately 5.8 linear miles East of Highway 299. The project site is approximately 88.79 acres in size and consists of two legal parcels. The project site is in the Rural Lands land use category and is located within the San Luis Obispo North County Salinas River Sub Planning Area. Existing uses on the consist of a barn and previously cannabis cultivation under CCM016-00182. Cannabis cultivation operations stopped in 2020 upon expiration of the Temporary Abeyance Resolution.

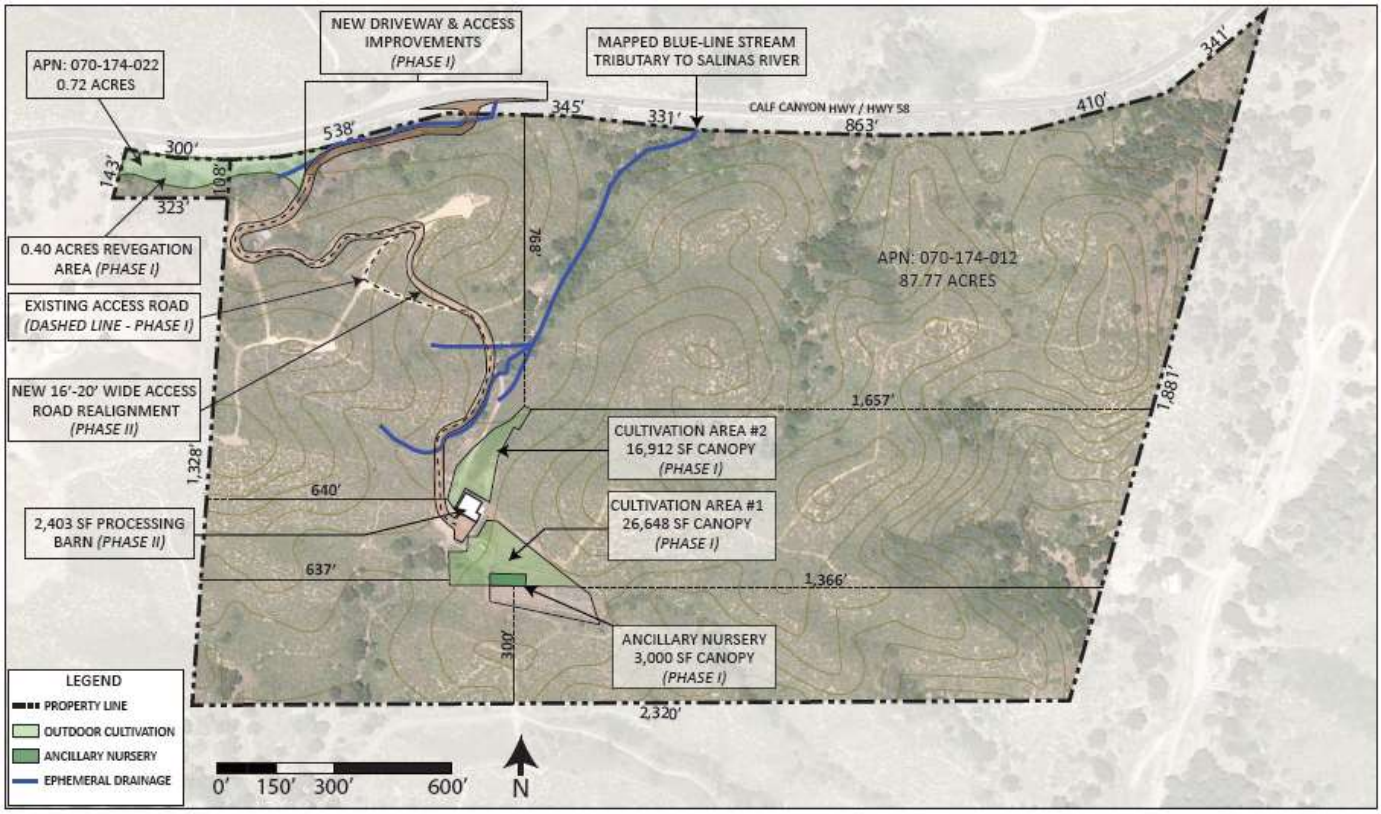
Figure 1: Vicinity Map



Phase I of the proposed project will consist of up to one acre of outdoor cannabis cultivation canopy, up to 3,000 sq. ft. of outdoor ancillary nursery canopy, construction of a new driveway entrance, permitting the as-built road (PMTG2017-01444), revegetating a portion of the unpermitted access road, and ancillary transport. Additional supporting uses will consist of four 2,500-gallon water storage tanks, a 200 sq. ft. pesticide and fertilizer storage area, six existing 190-watt solar panels, a new 625 sq. ft. compost area, a portable restroom, and eight existing dirt parking spaces. Phase II of the proposed project will consist of ancillary processing within an existing 2,403 sq. ft. barn, the installation of a new 10,000-gallon steel fire suppression water storage

tank, the construction of one ADA parking space, and access road improvements to meet Cal Fire standards. The project will utilize 4.3 acres of the 88.49-acre property (4.8 percent of the property) and will result in the disturbance of approximately 4.21 acres. The project includes a modification from the fencing standards set forth in Land Use Ordinance (LUO) Section 22.10.080 to allow eight-foot fixed knot deer fencing with three-strand barbed wire around the perimeter of each outdoor cultivation area.

Figure 2: Overall Site Plan



The project site is located along California State Highway 58 in an area consisting of parcels ranging from 3 to 20+ acres sparsely developed with very low residential density. The average slope of the parcel is 28%, with steeper slopes occurring outside the project site areas. Drainages cross various areas throughout the site (including a documented blue-line stream that is tributary to the Salinas River), to the south and east of the new driveway approach and to the northeast of outdoor cultivation area 2. The cultivation activities will be setback from the drainages and riparian areas onsite by a minimum of 50 feet. The construction of the new driveway approach and access road improvements are anticipated to impact the drainage and riparian area located on the northern portion of the property. Appropriate permits will be obtained from applicable state agencies and provided to the County prior to that work occurring.

Table 1: Project Summary Table

Phase	Project Item	Total Area SF	Total Area Acres	Total Canopy SF	Total Canopy Acres
I	(N) Outdoor Cultivation - Area 1	33,310	0.76	26,648	0.61
	(N) Outdoor Cultivation - Area 2	21,140	0.49	16,912	0.39
	Total Outdoor Cultivation Area	**54,450**	**1.25**	**43,560**	**1.00**
	(N) Ancillary Outdoor Nursery *(within existing hoop house in a new location)*	3,000	0.07	3,000	0.07
	(N)[6] 190-Watt Solar Panels *(existing - moved to new location onsite)*	82	0.00	n/a	n/a
	(N) 5' Vegetative Buffer	3,365	0.08	n/a	n/a
	(N) Compost Area	625	0.01	n/a	n/a
	(N) Portable Restroom	16	0.00	n/a	n/a
	(E)[8] 9' x 18' Parking Spaces	1,296	0.03	n/a	n/a
	(E) Pesticide/Fertilizer Storage Area	200	0.00	n/a	n/a
	(E)[4] 2,500-Gallon Water Tanks	201	0.00	n/a	n/a
	(N) Revegetation of unpermitted driveway	17,424	0.40	n/a	n/a
	(N) Driveway Entrance*	40,560	0.93	n/a	n/a
II	(N) Driveway Realignment* *(access road improvements)*	63,440	1.46	n/a	n/a
	Total Driveway Area	**104,000**	**2.39**	**n/a**	**n/a**
	(E) Existing Barn for Ancillary Processing	2,403	0.06	n/a	n/a
	(N) 9' x 18' ADA Parking Space	162	0.00	n/a	n/a
	(N) 10,000-Gallon Steel Fire Suppression Water Storage Tank	100	0.00	n/a	n/a
Total Area		**187,324**	**4.30**	**46,560**	**1.07**
Total New Site Disturbance		**183,224**	**4.21**	**46,560**	**1.07**

*Phased driveway disturbance approximated. Total combined disturbance not to exceed 'Total Driveway Area'.

Cannabis Cultivation

Cannabis will be cultivated in compliance with the County's Land Use Ordinance, which allows for 1 acre of outdoor cultivation canopy and up to 25% (10,890 sq. ft.) of the mature canopy for onsite ancillary nursery plants.

Outdoor cultivation will be planted in above ground pots in two separate fenced areas located at the southern portion of the parcel totaling 54,450 sq. ft. (1.25 acre) with a canopy of 43,560 (1 acre). Outdoor cultivation area #1 will total 33,310 sq. ft., with a canopy of 26,648 sq. ft. and will include a compost area encompassed within the existing fencing. Outdoor cultivation area #2 will total 21,140 sq. ft., with a canopy of 16,912 sq. ft. (see Detailed Site Plan). The existing well will be utilized to irrigate the cannabis cultivation. Four 2,500-gallon water storage tanks located on the hillside northeast of the barn will also be used to support . The outdoor cultivation will produce one harvest per year in October.

The outdoor ancillary nursery plants are located under an existing hoop house totaling 3,000 sq. ft. and is located within the fenced outdoor cultivation area #1. The hoop house will be moved to a previously disturbed area, approximately 50 feet north from the existing location in order to be setback 300 feet from the southern property line. Seeds or immature plants will be purchased from a licensed cultivator and placed in the immature plant area where they will be propagated for onsite use. Since there is only one harvest per year, nursery plants will not be kept year-round. Once the plants mature, they will be moved to one of the outdoor cultivation areas onsite.

Ancillary Processing and Export of Product

During Phase I, product grown onsite will be harvested and transported to a licensed offsite facility for further processing and distribution. During Phase II, ancillary processing will be located within an existing barn (PMT2017-00626) totaling 2,403 sq. ft. The appropriate permits will be obtained to upgrade the barn to meet building code requirements. Product grown onsite will be dried, cured, and trimmed within this structure once upgraded. Once dried, cured, and trimmed, product will be taken off-site for final distribution. In the interim before the barn is upgraded, the product will be packaged into totes and transported off-site for further processing, packaging, and distribution at a state-licensed facility. There will be no offsite processing, manufacturing, or distribution of product onsite.

Grading & Earthwork Estimate

The project will result in approximately 183,224 square feet (approximately 5,300 cubic yards) of new site disturbance. Refer to Table 1 above for area of disturbance calculations on new project items.

All irrigation piping will be above ground. As a part of Phase II, the existing barn will be upgraded and will require a new water connection for fire sprinklers. All new utilities will be installed within areas previously disturbed by historical farming operations. The existing solar panels will be moved to a new location onsite in order to allow for the expansion of cultivation area 1.

Fencing (eight-foot fixed knot deer fencing with three-strand barbed wire) will be installed around the perimeter of the new cultivation areas 1 and 2. A new 25’ x 25’ compost area will be located within cultivation area 1. A five-foot buffer to the east of the outdoor grow areas will be cleared for fire protection.

A new driveway approach is proposed in Phase I of the project and will be to the east of the existing site access driveway. The new access location meets the Caltrans minimum stopping sight distance requirements and is proposed to be improved to meet Caltrans access design requirements. The new driveway access will connect to the existing onsite access road and will result in a total of approximately 40,560 square feet of site disturbance. A portion of the existing unpermitted access road will be revegetated and will result in 0.4 acres of ground disturbance.

The existing onsite road will be improved to Cal Fire standards in Phase II of the project, including revegetation of the portion of the road that will no longer be used, and will result in approximately 63,440 square feet of site disturbance.

The existing access road has a pending as-built grading permit (PMTG2017-01444) to permit the road to current County and Cal Fire standards. This permit will be finaled prior to Phase I occupancy.

Access

The parcel is accessed directly off Calf Canyon Highway (CA 58). The driveway approach to the property will be relocated to the east of the existing driveway in order to meet Cal Trans sight distance standards (Phase I). The access road realignment is required for the processing building, therefore that work will occur during Phase II when the barn is upgraded for commercial use (cannabis processing). Grading plans for the as-built driveway to the existing barn and cultivation area are provided herein for reference and will be permitted through the Building Department.

Site Operations Plan

Security

The cannabis cultivation areas will be contained within secure eight-foot Stay Tuff 1775-3-200' fixed knot deer fencing with three-strand 14-gauge barbed wire (secured with 2-3/8" pipeline post imbedded three-feet with three curly connectors to attach barbed wire every 20 feet with one 10-foot t-post between each). The man gates in the fencing will be 1-1/2" frame with non-climb panel welded to frame. 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. See the separate confidential Security Plan attached.

Odor Management Plan

The proposed project meets and/or exceeds all required setbacks from property lines. Odor from the cultivation areas is naturally mitigated by these setback distances in compliance with Title 22.40.050.D.8-Nuisance Odors. Cannabis has been cultivated outdoors at this site for several years with no formal odor complaints. The processing building will be equipped with odor mitigation technology in the form of carbon filters. The distance to the nearest residence is approximately 1,029 feet away to the southwest. Prevailing wind primarily comes from the south travelling toward Calf Canyon Highway (CA 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 such as neutralizing additives along the fence line to further eliminate any offsite nuisance odor.

Signage
No exterior signage is proposed.

Parking
The project site provides eight existing 9' x 18' vehicle parking spaces to accommodate up to nine employees for the proposed cultivation operations. The parking area will be within an existing dirt area adjacent to the existing barn and will include one new paved ADA parking space adjacent to the proposed processing building (Phase II). Refer to Sheet 2 for the location of the spaces. All parking spaces will be within an already disturbed dirt area of the site.

Staffing/Employee Safety
The proposed operations are agricultural in nature and will be conducted typical of other agricultural operations in the immediate and surrounding areas. The site's current outdoor cultivation operation has been active since 2016 and requires a total of one full-time and one part-time employee, who travel to the site each day and arrive at approximately 8:00 am and leave at approximately 6:00 pm, six days a week. During harvest in October, 6-7 additional employees are onsite for a total of 7-9 people with the same hours of operation. The harvest time is approximately six days long. During Phase I, the harvested product will be cut and placed into totes where it is taken to an offsite state-licensed processing facility for further trimming and preparation for distribution and sale. Following the upgrade of the barn for processing product onsite, the product may be cut and trimmed entirely within the structure onsite and later placed into totes where it is then taken to an offsite state-licensed processing facility for further trimming and preparation for distribution and sale. Product transport is anticipated after each harvest and will consist of one passenger van or utility vehicle accessing the site over the course of one week. Restroom facilities will be provided for employees, consisting of portable restrooms located adjacent to the barn. Once upgraded for drying, the restroom be ADA-compliant. Standard agricultural safety and training will occur for all staff as well as additional security training to ensure full compliance with State standards for cannabis track and trace.

Noise
There will be no noise producing equipment or HVAC on the exterior of the processing building, or for any portion of the cannabis operation.

Traffic
Existing commercial operations onsite result in two round trips per day. There will be an additional 4 commercial deliveries per year for soil and farm supplies as well as seasonal part-time harvest staff. This is within standards for the access road and standard agricultural operations for the property. Please see the following traffic analysis summary provided by the applicant for the project:

Table 2: Traffic Analysis – Trip Generation

Time of year	Headcount	Daily Trips*	Peak Hour Trips					
			Weekday AM			*Weekday PM*		
Typical Operations			In	Out	Total	In	Out	Total
Regular	2	4	1	1	2	1	1	2
Harvest/Processing**	7	10	2	2	4	2	2	4
TOTAL:	9	14	3	3	6	3	3	6

**Round trips from Santa Margarita, CA*

***Harvest operations occur for a maximum of one week in Phase I. Harvest and Processing operations occur for up to 30 days in the Fall, dependent on crop.*

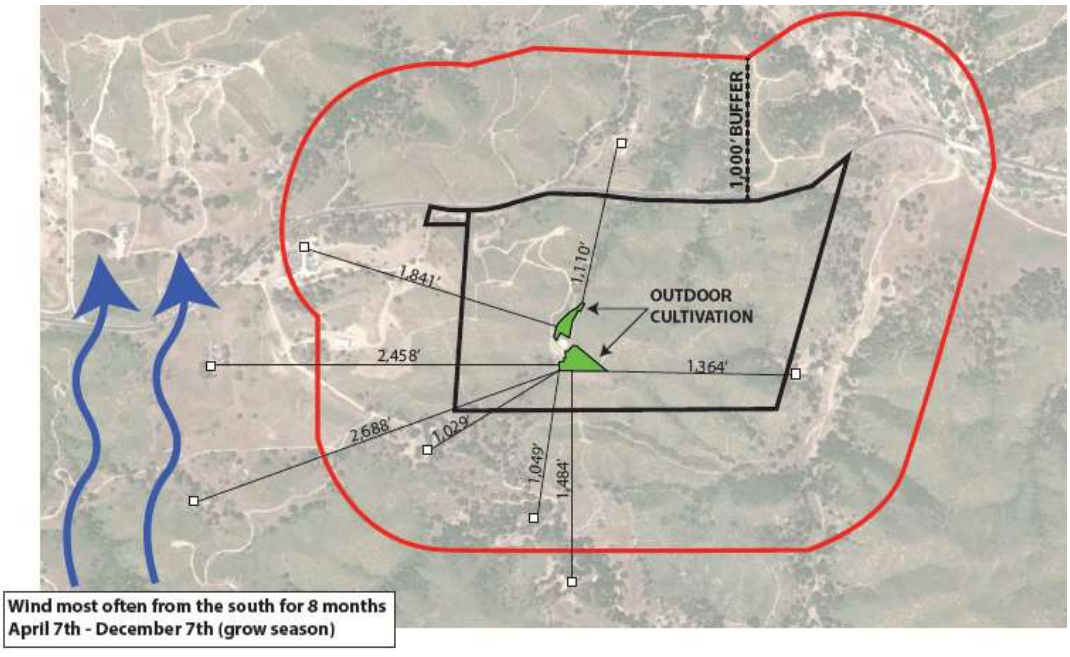
Setbacks

Land Use Ordinance Standards

Land Use Ordinance section 22.40.050 (D)(3)(b) requires outdoor cannabis cultivation sites to be setback 300 feet from all property lines and public rights of way. Section 22.40.050.D.1 requires all cannabis cultivation operations to be located at least 1,000 feet from sensitive receptors (i.e. schools, parks, libraries, licensed recovery facilities). The outdoor cultivation area will be setback 300 feet from the southern property line, 640 feet from the western property line, 768 feet from the northern property line, and 1,366 feet from the eastern property line. The distance from the outdoor cultivation area to Highway 58, the nearest public right of way, is over 768 feet. The project site is located outside the 1,000-foot setback required by the land use ordinance.

The Rural Lands zoned parcel size of 88.49 acres meets the size requirement of 50 acres for one acre of outdoor cultivation. See distance to offsite residence in Figure 3 below:

Figure 3: Distance to Offsite Residence Map



Neighborhood Compatibility

The proposed cannabis operation will be conducted consistent with previous agricultural use of the property and those in the surrounding area. The project site (88.49 acres) is within the Rural Lands land use category and adheres to the maximum requirements of one acre of outdoor cannabis cultivation. All cannabis cultivation will be located within a secured fence area and the nursery activities will be within an existing hoop house contained within a secured and fenced area to further screen the operation from offsite view. The existing barn onsite will be utilized for the proposed processing use blends in with the surrounding agricultural character and buildings.

Odor from the outdoor cultivation areas will be naturally mitigated by the 300- foot+ setbacks. The distance to the nearest residence is approximately 1,029 feet away to the southeast. In addition, the general direction of the prevailing winds is from the north which consists of extremely hilly topography.

The proposed project does not include HVAC or other operational noise equipment. Construction activities are exempt from the County's noise standards. No significant noise impacts are anticipated.

The project is anticipated to generate a total of 16 trips per day (ADT) at maximum during harvest with 8 AM and 8 PM peak hour trips. Traffic for the project will be consistent with other agriculture operations in the area and based on the amount of peak hour traffic associated with the project site, no significant impacts would be created with the addition of the project traffic on existing or future traffic conditions.

The visual aesthetics of the proposed project will be consistent with other agricultural operations in the County. The outdoor cultivation areas are located at the rear of the parcel, screened from public view along CA 58 due to the hilly topography.

The project does not propose the use of outdoor lighting. It is not anticipated that the project will result in any offsite glare or result in illumination or nighttime light pollution.

No neighborhood compatibility issues are anticipated.

Waste Management Plan

Cannabis cultivation will not produce any wastewater as all water is used within the planting environment. All green waste consisting of dead and/or stripped of flower plants and soil are composted onsite within a defined 25' x 25' soil compost area that will be fenced within cultivation area 1.

Plans for a septic system have been developed for the existing agricultural barn and will be submitted along with required studies and reports associated with the building permits for that project. As necessary, portable toilets will be utilized with regular service located adjacent to the existing barn and cultivation area.

Pesticide and Fertilizer Usage/Hazard Response Plan
The applicant has obtained an Operator Identification Number (40-20-4022879) for application of pesticides and fertilizers at the site and will continue to comply with all application, reporting, and use requirements according to the County of San Luis Obispo Department of Agriculture. Pest mitigation measures will include a perimeter wire fence of graduated mesh, with ¼ inch chicken wire buried 18 inches below the surface. All materials will be stored within a 10' x 20' closet outside of the processing building according to standard good agricultural practices and in compliance with the Department of Agriculture operational regulations.

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. (See attached Product Specification List). Find the Storage and Hazard Response Plan attached.

Air Quality
The project is located on an existing agricultural site. Ground disturbing activities will employ dust control methods. There are no predicted air quality impacts.

Water Management Plan
The property is in the Salinas Estrella Water Planning Area, Middle Branch Huero Creek Watershed. The project site is served by one existing groundwater well that has historically served the property for the cannabis cultivation. Cannabis was historically cultivated from 2018-2020, with an estimated annual water demand of 232,960 gallons. The historical water demand estimate is shown below:

Figure 3: Historic Water Use (2018-2020)

Period	Plant Count	Gallons/Day/Plant	Gallons/day	Gallons/Period	AFY/Period
Week 0-8	320	0.5	160	8,960	0.03
Week 8-16	320	2	640	35,840	0.11
Week 16-24	320	8	2,560	143,360	0.44
Week 24-28	320	5	1,600	44,800	0.14
			Total	**232,960**	**0.71**

The proposed project is estimated to use a range of water based on two different methodologies. Method 1 utilizes published water values derived from the Santa Crus County Draft Environmental Impact Report (EIR) for the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program (August 2017). Method 2 utilizes historic water use data

provided by the applicant. See Table 4 and Table 5 for proposed annual water demand estimates below:

Table 4: Method 1 – Annual Water Demand Estimate

Use	Rate	Gallons/Year	AFY/Year
Outdoor Cultivation	43,560 SF x 0.03 gal/SF/day x 90 days	117,612	0.36
Outdoor Ancillary Nursery	3,000 SF x 0.03 gal/SF/day x 75 days	6,750	0.02
Domestic Water Use	2 Employees x 10 gal/capita/270 days	5,400	0.02
	Annual Water Demand	**129,762**	**0.40**

* Water values derived from the Santa Crus County Draft Environmental Impact Report (EIR) for the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program (August 2017).

Table 5: Method 2 – Annual Water Demand Estimate

Period	Plant Count (approx.)	Gallons/Day/Plant	Gallons/day	Gallons/Period	AFY/Period
Week 0-8	445	0.5	223	12,460	0.04
Week 8-16	445	2	890	49,840	0.15
Week 16-24	445	8	3,560	199,360	0.61
Week 24-28	445	5	2,225	62,300	0.19
			Annual Water Demand	**323,960**	**0.99**

*Water demand estimates are derived from historic water use data.

The proposed project is estimated to use 0.40 – 0.99 AFY (129,762 -323,960 gallons) of water per year. The proposed operations will result in a maximum increase of 0.28 AFY of water per year when compared to historic water use. Based on a pump test conducted in July 2017, the well produces 6 gallons per minute which equates to 3,153,600 gallons per year or 9.68-acre feet per year. Therefore, the existing well onsite is sufficient to serve the 1-acre outdoor cannabis cultivation operation, 3,000 sq. ft. ancillary nursery operation and employees onsite.

There are four existing 2,500-gallon plastic water storage tanks onsite for irrigation. During Phase II, an addition 10,000-gallon steel fire water storage tank will be added onsite for the processing building.

Monthly use projections are included in the Cannabis Application Supplement. The project will be conditioned to comply with the County monitoring program, including the installation of a meter on the wells to monitor water usage.

Screening and Fencing

The project site has existing three-strand barbed wire fencing along the front property line. A new secure entrance gate will be installed at the relocated driveway approach off Highway 58. New secure eight-foot Stay Tuff 1775-3-200' fixed knot deer fencing with three-strand 14-gauge barbed wire will be added around cultivation area 1 and 2 (secured with 2-3/8" pipeline post imbedded three-feet with three curly connectors to attach barb wire every 20 feet with one 10-foot t-post between each). The man gates in the fencing will be 1-1/2” frame with non-climb

panel welded to frame. The outdoor cultivation areas are further screened from public view by the hilly topography and dense vegetation located throughout the property. A fencing modification is requested below on Page 15.

Energy Use

The project site is served by existing solar panels for energy. The well is powered by six solar panels (producing 190 watt/hour each) and the existing barn is powered by an additional six panels (producing 255 watt/hour each). The total annual estimated energy use for the cannabis operation is 11,180 kWh. See the Annual Energy Estimate Breakdown attached.

Issues Requiring Special Consideration

Cultural Resources

A Phase I archaeological surface survey was completed in July 2018 and September 2020 by Heritage Discoveries, Inc. for the proposed project at 5145 Calf Canyon Highway in Santa Margarita. The surface surveys of the study area produced negative results for the presence of cultural resources.

Biological Resources

A Biological Resources Assessment was conducted by Padre Associates, Inc. in March 2019. A revised Biological Resource Assessment was prepared by Althouse & Meade in September 2020 to address the revised project scope and project areas based on change made to the project. The revised report includes a habitat assessment, botanical and wildlife inventory, a discussion of special status species that have potential to occur within the Study Area, and an analysis of potential impacts to biological resources from the proposed road improvements and cannabis cultivation project. The report also analyzed applicable setbacks from the existing drainages onsite and a 50-foot buffer has been implemented for all cultivation activities from the ephemeral drainage. The applicant will obtain the necessary permits to construct water crossings for the new road improvements. The project would result in impacts to habitats that support sensitive biological resources including oak trees, special status plants and animals, and nesting birds.

The following avoidance and protection measures are recommended to mitigate potential impacts to these sensitive biological resources:

4.1 Habitats

The proposed Project would impact chamise chaparral, disturbed, and blue oak woodland habitats (Figure 4). A total of 1.6 acres of chamise chaparral would be impacted by the development of cultivation areas and associated project components. A total of 2.2 acres of disturbed habitat would be impacted during road improvement work and installation of cultivation area CA-2 in the disturbed area east of the existing barn. Chamise chaparral and disturbed habitats in the Study Area are not considered sensitive natural communities by CDFW; therefore, impacts to these habitat types are considered negligible and no mitigation is recommended.

Blue oak woodland impacts would occur during construction of the new driveway entrance from Highway 58, where approximately 0.3-acre of blue oak woodland would be impacted by grading. Impacts to blue oak woodland are minimal and are not considered significant. Mitigation is recommended for loss of individual oak trees (refer to Section 4.3).

Each habitat type has potential to support sensitive plants, sensitive animals, and/or nesting birds. Mitigation for these resources are required and discussed in the following Sections (see Sections 4.4 and 4.5). Table 8 summarizes habitat impacts.

TABLE 8. POTENTIAL HABITAT IMPACTS

Habitat Type	Permanent Impact (Acres)
Chamise chaparral	1.6
Blue oak woodland	0.3
Disturbed	2.2
Total Impact Area	**4.1**

4.2 Potential Jurisdictional Wetlands and Waters

The Project access road will avoid waters of the state by implementing a minimum 50-foot buffer where possible, but construction will require up to three crossings of ephemeral drainages. The drainage crossing details have not been completed with engineering at the time of this report. An Aquatic Resources Delineation report will be prepared to assess and map Clean Water Act jurisdictional features and calculate Project impacts. Temporary and permanent impacts to ephemeral drainages will be permitted by the State Water Board and CDFW cannabis programs, and mitigation will comply with all permit conditions. The following measure is recommended to provide assurances during the County environmental review that impacts to potential wetlands and jurisdictional waters will be fully mitigated. Additional mitigations may be developed in consultation with the appropriate agencies.

BIO- 1. Protection of State Waters. Prior to project initiation, all applicable agency permits with jurisdiction over the project area (e.g. California Department of Fish and Wildlife and Regional Water Quality Control Board) shall be obtained, as necessary. Any additional measures required by these agencies shall be implemented as necessary throughout the project.

4.3 Oak Trees

The proposed project may result in the removal of a small number of oak trees during construction of the new driveway entrance. Some tree trimming may also be needed. The following measures are recommended to minimize and mitigate for impacts to oak trees in the Study Area during development and operation of the cannabis cultivation project:

BIO- 2. Prior to commencement of Project construction activities, tree protection fencing shall be installed along the outer limit of the critical root zone (CRZ) of all oak trees within 50 feet of Project activities. The fencing shall be in place for the duration of the construction occurring within 50 feet of the trees. Where approved Project activities are within the CRZ, fencing shall be temporarily moved to facilitate the work. A biological monitor or arborist shall be present during approved Project activities within the CRZ to document impacts to the trees, in order to inform the County of any mitigation obligation.

BIO- 3. Impacts to the oak canopy or CRZ should be avoided where practicable. Impacts include pruning, ground disturbance within the CRZ, and trunk damage. Impacts to native oak trees shall be mitigated through one of the following options:

A. **Planting additional trees on site**. Any oak trees greater than 5 inches diameter at breast height (DBH) shall be replaced in kind at a 4:1 ratio if removed, and a 2:1 ratio if impacted. Replacement trees shall be minimum one-gallon size, of local origin, and of the same species as was impacted. Replacement trees shall be seasonally maintained (browse protection, weed reduction and irrigation, as needed) and monitored annually for seven years.

B. **Conservation or Open Space Easement.** A conservation or open space easement may be established in the Study Area to mitigate for impacts to oak trees. The size of the easement shall be determined by the number of oak trees removed and/or impacted. For every tree removed 4,000 square feet of oak woodland habitat shall be preserved. For every tree impacted, 2,000 square feet of oak woodland habitat shall be preserved. An open space easement, management agreement, or covenant shall be recorded and included information on allowed uses and management within the preserved area.

C. **In-lieu Fee Program**. The County of San Luis Obispo may have an in-lieu fee program available for payments to be made as mitigation for impacts to oak trees. Details on the in-lieu fee program should be requested from the County.

4.4 Special Status Plants

Special status plants are likely to be impacted by the proposed Project. Based on review of the current site plan and grading plans, about a dozen Jones' bush mallow shrubs are within the cultivation or grading limits of the Project. We expect all these shrubs would be permanently removed. Several Hardham's evening primrose plants were located at the southern terminus of the access road grading, adjacent to cultivation area CA-1. The plants were growing in disturbed soil on the side of the existing roadway. We expect Hardham's evening primrose plants will be present along roadsides and in areas of disturbed chaparral, in varying locations annually. Grading and development of cultivation areas may impact a small number of plants.

Both species, Jones' bushmallow and Hardham's evening primrose, are rare local endemics with very narrow geographic distributions. They can be relatively common in the vicinity of the Study Area, which is in the center of their distributions and where chaparral habitat and decomposed granitic soils are perfectly suitable.

Jones' bushmallow is listed as CRPR 4.3, the lowest threat rank on the CNPS ranking system. The loss of up to a dozen Jones' bushmallow shrubs, coupled with the loss of an estimated 1.6 acres of chaparral habitat, would not result in a significant impact to the local population, and no further mitigation is recommended.

Hardham's evening primrose is listed as CRPR 1B.2, a high threat rank in the CNPS system. Due to the propensity for this species to grow in disturbed areas, we expect it to persist in the Study Area through the life of the Project. Impacts to a few annual plants and loss of 2.2 acres of weedy disturbed habitat would not result in a significant impact to the local population, and no further mitigation is recommended.

4.5 Wildlife Resources

4.5.1 Nesting Birds

The Study Area is composed of potential nesting habitat which could support a diverse variety of nesting birds. Chamise chaparral habitat provides perch substrate for several foraging bird species of the area. Oak and pine trees along ephemeral waterways likely support numerous tree nesting species.

Impacts to or take of nesting birds could occur if construction of the proposed Project is conducted during nesting season. To reduce potential adverse effects of the proposed Project on nesting birds, the following mitigation measure is recommended.

BIO- 4. Preconstruction Survey for Sensitive and Nesting Birds. Prior to issuance of grading and/or construction permits and prior to initiation of site disturbance and/or construction, if work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. This includes nests of all common bird species (under MBTA), as well as special status birds and raptor nests. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

A. A 250-foot exclusion zone shall be placed around non-listed, passerine species, and a 500-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 250 feet (non-listed passerine species) or 500 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside the exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.

B. If special-status avian species are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.

C. The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (in non-listed).

D. If two weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

4.5.2 Special Status Amphibians and Reptiles

Special status amphibian (western spadefoot toad) and reptiles (northern California legless lizard, California glossy snake) have potential to occur on the site and coast horned lizard was observed onsite. These species could be impacted by construction and operation of the proposed Project. Road improvements and the new entrance installation will impact habitats specific to special status amphibians and reptiles that could be present. The cryptic nature of these species (i.e. coast horned lizard, refer to Photo 16) could make it difficult to avoid and therefore the following mitigation measures are provided to ensure impacts to sensitive amphibian and reptile species are minimized during ground disturbing activities.

BIO- 5. Preconstruction Survey for Special Status Reptiles and Amphibians. Prior to issuance of grading and/or construction permits and immediately prior to initiation of site disturbance and/or construction, a qualified biologist shall conduct a preconstruction survey immediately before any initial ground disturbances (i.e.: the morning of the commencement of disturbance) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g. grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special status reptiles and/or amphibians are found in the area of disturbance, they will be allowed to leave the areas on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact. The candidate site(s) for relocation shall be identified before construction and shall be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the species' range.

If any additional ground-or vegetation disturbing activities occur on the project site, the above surveys and monitoring will be repeated.

4.5.3 Special Status and Roosting Bats

Two special bat species, western mastiff bat and western red bat were determined to have potential to roost in the Study Area; however, no active bat roosts were observed during 2019 and 2020 surveys within onsite buildings proposed to be used by the Project. Bats may also roost in large trees of woodland habitat. Woodland habitat proposed to be impacted along Highway 58 consists of small diameter oak trees that are not likely to support roosting bats. Therefore, the Project is not expected to impact roosting bats and no further measures are recommended.

4.5.4 American Badger

American badger is not known to occur within or near the Study Area. Background research and field surveys determined badgers have a low potential to be present on site. No sign of badger use of the Study Area were documented during surveys in 2019 and 2020. The Project is not expected to impact American badger and no further measures are recommended.

4.5.5 Habitat Connectivity and Wildlife Movement

Impacts to wildlife movement corridors are not anticipated from the proposed project because the project will not create a barrier to regional or local wildlife movement corridors (i.e. ridgelines or drainages); therefore, no further measures are recommended.

Fencing Modification Request

A fencing modification is requested from the Land Use Ordinance Section 22.10.080 to allow eight-foot Stay Tuff 1775-3-200' fixed knot deer fencing with three-strand 14-gauge barbed wire around the perimeter of each outdoor cultivation area and the existing six-foot three-strand barbwire fence located along the front property line. This proposed fencing type is more appropriate as it matches the surrounding agricultural area. The cultivation areas will not silhouette against the ridgeline and is not visible from Highway 58. The proposed fencing paired with the natural vegetation and topography will provide sufficient visual screening of the cultivation areas. There is no need for solid screening material as the cultivation areas will be minimally visible from public view and cannabis plants will not be visible to travelers along Highway 58.

To alleviate any security concerns with the fencing modification, the project includes additional security measures that would prevent easy access to the site. The entrance off Highway 58 will include a secure electronic entrance gate. The outdoor cultivation areas will be fenced in with additional secured access gates. A network of infrared surveillance cameras will be installed to provide complete visual coverage of the site; cameras are proposed around the cultivation areas and will also monitor the entrance to the site to ensure no unauthorized access occurs.