



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING COMMISSION

Promoting the wise use of land
Helping build great communities

MEETING DATE October 10, 2019	CONTACT/PHONE Ian Landreth, Project Manager (805) 781-1298 ilandreth@co.slo.ca.us	APPLICANT City Boy Farms	FILE NO. DRC2017-00123
SUBJECT A hearing to consider a request by City Boy Farms for a Conditional Use Permit (DRC2017-00123) to establish outdoor and indoor cannabis cultivations, outdoor and indoor commercial cannabis nurseries, cannabis manufacturing, non-storefront dispensary, and ancillary processing and transport activities. The project includes construction of a 37,350-square-foot greenhouse, and 8,000-square-foot metal building and would result in approximately 10-acres of site disturbance on an approximately 25-acre parcel. A modification from the setback standards is requested to reduce the required setback to the eastern property line from 300 feet to 100 feet. A modification from the parking standards is also requested to reduce the required number of parking spaces onsite from 67 to 36. The proposed project is within the Agriculture land use category and is located at 4225 South El Pomar Road, approximately 4 miles northeast of the community of Atascadero. The site is in the El Pomar-Estrella Area Sub Area of the North County Planning Area.			
RECOMMENDED ACTION 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Conditional Use Permit DRC2017-00123 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION Also to be considered at the hearing will be adoption of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 16, 2019, for this project. Mitigation measures are proposed to address Aesthetics, Air Quality, Biological Resources, and Hazards and Hazardous Materials are included as conditions of approval.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBERS 034-321-004	SUPERVISOR DISTRICT(S) 5
PLANNING AREA STANDARDS: El Pomar-Estrella Sub Area, North County Planning Area, Chicago Grade Landfill Area			
EXISTING USES: Agriculture Uses			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture; agricultural uses, residences <i>East:</i> Agriculture; agricultural uses, residences <i>South:</i> Agriculture; agricultural uses, residences <i>West:</i> Agriculture; agricultural uses, residences			
<p>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</p>			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Building Division, County Fire/CAL FIRE, Assessor, Public Works, RWQCB, Templeton Area Advisory Group, City of Atascadero, Native American tribes, Sheriff, CDFW, USFW, AG Commissioner, Environmental Health, APCD	
TOPOGRAPHY: Gently to steeply sloping	VEGETATION: Grasses, riparian oak woodland, almond and walnut orchard
PROPOSED SERVICES: Water supply: Onsite well Sewage Disposal: Individual septic system Fire Protection: CAL FIRE	ACCEPTANCE DATE: February 14, 2019

PROJECT DESCRIPTION

Summary

City Boy Farms proposes to establish outdoor and indoor cannabis cultivations, outdoor and indoor commercial nurseries, manufacturing, non-storefront dispensary, and ancillary processing and transport activities. The project includes construction of a 37,350-square-foot greenhouse, and 8,000-square-foot metal building, components of the project are summarized in Table 1. The project is located at 4225 South El Pomar Road (property), approximately 4 miles northeast of the community of Atascadero. Conditional Use Permit approval is required because multiple cannabis activities are proposed for the site (22.040.40.B – Vertical Integration).

The project is approximately 25.28 acres and contains a detached garage which formerly served a single-family residence that was destroyed by fire in 2009 and demolished in 2010; a 1,020 square-foot storage barn; shade structure; a carport, and two accessory buildings. Access to the project site is provided by Quail Hollow Lane (a private road) through a locked access gate.

Enforcement History

Grading on the project site was the subject of an enforcement action by the County (CODE2018-00211). Specifically, a complaint was received on June 10, 2018 alleging a series of terraces had been graded into the east-facing slope within the area proposed for cannabis cultivation. Prior to visiting the site, Code Enforcement staff researched the permit history on the property. Search results included an application for agricultural exempt grading permit (GRA2017-00006) submitted by the applicant on November 7, 2017, to establish two new fields for crop production, a small reservoir, and grazing land, and was also included in the cannabis land use permit application DRC2017-00123 submitted by the applicant on February 8, 2018. A subsequent site inspection was conducted by enforcement staff on June 14, 2018, at which time active grading on the east side of the property was observed for which a stop work order was posted. Staff noted the location of the grading was in the same area proposed for crop production by GRA2017-00006. The area of grading was subsequently seeded with a mix of native grasses and the stop work order was lifted on April 1, 2019. The grading was determined to be consistent with the agricultural exempt permit GRA2017-00006 and was therefore determined to not be pre-development grading with the understanding that the applicant is required to plant at least one crop and to maintain it for at least one season of crop production. Accordingly, a Notice of Violation was not issued and enforcement case CODE2018-00211 was closed on April 19, 2019. The total amount of grading proposed by the project (including terraces) is estimated to be 6,020 cubic yards. Graded materials are expected to be balanced onsite.

Components of the project are summarized in Table 1.

Table 1. Project Components

Project Component	Proposed Cannabis Activity	Building Floor Area	Total Cannabis Canopy
Outdoor Cultivation	Cannabis Cultivation	n/a	130,680 sq.ft.

Outdoor Commercial Nursery	Commercial Cannabis Nursery	n/a	139,230 sq.ft.
Existing Shade Structure	Protection/Security for Sea Trains	960 sq.ft.	n/a
Existing Accessory Structure	Commercial Cannabis Nursery	160 sq.ft.	160 sq.ft.
New Greenhouse	Indoor Cultivation	22,000 sq.ft.	22,000 sq.ft.
	Commercial Cannabis Nursery	6,850 sq.ft.	6,850 sq.ft.
	Storage	7,470 sq.ft.	
	Aisles/Walkways	1,030 sq.ft.	
		Total: 37,350 sq.ft	
New Metal Building	Manufacturing	1,900 sq.ft.	n/a
	Processing	780 sq.ft.	
	Office	600 sq.ft.	
	Non-Storefront Dispensary	600 sq.ft.	
	Secure Loading Bay*	4,000 sq.ft.	
	Restroom	120 sq.ft.	
		Total: 8,000 sq.ft.	
New Security Building	Site Security	100 sq.ft.	n/a
New Storage Shed	Fertilizer Storage	100 sq.ft.	
New Sea Trains (2)	Drying and Curing	640 sq.ft.	
Total Floor Area, All Uses		317,220 sq.ft.	
Total Area of Disturbance		+/- 10 acres	
Tree Removal		200 Almond Trees, 17 Walnut Trees	
Signage		Two – 36" x 36"; One – 24" x 24"	
Parking		36 total spaces including 2 ADA accessible spaces	
Employees		34	

* 1,400 square feet of the secure loading bay will be used for trimming activities during harvest.

Indoor and Outdoor Cultivation

The County’s regulations define cannabis cultivation as any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis. Also included are the storage, packaging, and labeling of non-manufactured cannabis products. Indoor cultivation and outdoor cultivation are differentiated in LUO Section 22.40.050.A, with a cumulative canopy area maximum of 22,000 square feet for indoor cultivation and three acres for outdoor cultivation.

Cannabis Nursery

The County's regulations define cannabis nursery as a site that produces only clones, immature plants, seeds, or other agricultural products used specifically for the planting, propagation, and cultivation of cannabis. Cultivation as a cannabis nursery may be considered indoor or mixed-light, or outdoor cultivation.

Cannabis Manufacturing (Non-volatile)

The County's regulations define cannabis manufacturing as the processing, production, preparation, propagation, holding, storing, packaging, labeling, or compounding of cannabis or cannabis products either directly or indirectly or by extraction and/or infusion methods, or independently by means of chemical synthesis or by a combination of extraction and/or infusion and chemical synthesis, using non-volatile organic or inorganic compounds, at a fixed location, that packages or repackages cannabis or cannabis products, or labels or relabels its containers, and requires a Type 6, Type N, Type P, or Type S state manufacturing license. Cannabis manufacturing also includes any processing, preparing, holding, or storing of components and ingredients.

Cannabis Processing

The County's regulations define cannabis processing as all activities associated with drying, curing, grading, trimming, rolling, storing, packaging, and labeling of nonmanufactured cannabis products. Drying may be considered a part of cultivation if the cannabis was grown and harvested on site and the cannabis flower remains attached to a significant portion of the cannabis plant, such as stems and leaves, during drying within the approved cultivation area. The drying of cannabis is not allowed within unpermitted structures, such as cannabis hoop structures. The project would utilize two 320-square-foot cargo containers for drying and curing (shown as DCA#1 and 2 on the site plan).

Non-Storefront Dispensary

The County's regulations define a cannabis dispensary as a facility where cannabis related products or devices are offered for retail sale, including an establishment that delivers cannabis products as part of a retail sale. LUO Section 22.40.090.A(1) prohibits a dispensary from being open to the public; for this reason, a dispensary is referred to as a "non-storefront retailer" because it requires a Type 9 Non-Storefront Retailer license from the State.

Operations

The project application includes an Operations Plan as required by LUO Section 22.40.040.A.(1). The Operations Plan describes methods for cultivating plants, manufacturing product, managing odor, maintaining parking and other operational aspects of the proposed cannabis operations. Daily operations will be conducted in accordance with the protocols outlined in the Operations Plan.

According to the Operations Plan, the cannabis site will not be open to the public and will incorporate perpetual inventory protocol. The project will utilize Track-and-Trace software approved by the State of California to manage product inventory and records. The security plan (discussed below) also describes measures to prevent the diversion of cannabis products.

Security Plan

The project includes a security plan that includes lighting, video surveillance and site access controls. The project site will be accessible to employees and management. Authorized vendors, distributors, delivery services, agency personnel, fire, and police may require escort from security personnel to authorized locations within the facility. The project has been conditioned to require security lighting to be shielded so that light is confined to the project site. The security plan will be reviewed and approved by the Sheriff.

Odor Management Plan

The nearest offsite residences are 135 feet to the northwest and 330 feet to the northeast. As required by LUO 22.40.050.D.8., all cannabis cultivations are required to be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite. As such, the project will employ odor mitigating technology (Fogco Systems, Inc) along the northern property line which will emit an odor counteracting mist specifically designed for cannabis growing operations. The project description includes a Cannabis Odor Analysis and Odor Abatement Plan prepared by Criterion Environmental Inc (Criterion, April 2019) which provides scientific evidence of the effectiveness of the odor mitigating technology proposed by the project, as well as an odor abatement plan in the event of failure or malfunction of the system. Additionally, all structures for indoor cannabis cultivation are required to be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite. Accordingly, the facility will employ air scrubbing technology on the greenhouses and metal manufacturing building. Carbon scrubbers, for example, have been demonstrated to be an effective odor abatement method for indoor cannabis facilities and work by pulling odors from the air into an exhaust system and absorbing any odors that pass through via activated/deactivated carbon (granular, pelletized, or powdered).

Parking Requirements and Parking Modification Request

The County’s parking requirements are set forth in LUO Section 22.18.050. The type of use that best matches the proposed cannabis cultivation is “Nursery Specialties” with a parking ratio of one parking space per 500 square feet of floor area. Cannabis manufacturing is considered a “Manufacturing and Processing” use which requires one parking space per 500 square feet of active use area within a building. In addition, the drying, curing, trimming, grading, and other ancillary processing activities are considered “Ag Processing” which requires one parking space per 1,000 square feet of use area; and the non-storefront dispensary use is considered a “Mail Order & Vending” land use which requires one parking space per 1,000 square feet of use area. Table 2 provides a summary of the required number of spaces.

Table 2 -- Summary of Parking Requirements

Use	Quantity	Parking Standard	Required Number of Spaces
Indoor Cultivation	22,000 sq.ft.	1 space per 500 sq.ft.	44
Indoor Commercial Nursery	7,010 sq.ft.		14

Commercial Cannabis Manufacturing	1,900 sq.ft.		4
Ancillary Processing	3,580* sq.ft.	1 space per 1,000 sq.ft.	4
Non-Storefront Dispensary	600 sq.ft.		1
Total:			67

*Includes 1,400 sq.ft. of loading bay used seasonally for processing.

With the application of these parking standards, the project would require the applicant to provide 67 parking spaces. The project proposes 36 parking spaces which includes two ADA accessible spaces. Up to 34 employees may be on site at various times during the year for which a carpooling program is being proposed. Therefore, 36 spaces are proposed as sufficient to meet the parking demands of the project.

Neighborhood Compatibility

The project incorporates the following elements to address neighborhood compatibility issues:

- The site is not located within 1,000 feet of any sensitive land use (e.g., school, park, etc.);
- The site is approximately 3 miles from the nearest Urban and Village Reserve Lines;
- The project is proposing carpooling incentives to its employees to limit traffic to and from the site;
- The project is proposing odor mitigation measures for both indoor and outdoor cannabis uses to contain nuisance odors onsite;
- Noise associated with the project would be consistent with similar agriculture operations in the surrounding area;
- The operations plan also states the following: *“CB Farms will establish a community and security boards to ensure proper communication channels are established between the business and the surrounding stakeholders of the neighborhood. Through those boards if there arises a need to speak with a representative of CB Farms, for any reason, there will always be someone with decision making abilities available.”*

Water and Energy Demand

Water for the project site is provided by an on-site well. According to a well test performed in 2017, the well consistently produced 20 gallons per minute which is sufficient to serve the proposed cannabis uses.

The project’s energy demand will be supplied by Pacific Gas and Electric Company (PG&E). According to the application materials, the project’s annual estimated energy consumption is 810,000 kilowatt hours.

PROJECT ANALYSIS

PLANNING AREA STANDARDS:

Section 22.94.040.A Archaeological Resources

All land use permit applications subject to discretionary review that proposes development within 100 feet of the bank of the creek, and within 300 feet of a creek where the slope of the site is less than 10 percent, shall subject to preliminary survey and mitigation plan, if required.

Staff comments: The applicant has provided an Archaeological Survey (Central Coast Archeological Research Consultants, April 2018). The Archaeological Surface Survey provided a literature search, which confirmed the absence of archaeological sites near the study area, and the surface survey produced negative results for the presence of cultural resources. The report concluded that the study area did not find archaeological remains. Therefore, the project is consistent with this area standard.

Section 22.94.040.B Riparian and Wildlife Corridors

Riparian and Wildlife Corridors. New development in new land divisions and on publicly-owned property, and all new development subject to discretionary review shall be set back a minimum of 50 feet from the top of the bank of any watercourse, as defined in the Land Use Ordinance, or outside the dripline of riparian vegetation, whichever distance is greater. Trails may be located within this required setback only if trail design and construction avoid or mitigate environmental impacts.

Staff comments: The proposed project meets the required minimum of 50 feet from top of the bank of the creek, outside the dripline of riparian vegetation.

Section 22.94.040.D Light and Glare

All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.

Staff Comments: The project has been conditioned to require all lighting to conform with this standard. Therefore, the project is consistent with this area standard.

22.04.040.G – Landfill Operations-Disclosure.

Any approval of land use permits, land divisions and general plan amendments within one-half mile of either the Paso Robles Municipal Landfill or the Chicago Grade Landfill shall include a recordation of a disclosure statement as provided by the Planning and Building Department.

Staff Comments: Proposed project is within the Chicago Grade Landfill Operation-Disclosure area. The project has been conditioned to provide a disclosure statement, prior to issuance of any business licenses or construction permit. Therefore, the project is consistent with this area standard.

INLAND LAND USE ORDINANCE STANDARDS:

Conditional Use Permit

A Conditional Use Permit is required because multiple cannabis activities are proposed for the site—cultivation, nursery, manufacturing, and non-storefront dispensary (22.40.040).

Ordinance Compliance

The project is subject to Land Use Ordinance Section 22.40.040, Requirements for all Cannabis Activities; Section 22.40.050, Cannabis Cultivation; Section 22.40.060, Cannabis Nurseries; Section 22.40.070, Cannabis Manufacturing; Section 22.40.090, Cannabis Dispensaries. The project is also subject to Land Use Ordinance Section 22.30.310 B, Nursery Specialties within the Residential Rural land use category. The project's compliance with relevant standards is summarized in Attachment 6.

COMBINING DESIGNATIONS:

Renewable Energy - RE

The project is located within the Renewable Energy (RE) Combining Designation. This designation is used to streamline approval of new solar electric facilities (SEFs) and applies to land use permit applications to develop SEFs.

Staff comments: The project does not include development of an SEF; therefore, this combining designation is not applicable.

MODIFICATIONS:

Section 22.18.050 – Required Number of Parking Spaces

The County's parking requirements are set forth in LUO Section 22.18.050. The type of use that best matches the proposed cannabis cultivation is "Nursery Specialties" with a parking ratio of one parking space per 500 square feet of floor area. Cannabis manufacturing is considered a "Manufacturing and Processing" use which requires one parking space per 500 square feet of active use area within a building. In addition, the drying, curing, trimming, grading, and other ancillary processing activities are considered "Ag Processing" which requires one parking space per 1,000 square feet of use area; and the non-storefront dispensary use is considered a "Mail Order & Vending" land use which requires one parking space per 1,000 square feet of use area.

Staff comments: With the application of these parking standards, the project would require the applicant to provide 67 parking spaces. The project proposes 36 parking spaces which includes two ADA accessible spaces. Up to 34 employees may be on site at various times during the year for which a carpooling program is being proposed. Therefore, 36 spaces are proposed as sufficient to meet the parking demands of the project. Table 2 provides a summary of the required number of spaces.

Section 22.40.050.D.3 – Setbacks

The project request includes a modification from the setback provisions for cannabis cultivation activities set forth in LUO Section 22.40.050.D.3 to reduce the required setback along the eastern property line from 300 feet to 100 feet.

Staff comments: Compliance with the required setback would result in the outdoor cultivation area being located on a small knoll within the center of the site where it would be more visually prominent and less secure. As provided by the applicant, the setback reduction is necessary to locate the outdoor cultivation area in a more secure location that provides better screening location on the project site.

COMMUNITY ADVISORY GROUP COMMENTS

On April 26, 2019, the Templeton Area Advisory Group (TAAG) reviewed and discussed the project. Residents and TAAG expressed concerns with project elements such as visibility, odors, neighborhood compatibility issues, location to residences, and water availability. Two motions were made; The first motion was to provide the County with a three-page summary of reasons recommended by the chair of the Cannabis Project Review Committee (TAAG sub-committee) as identified deficiencies with the proposed project. That motion passed with a 7-0 vote. The second motion was to recommend to the County denial of the proposed project. That motion passed with a 7-0 vote.

AGENCY REVIEW:

Public Works	Per referral response (Grim, March 1, 2019), the applicant shall pay Road Improvement Fees prior to commencing permit activities; reconstruct the existing South El Pomar Road project site access driveway approach to current B-1a and A-5 standards.
Building Department	No response to date.
Environmental Health	Per email correspondence (Ghiglia, July 15, 2019), the project applicant shall complete a hazardous materials questionnaire prior to commencing permit activities, and if the combined full-time employee count surpasses 25, a public water system permit would be required.
AG Commissioner	Per referral response (Auchinachie, June 4, 2019), to minimize the impacts to agricultural resources, reduce the total square footage of structures. Cannabis cultivation activities shall be consistent with the conservation practices and standards contained in the USDA NRCS field office technical guide. Prior to commencing permit activities the applicant shall consult with the Department of AG to determine if an Operator Identification Number is needed. Throughout the life of the project, water conservation practices shall be maintained. Minimize the number of parking spaces to minimize impacts to agricultural resources.

County Fire/CAL FIRE	Per referral response (Bullard, May 13, 2018), a registered Fire Protection Engineer shall provide input in order to determine whether or not a commercial fire sprinkler system shall be required within the proposed greenhouse structure. Commercial fire sprinklers are required within the manufacturing building. Improvements to the access road and on-site circulation are required. Prior to building permit application, the project is required to provide a comprehensive written technical analysis of all fire suppression system related components. This analysis shall include fire sprinklers, underground piping, fire hydrants, water storage tanks, and fire pump. Emergency access controls and addressing are also required.
CDFW	Per referral response (Vance, March 30, 2018), CDFW recommended the applicant prepare a Biological Resources Assessment (BRA) identifying and mitigating project impacts on biological resources.
USFW	Per referral response (Vanderwier, March 19, 2018), USFW recommended issues related to any potential for effects to foraging/breeding/nesting of bald and/or golden eagles should be addressed.
NCTC	Per referral response (Collins, March 16, 2018), the Northern Chumash Tribal Council representative requested to review the records search for the property and any archaeological reports prepared.
RWQCB	No response received to date.
California Department of Food and Agriculture (CDFA)	<p>Comments were received from the CDFA CalCannabis Cultivation Licensing Division (CalCannabis) during the circulation of the Draft Initial Study-Mitigated Negative Declaration (IS/MND) prepared for the City Boy Farms Conditional Use Permit (Attachment 5). The Draft IS/MND was circulated for a 30-day public review period that began on August 21, 2019 and ended on September 19, 2019. The comments and responses follow:</p> <p><u>General Comments (GC)</u></p> <p>GC #1:</p> <p>The commenter states the graphics in the IS/MND were either not legible or not clear in the scanned versions and requests that future documents be sent directly to the CDFA.</p>

Staff Comment: The County agrees and will work on sending documents directly to the CDFA. In addition, the County posts draft IS/MND documents on its website at:

<https://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Informational/Environmental-Documents/Negative-Declarations.aspx>

GC #2:

The commenter states the IS/MND should acknowledge all pertinent requirements contained in the CDFA's regulations for cannabis cultivation, including environmental protection measures related to aesthetics, air quality, cultural resources, hazards and hazardous materials, hydrology and water quality, noise, utilities and service systems, energy restrictions, and cumulative impacts.

Staff Comment: The County agrees that the CDFA regulations include pertinent environmental protection measures. Since the City Boy Farms project would only result in significant environmental impacts related to aesthetics, air quality,

Specific Comments and Recommendations

Comment #1:

The commenter states the IS/MND could be improved by listing the BCC as an agency whose approval may be required, and the types of licenses that will be required from the BCC for the proposed project.

Staff Comment: No revisions to the IS/MND were deemed necessary; comment noted.

Comment #2:

The commenter states that the Aesthetics section of the IS/MND could be improved if the ordinance section regarding fencing and screening was included in this section.

Staff Comment: Section 22.40.050.D.6 of the Inland Land Use Ordinance was already provided. No revisions to the IS/MND were deemed necessary; comment noted.

Comment #3:

The commenter states that if the County has a local policy or ordinance that prohibits cannabis from being considered an agricultural product, the IS/MND would be improved by citing such a provision.

Staff Comment: Under the County's LUO, does not include cannabis in the definition of crop production and grazing as a land use. No revisions to the IS/MND were deemed necessary; comment noted.

Comment #4:

The commenter states the IS/MND would be improved if it addressed possible air quality impacts from regular cultivation and processing operations, including vehicle traffic.

Staff Comment: Air quality impacts from regular cultivation and processing operations were addressed by the implementation of mitigation measures AQ-1 and AQ-2. No revisions to the IS/MND were deemed necessary; comment noted. The project is conditioned (#10) to prepare and implement a mitigation plan for continuing dust control from the property frontage to the nearest County-maintained road. In addition, roads providing access to cannabis activities on the interior of the site will be provided with an all-weather surface which will minimize dust generation associated on-going operations.

Comment #5 and #6

The commenter states the IS/MND could be improved if the Air Quality discussion which assigns mitigation measures and the impact check boxes were made consistent.

Staff Comment: Staff agrees with the commenter. Staff will recommend that the Planning Commission approve the change.

Comment #7

The commenter states the IS/MND would be improved if it also provided an analysis of any bird and fish migratory movements because fencing does not typically hinder the movements of these types of species.

Staff Comment: Staff found that the IS/MND sufficiently analyzed impacts to migratory movements of bird and fish species. No revisions to the IS/MND were deemed necessary; comment noted.

Comment #8

The commenter states that the conclusion regarding the project's less than significant greenhouse gas impacts could be improved by providing supporting documentation, such as additional analysis or greenhouse gas emissions modeling completed for the project.

Staff Comment: The analysis provided in the IS/MND is based on the Bright-Line Threshold of 1,150 Metric Tons CO₂/year (MT CO₂e/yr) recommended by the APCD. Assuming a maximum average daily motor vehicle trips of 72, the project is expected to generate 339 metric tons of GHG which is considerably less than the Bright-Line Threshold. In addition, the project is consistent with the 2011 Energy Wise Plan which is the County's climate action plan.

Comment #9

The commenter states the IS/MND would be improved if it explained why the maximum allowable average hourly noise level of 45 dB at night would be met if the noise sources would produce 51 dB at the property line.

Staff Comment: The IS/MND states that the noise resulting from the use of wall- or roof-mounted HVAC and odor mitigation equipment would be expected to generate noise levels of approximately 57 dBA at 20 feet from the source. Noise attenuates (diminishes) at a rate of 6 dB per doubling of distance. Therefore, project related noise sources producing 57 dB at 20 feet will be perceived to produce about 43 dB at the nearest property line, which is approximately 100 feet from the source.

Comment #10

The commenter notes that while four tribes were contacted in compliance with AB 52, the IS/MND only describes the response from one tribe and does not indicate whether any responses were received from other tribes.

Staff Comment: Staff received only the one response.

Comment #11

The commenter stated the IS/MND would be improved if more information was provided on the existing septic leach system and whether it has the capacity to meet the demands of the proposed project.

Staff Comment: The project is conditioned (#37) to submit evidence to Building and Safety staff that the existing septic system is adequate to serve the proposal.

Comment #12

The commenter states the IS/MND should include information on whether the CalFire recommended conditions will be imposed as a condition of approval and/or mitigation measure.

Staff Comment: The recommendations of Cal Fire have been incorporated into the project conditions of approval (Attachment 2).

Comment #13

Regarding the mandatory findings of significance for cumulative impacts, the commenter states the finding could be improved by identifying whether any other cannabis growing operations exist or have been proposed in the vicinity of the proposed project, and whether the proposed project would make a considerable contribution to any cumulative impacts from these other projects.

Staff Comment: The topical sections of the IS/MND assess cumulative impacts. No revisions to the IS/MND were deemed necessary; comment noted.

Comment #14

The commenter requests that all project-specific studies used in the support of the Draft IS/MND be provided to the applicant for inclusion with the applicant package to the CDFA.

Staff Comment: The County has provided the referenced materials to the applicant.

LEGAL LOT STATUS

This lot was legally created by parcel map PM17/48 PAR 2 when that was a legal method for creating lots.

Staff report prepared by Ian Landreth and reviewed by Karen Nall.

ATTACHMENTS

- Attachment 1 – Exhibit A – Findings
- Attachment 2 – Exhibit B – Conditions of Approval
- Attachment 3 – Graphics
- Attachment 4 – Land Use Ordinance Consistency Analysis Table
- Attachment 5 – Operations Plan
- Attachment 6 – Referral Responses
- Attachment 7 – Environmental Determination