

COUNTY OF SAN LUIS OBISPO DEPARTMENT OF PLANNING & BUILDING TREVOR KEITH, DIRECTOR

	THIS IS A NEW I	PROJECT REFERRAL
DATE:	4/11/2019	
TO:	Pollution Control Board (APCE Environmental Health, Public	nt, Agricultural Commissioner, Assessor, Air D), Building Division, Cal Fire/County Fire, Works, Sheriff, Caltrans, CA Fish and Wildlife, Lucia Mar, South County Advisory Group, AB52
FROM:	Cassidy McSurdy (cmcsurdy@	<u>co.slo.ca.us</u> 805-788-2959)
PROJECT DES cultivation, 5,	,250 square feet ancillary canna building for cannabis manufacti	58 CORTEZ nal Use Permit for 22,000 square-feet cannabis abis nursery, and use of an existing 3,000 uring to be located at 375 Mehlschau Rd,
	tter with your comments attached espond within 60 days. Thank you.	l no later than 14 days from receipt of this referral.
PART III: ARE 1 OF REV PART III: INDI Please project	PYES (Please go on to PART II.) NO (Call me ASAP to discuss we must obtain comments from THERE SIGNIFICANT CONCERNS, PROVIEW? PYES (Please describe impacts, reduce the impacts to less NO (Please go on to PART III.)	what else you need. We have only 10 days in which noutside agencies.) ROBLEMS OR IMPACTS IN YOUR AREA , along with recommended mitigation measures to ss-than-significant levels, and attach to this letter.) OR FINAL ACTION. you recommend to be incorporated into the ecommending denial.
Date	Name	Phone



San Luis Obispo County Department of Planning and Building

APPLICATION TYPE - CHECK ALL THAT APPLY ☐ Emergency Permit ☐ Tree Permit ☐ Minor Use Permit ☐ Conditional Use Permit/Development Plan ☐ Plot Plan ☐ Curb, Gutter & Sidewalk Waiver ☐ Other ☐ Site Plan ☐ Surface Mining/Reclamation Plan ☐ Zoning Clearance ☐ Amendment to approved land use permit ☐ Variance	Department Use Only Do Not Mark (Staff Apply Label Here)
APPLICANT INFORMATION Check box for contact person assigned to this project Landowner Name Emilio Cortez Mailing Address 375 Mehlschau Road, Nipomo, CA Email Address: element365@msn.com	Daytime Phone 805-478-0164 Zip Code 93444
Applicant Name Emilio Cortez Mailing Address Email Address:	Zip Code
Agent Name Kirk Consulting / Lisa Bugrova/ Jamie Jones Mailing Address 8830 Morro Rd, Atascadero, CA Lisa@kirk-consulting.net	Daytime Phone 805-461-5765 Zip Code 93422
PROPERTY INFORMATION Total Size of Site: 22.32 Acres Assessor Legal Description: Address of the project (if known): 375 Mehlschau Road, Nipomo, CA 9344 Directions to the site (including gate codes) - describe first w the site, then nearest roads, landmarks, etc.: Mehlschau Road of Describe current uses, existing structures, and other improve Single-family residences (2), supporting ag structures	ith name of road providing primary access to
PROPOSED PROJECT Describe the proposed project (inc. sq. ft. of all buildings): Second	e Project Description
LEGAL DECLARATION I, the owner of record of this property, have completed this for statements here are true. I do hereby grant official represent the subject property. Property owner signature	
FOR STAFF USE ONLY	
PPE2018-	-00122

San Luis Obispo County Department of Pla	anning and Bu	iliaing	FIIE NO	
Type of project: Commercial	Industrial [Residential	Recreational	Other
Describe any modifications/adjustments fro applicable):		needed and the	reason for the reque	est (if
Describe existing and future access to the	proposed proj	ject site: Existing/Pri	mary access to remain off Mer	nlschau Road
Surrounding parcel ownership: Do you If yes, what is the acreage of all property you	ou own adjace	nt property?	☐ Yes ■ No	
Surrounding land use: What are the use please specify all agricultural uses):	_		property (when app	olicable,
North: Agriculture	1.00	South: Agriculture		
East: Agriculture	V	Vest: Agricutlure		
For all projects, answer the following: Square footage and percentage of the tota Buildings: 32,500 sq. feet 0 % Paving: 0 sq. feet 0 % Total area of all paving and structures: 32,500 ground Number of parking spaces proposed: n/a Number of trees to be removed: 0	La O	andscaping: ohther (specify) Height of tallest s	sq. feet 0 sq. feet a sq. feet a sq. feet a atructure: 16'	
Number of trees to be removed: 0 Setbacks: Front 100' F	Right _450'	Type: Left 124'		Back 553'
Sergio successivo de de la compania				
Proposed water source: On-site we Community System - List the agency or				
Do you have a valid will-serve letter?				
Proposed sewage disposal: Individu	al on-site syst	tem 🗆 Ot	her	
Community System - List the agency or				
Do you have a valid will-serve letter?				
Fire Agency: List the agency responsible	le for fire prote	ection: Cal Fire		
For commercial/industrial projects answ Total outdoor use area: Total floor area of all structures including u	acres			
For residential projects, answer the following the Number of residential units. Total floor area of all structures including units of the lot(s) minus building for the lot(s) minus building for the lot(s).	Numb Ipper stories, I			sf

San	Luis	Obispo	County	Department	of	Planning	and	Building
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File No		
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The California Environmental Quality Act (CEQA) requires all state and local agencies to consider and mitigate environmental impacts for their own actions and when permitting private projects. The Act also requires that an environmental impact report (EIR) be prepared for all actions that may significantly affect the quality of the environment. The information you provide on this form will help the Department of Planning and Building determine whether or not your project will significantly affect the quality of the environment.

To ensure that your environmental review is completed as quickly as possible, please remember to:

- a. Answer ALL of the questions as accurately and completely as possible.
- b. Include any additional information or explanations where you believe it would be helpful or where required. Include additional pages if needed.
- c. If you are requesting a land division or a re-zoning, be sure to include complete information about future development that may result from the proposed land division or rezoning.
- d. Include references to any reports or studies you are aware of that might be relevant to the questions asked or the answers you provide.

Should a determination be made that the information is inaccurate or insufficient, you will be required to submit additional information upon request.

Physical Site Characteristic Information

Your site plan will also need to show the information requested here:

1.	Describe the topography of the site:		
	Level to gently rolling, 0-10% slopes:	22.32 acres	
	Moderate slopes - 10-20%:	0 acres	
	20-30%:	o acres	
	Steep slopes over 30%:	o acres	
2.	Are there any springs, streams, lakes or m	arshes on or near the site?	☐ Yes ■ No
	If yes, please describe:		
3.	Are there any flooding problems on the site	e or in the surrounding area?	Yes No
	If yes, please describe:		
4.	Has a drainage plan been prepared?		Yes No
	If yes, please include with application.		
5.	Has there been any grading or earthwork of	on the project site?	Yes No
	If yes, please explain:		
6.	Has a grading plan been prepared?		Yes No
	If yes, please include with application.		
7.	Are there any sewer ponds/waste disposal	sites on/adjacent to the project?	☐ Yes ☐ No
8.	Is a railroad or highway within 300 feet of y	our project site?	☐ Yes ■ No
9.	Can the proposed project be seen from sur	rrounding public roads?	Yes No
	If yes, please list:		

Water Supply Information

1.	What type of water supply is proposed? Individual well Shared well Community water system
2.	What is the proposed use of the water?
	Residential Agricultural - Explain
	☐ Commercial/Office - Explain ☐ Industrial – Explain
3.	What is the expected daily water demand associated with the project? 40,000 Gallons/ yr
4.	How many service connections will be required? No service connections required
5.	Do operable water facilities exist on the site?
	Yes No If yes, please describe: Groundwater Well
6.	Has there been a sustained yield test on proposed or existing wells?
_	Yes No If yes, please attach.
7.	Does water meet the Health Agency's quality requirements? Bacteriological?
	Bacteriological?
	Physical Yes No
	Water analysis report submitted?
8.	Please check if any of the following have been completed on the subject property and/or submitted
	to County Environmental Health.
	☐ Well Driller's Letter ☐ Water Quality Analysis(☐ OK or ☐ Problems)
	 Will Serve Letter ■ Pump Test 4 Hours / 18 GPM □ Surrounding Well Logs □ Hydrologic Study ■ Other Well Completion Report
	Surrounding Well Logs Hydrologic Study Other Well Completion Report
Plea	ase attach any letters or documents to verify that water is available for the proposed project.
Sev	vage Disposal Information
lf aı	n on-site (individual) subsurface sewage disposal system will be used:
1	Has an engineered percolation test been accomplished?
1.	Yes No If yes, please attach a copy.
2.	What is the distance from proposed leach field to any neighboring water wells?
	Will subsurface drainage result in the possibility of effluent reappearing in surface water or on
	adjacent lands, due to steep slopes, impervious soil layers or other existing conditions?
	☐ Yes ■ No
4.	Has a piezometer test been completed?
5	
5.	Yes No (a waste discharge permit is typically needed when you exceed 2,500 gallons per
	day)
If a	community sewage disposal system is to be used:
1.	Is this project to be connected to an existing sewer line?
	Distance to nearest sewer line: Location of connection:
2.	
3.	
	accept the proposed flow?

Solic	d Waste Information
2. 3.	What type of solid waste will be generated by the project? Domestic Industrial Agricultural Other, please explain? Name of Solid Waste Disposal Company: Where is the waste disposal storage in relation to buildings? Please see Site Plan
4.	Does your project design include an area for collecting recyclable materials and/or composting
	materials?
Com	munity Service Information
4	Name of Calcal District, Lucia Mar
1. 2.	Name of School District: Lucia Mar Location of nearest police station: Arroyo Grande Police Department, 200 N Halcyon Rd, Arroyo Grande, CA 93420
	Location of nearest fire station: Arroyo Grande Fire Department, 2391 Willow Rd, Arroyo Grande, CA 93420
	Location of nearest public transit stop: 180 W Grand Ave, Grover Beach, CA 93433
5.	Are services (grocery/other shopping) within walking distance (1/2 mile or closer) of the project?
<u>Histo</u>	oric and Archeological Information
1	Please describe the historic use of the property: Agricultural cultivation
	Are you aware of the presence of any historic, cultural or archaeological materials on the project
	site or in the vicinity? Yes
	If yes, please describe:
3.	Has an archaeological surface survey been done for the project site?
	If yes, please include two copies of the report with the application.
_	
Com	mercial/Industrial Project Information
Only char	complete this section if you are proposing a commercial or industrial project or zoning age.
1.	Days of Operation: 6 Days of operation a week 6am-2:30pm
2.	How many people will this project employ? 6-8
3.	Will employees work in shifts? ☐ Yes ■ No
	If yes, please identify the shift times and number of employees for each shift
4.	Will this project produce any emissions (i.e., gasses, smoke, dust, odors, fumes, vapors)?
	Yes No If yes, please explain:
5.	Will this project increase the noise level in the immediate vicinity?
	If yes, please explain:
_	(If loud equipment is proposed, please submit manufacturers estimate on noise output.)
6.	What type of industrial waste materials will result from the project? Explain in detail: NA
7	Will be worder to product the great or stand on site?
7.	Will hazardous products be used or stored on-site?
	If yes, please describe in detail:
8	Has a traffic study been prepared?
	Please estimate the number of employees, customers and other project-related traffic trips to or
J .	from the project: Between 7:00 - 9:00 a.m. Between 4:00 to 6:00 p.m. Between 4:00 to 6:00 p.m.

	Are you proposing any special measures (carpooling, public transit, telecommuting) to reduce automobile trips by employees
11.	Are you aware of any potentially problematic roadway conditions that may exist or result from the proposed project, such as poor sight distance at access points, connecting with the public road? Yes No If yes, please describe:
<u>Agri</u>	cultural Information
	complete this section if your site is: 1) Within the Agricultural land use category, or 2) ently in agricultural production.
2.	Is the site currently in Agricultural Preserve (Williamson Act)? If yes, is the site currently under land conservation contract? If your land is currently vacant or in agricultural production, are there any restrictions on the crop productivity of the land? That is, are there any reasons (i.e., poor soil, steep slopes) the land cannot support a profitable agricultural crop? Please explain in detail: No No No No No No Preserve (Williamson Act)? Yes No No No Preserve (Williamson Act)? Yes No No No Preserve (Williamson Act)? Preserve (Williamson Act)?
Spe	cial Project Information
1.	Describe any amenities included in the project, such as park areas, open spaces, common recreation facilities, etc.(these also need to be shown on your site plan):
2.	Will the development occur in phases? \Boxed Yes \Boxed No
3.	If yes describe:
4.	Are there any proposed or existing deed restrictions?
Ene	rgy Conservation Information
1.	Describe any special energy conservation measures or building materials that will be incorporated into your project *:
	*The county's Building Energy Efficient Structures (BEES) program can reduce your construction permit fees. Your building must exceed the California State Energy Standards (Title 24) in order to qualify for this program. If you are interested in more information, please contact the Building Services Division of the Department of Planning and Building at (805) 781-5600.
Envi	ironmental Information
1.	List any mitigation measures that you propose to lessen the impacts associated with your project:
2.	Are you aware of any unique, rare or endangered species (vegetation or wildlife) associated with the project site? No If yes, please list:

3.	Are you aware of any previous environmental determinations for all or portions of this property? Yes No If yes, please describe and provide "ED" number(s):
<u>Othe</u>	er Related Permits
1.	List all permits, licenses or government approvals that will be required for your project (federal, state and local): CDFA, BCC
	(If you are unsure if additional permits are required from other agencies, please ask a member of the Planning Department staff currently assigned to the project



COUNTY OF SAN LUIS OBISPO DEPARTMENT OF PLANNING & BUILDING CANNABIS APPLICATION SUPPLEMENT

PLN-2018 12/8/2017

The following information is required in addition to the Land Use Permit Application.

Cannabis Activities Proposed Cultivation Testing Facility Dispensary Arctivey Manufacturing Facility Distribution Facility		
For Cultivation and Nurseries ONLY		
Approved Cooperative/Collective Registration number. Note: If you do not hold an approved cooperative/collective registration, you cannot apply for cultivation until 2019.		
Approved registration number: CCM2016- N/A .		
What is the applicant on the approved registration? Note: The applicant name on the registration must match the applicant name on the land use permit.		
Name of applicant: Emilio Cortez		
Are you planning on cultivating on the same site that a registration was approved for?		
☐ Yes ■ No		
What type of State cultivation license are you seeking?		
☐ Type 1 ☐ Type 2 ☐ Type 3 ☐ Type 4 ☐ Type 5 ☐ Microbusiness ☐ Indoor ☐ Outdoor ☐ Mixed-light		
Designate the total square footage of your cultivation canopy area(s). This is not necessarily the maximum canopy size allowed by the tier of license for which you are applying, but the amount of canopy area you intend to produce. If you intend to have multiple canopy area locations, include only the total square footage of the total canopy. 22,000 indoor/mixed-light		
Check one or more of the following that apply and attach a detailed diagram of your designated canopy area. Include specific dimensions, in feet and inches, in the diagram. If you have only a single canopy area, clearly indicate that. If you are designating multiple canopy areas, clearly identify the square footage and dimensions of each area and how it is separated from other canopy areas. Note that if you are designating multiple canopy areas you must separate each area by a physical boundary such as an interior wall. Vertically stacked canopy areas must be identified as such in the detailed diagram submitted by applicants.		
I have designated the specific area and dimensions of my newly designated canopy area(s):		

CANNABIS APPLICATION SUPPLEMENT

On my floor plan submitted with the application

On an additional document submitted with my application

Record your estimates of electrical usage in kilowatt-hours (kWh). To determine how many kWh a piece of equipment uses, take the following steps:

- Determine the wattage of the device by checking manufacturer specifications
- Multiply this number by the number of hours each month the device will be in use to determine watt-hours.
- Divide each month's watt-hours by 1,000 to determine kWh. Round to three decimal places.
- Repeat this for each piece of equipment and the total amounts for each month.
- Estimates should assume the business is in full production for each month.

Describe all sources of electrical power and the total annual kWh expected to be drawn from each. For example, if the operation uses on-site power generation from a source such as solar panels, document the amount of power you expect to use from that source in addition to any other sources.

Source or utility name	Expected kWh drawn annually
PG&E	230, 113
OFFICIAL MANAGEMENT OF THE RESERVE OF THE PROPERTY OF THE STATE OF THE	
Total Annual kWh:	230,713

Clearly identify the measurement unit you are using to estimate or report your water usage. If you are using multiple units, you may use additional columns to record that information. If you are using reclaimed water, identify that as a source. If you are utilizing more sources of water than may be included on this form, you may include that information on a separate page submitted with this application.

Estimate the total water used in the production of marijuana by month. If recording estimates for multiple sources, estimate these amounts separately.

Source	Greenhouse 22k sf		
Month and Year			
1	3000	1	
2	3000	0	
3	3000	1	
4	3000	J	
5	3000		
6	4000	7/	
7	4000		
8	4000		
9	4000	_	
10	3000		
11	3000	ī	
12	3000	,5	
Totals	40,000 gal/year		

CANNABIS APPLICATION SUPPLEMENT

Do you plan on using	g pesticides?			
Yes	□No			
bloom-bat guano, calcium mair	nstay, dipel, forge, gnatrol WDG	6, Grandevo, H2H	3-2-1 Grow, humega humic acid	-0-0 growers secret nitrogen, algamin, blood meal, d, liquid potassium, metalosate multimineral, SCI suncor soil, trilogy, and worm castings.
For Manufacturing	ONLY			
What type of State m	nanufacturing license	are you see	eking? Note: Volatile	manufacturing is prohibited.
Type 6 Microbusi	☐ Type 7 ness		Type N	☐ Type P
What type of product	ts do you plan on ma	nufacturing?	?	
Oils	☐ Edibles ■ T	opicals	Other	
Will the facility be uti	lizing a closed-loop e	extraction sy	stem?	
☐ Yes	■ No N/A			
(If extracting) What t	ypes of extraction wil	ll you be per	forming?	
☐ Butane ☐ Ethanol ☐ Other Ice w	☐ Propane ☐ Mechani		☐ Hexane ☐ None	Carbon Dioxide
For Distribution ON	ILY			
What type of State d	istribution license are	e you seekin	ıg?	
☐ Type 11	☐ Type 11	– Transport	t Only	
Will you be operating	g a storage-only busi	ness?		
☐ Yes	No N/A			
How many vehicles	do you anticipate trar	nsporting/dis	stributing product?	
□ 1-5	☐ 6-10 ☐ 1	1+ [☐ N/A Storage Only/	Other

PLN-2018 12/8/2017

CANNABIS APPLICATION SUPPLEMENT

For Dispensaries (ONLY										
	What type of State dispensary license are you seeking? Note: Dispensaries are not allowed to have to to to the public.										
☐ Type 9 – non-storefront dispensary ☐ Type 10 ☐ Microbusiness											
Will you be delivering	ng to other juriso	dictions?									
☐ Yes	■ No	N/A									
How many vehicles	do you anticipa	te delivering pr	oduct?								
☐ 1-5	☐ 1-5 ☐ 6-10 ☐ 11+ ☐ N/A Storage Only/Other										
How many deliverie	s per day do yo	u anticipate de	livering product	?							
<10	<u> </u>	<u> 51-100</u>	<u></u> >100	☐ N/A Storage Only/Other							

		Double-End Light Fixture	Fan-Forced Portable Unit Heater	Circulation Fan	Vapor-Phase Odor Control Unit	Black Out Curtain	Evaporative Through-Wall Cooler	FanTech Dehumid- ifier	Security Cameras
Quantity/	Greenhouse indoor cultivation	24	6	6	6	24	12	6	5
building	Drying/Curing	6	1	1	1	2	2	1	0
	Ancillary Nursery	6	1	1	1	2	2	1	0
Total quantity		36	8	8	8	28	16	8	5
Voltage			120	115	360	230		115	120
Amperage				4.4	6	3		6.2	
Wattage/device		1000	1500	506	2160	690	373	374	420
Total Wattage		36000	12000	4048	17280	19320	5968	2992	2100
	Jan	60	120	360	360	360		240	360
	Feb	60	120	360	360	360		240	360
	Mar	60	120	360	360	360		240	360
	Apr	30	120	360	360	360		240	360
	May	30		360	360	360	V. Care	240	360
Hr/month of	Jun	30		360	360	360	120	240	360
usage	Jul	30		360	360	360	120	240	360
	Aug	30		360	360	360	120	240	360
	Sep	30		360	360	360	120	240	360
	Oct	60		360	360	360		240	360
	Nov	60	120	360	360	360		240	360
	Dec	60	120	360	360	360		240	360
kWh/year		25920	8640	17487	74650	83462	2865	8617	9072

Source or utility	Expected kWh
name	drawn annually
PG&E	230,713
Total Annual kWh	230,713

Total kWh/year



CORTEZ, EMILIO SUPPLEMENTAL DEVELOPMENT STATEMENT CANNABIS MINOR USE PERMIT 375 MEHLSCHAU ROAD, NIPOMO, CA 93444 APN (090-051-058)

PROJECT DESCRIPTION

Parcel Size:

22.32 Acres

APN:

090-051-058

Address:

375 Mehlschau Road, Nipomo, CA 93444

Land Use Designation:

AG

Williamson Act:

No

Water:

On-Site Well

Existing Uses:

Ag Barn, Residences (2)

Access:

Mehlschau Road from N. Thompson Avenue

The subject property consists of one parcel totaling 22.32 acres, located at 375 Mehlschau Road in Nipomo (APN 090-051-058), accessed off Mehlschau Road from N. Thompson Avenue, in the South County Planning Area and zoned Agriculture. Existing uses on the site include two residences (PMT2003-03844 & PMT2003-03845) and historical supporting ag structures. The property was historically used for squash cultivation (approximately 10 acres).

Proposed Project

A request by Emilio Cortez for a Minor Use Permit to authorize the construction of greenhouses for 22,000 sq. ft. of indoor cultivation, 5,250 sq. ft. of ancillary supportive nursery (25% of indoor cultivation), and the future utilization of an existing 3,000 sq. ft. building (PMT2003-03091) for manufacturing (Phase II). The proposed project has been designed in full compliance with LUO Section 4, Chapter 18322.30- Cannabis Activities as approved by the Board of Supervisors on November 27, 2017. Supporting cultivation operations will include drying and curing within 5,250 SF of greenhouse space. No additional site disturbance other than that required for greenhouse construction is proposed as a part of this project. The proposed project is located at 375 Mehlschau Road, Nipomo, CA 93444 approximately 11 miles North of downtown Santa Maria. Other existing structures onsite include: a commercial 2,000 gallon above ground diesel fuel tank (PMT2011-

00082), mobile home #1: 2,145 SF (PMT2003-03845), and mobile home #2: 2,144 SF (PMT2003-03844). The applicant lives onsite in one of the two residences.

Vicinity Map

375 Mehlschau Rd

Shipomo

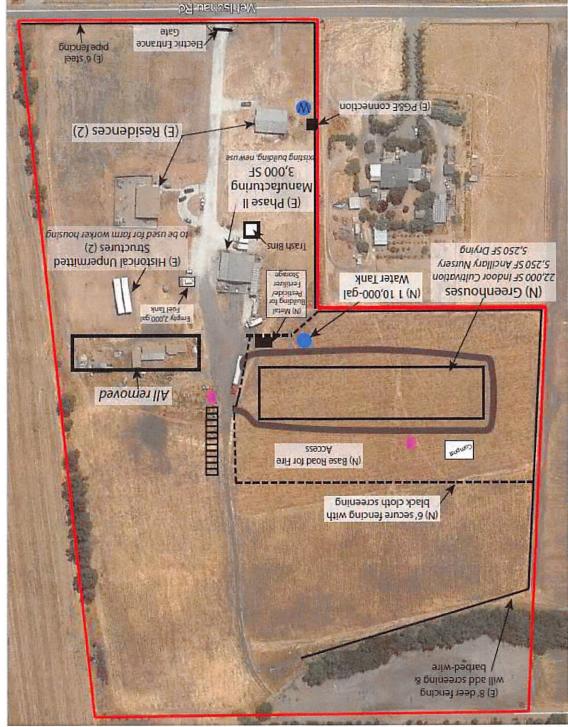
166

Project Site Map with 5-Foot Contour Lines



The Project site is approximately 22 acres in size and consists of one legal parcel. The site is located on Mehlschau Road which extends East and West of the project site. The area's topography is flat with 22.32 acres of the site being between 0-10%

slope. The average slope within the site is 3%. Vegetation coverage is limited to the agriculture onsite with no oak trees present. The proposed project area consists of existing developed or otherwise denuded/graded areas. No vegetation removal or significant grading is necessary or proposed for any phase of the project.



Cultivation Area Site Plan

Project Summary

Phase	Туре	Use	Size	Count	Total SF
1	(N) Greenhouse	Indoor Cultivation	3,500 SF	6	21,000
		Vegetative Nursery		1.5	5,250 25% of indoor
		Drying/Curing		1.5	5,250
11	(E) AG Exempt	Manufacturing	3,000 SF	1	2,220 SF
	Building*	Drying/Curing (future)			780 SF

^{*}Building will be brought up to appropriate standards for new use

Indoor Cultivation (Mixed-Light)

Greenhouses will be constructed for indoor cannabis cultivation of up to 22,000 sq. ft. located north of the existing ag building that is proposed for manufacturing use. The cannabis plants will be in small pots located on raised benches within the greenhouse structures. The greenhouses will include closed-loop odor control systems, with odor neutralizing spray and fans. Black out curtains will also be installed to preclude nighttime visibility. The indoor cultivation will yield six harvests per year, or every two months.

Drying, Manufacturing, and Export of Product

Until the manufacturing building is brought up to code and ready for use, the cannabis product will be dried in 5,250 SF of the greenhouse space. Then the product will be placed into totes, sold, and transported offsite. Phase II of the project includes utilizing an existing 3,000 SF ag-exempt structure (PMT2003-03091) onsite for manufacturing the product grown onsite. Electrical was installed in the structure, including 10 lights and 7 outlets with a 200-amp panel (PMT2004-00570). Prior to building occupancy, fire safety and building plans will be submitted to the County for permit processing. Once the manufacturing building is final, drying/curing will occur in the existing refrigerators within the building (780 SF) and the remaining space (2,220 SF) will be used to manufacture some of the product grown onsite. The manufacturing operations will consist of an ice-water extraction system. The remaining portion of product grown onsite will be dried and placed in totes, then purchased and transported offsite.

Access

The parcel is accessed from Mehlschau Road, a 40' paved public road which extends to parcels Northeast and Southwest of the site. Mehlschau Road is paved all the way to the site's driveway. There are two gated entrances to the property. A Road

Maintenance Agreement will not be required for this project. For CalFire access, a 150' working clearance with base will be added around the proposed greenhouses.

Site Operations Plan

Security

The project has prepared a detailed Security Plan for confidential routing to the Sheriff's department for review. The proposed security plan includes security cameras with motion-detection lighting (down-cast), 6'-8' secure fencing with black polyethylene screening cloth, and secure entry and access gates to all cultivation areas. Security cameras will be placed around the perimeter of the property and fenced cultivation area. The entrance to the property has a secure electronic access gate, with key pad entry. The site will operate in full compliance with State Licensing requirements for track and trace which will further ensure adherence to security protocols.

Screening and Fencing

Existing fencing onsite includes an 8' deer fence along the eastern property line. This fencing will be upgraded to include black polyethylene screening cloth and barb wire for increased security. This fencing will meet the new 6' perimeter fencing to be added around the proposed greenhouses to preclude offsite visibility. The greenhouses will also be equipped with black out curtains to reduce nighttime light pollution and offsite visibility.





Odor Management

The greenhouses proposed for indoor cultivation and nursery uses are fully enclosed. All mature plant areas (indoor, processing) will be equipped with a Vapor-Phase Odor Neutralization System specifically designed to react with cannabis and eliminate offsite odor (designed by Byers Scientific & Manufacturing). In addition, down-cast fans will be placed at each greenhouse entrance/exit to keep

the buildings closed-loop. See attached information regarding the odor management system.

Signage

No exterior signage distinctive to the cannabis operation is proposed.

Parking/Access

The property site provides ample parking spaces for the cultivation operations and are not in conflict with any adjacent properties or uses. There is a designated parking area located outside the new fencing at the end of the existing road onsite. There are approximately twelve 8'x16' parking spaces for staff. See request for parking modification and required findings below.

Staffing/Employee Safety

The proposed operations are agricultural in nature and conducted according to controls in place for the industry. No dispensary or distribution activities are proposed. No public access to the site will occur at any time. The project's indoor cultivation will require 6-8 full time employees (including existing owner participation), with hours of operation from 6am-2:30pm 6 days/week. At full operational capacity, the number of staff and operating time would stay the same. Product transport is anticipated after each harvest and will consist of 1 passenger van or utility vehicle accessing the site.

The Employee Handbook provides direction to staff that ensures activities are undertaken only for that which they have been trained for. The pertinent section is excerpted below.

Each Employee's Responsibility

Safety can only be achieved through teamwork at our company. Each employee, supervisor and manager must practice safety awareness by thinking defensively, anticipating unsafe situations and reporting unsafe conditions immediately.

Please observe the following precautions:

- 1. Notify your supervisor of any emergency situation. If you are injured or become sick at work, no matter how slightly, you must inform your supervisor immediately.
- 2. Report <u>all</u> workplace injuries as soon as reasonably possible to your supervisor even if no medical treatment is required. It is our sincere hope that you or your coworkers are never injured.

- 3. The use of alcoholic beverages or illegal substances during working hours will not be tolerated. The possession of alcoholic beverages or illegal substances on the company's property is forbidden.
- 4. Use, adjust and repair machines and equipment only if you are trained and qualified.
- 5. Know the proper lifting procedures. Get help when lifting or pushing heavy objects.
- 6. Understand your job fully and follow instructions. If you are not sure of the safe procedure, don't guess; just ask your supervisor.
- 7. Know the locations, contents and use of first aid and fire-fighting equipment.
- 8. Wear personal protective equipment in accordance with the job you are performing.

A violation of a safety precaution is in itself an unsafe act. A violation may lead to disciplinary action, up to and including discharge.

Workplace Searches

To protect the property and to ensure the safety of all employees, clients and the company, the company reserves the right to conduct personal searches consistent with state law, and to inspect any packages, parcels, purses, handbags, brief cases, lunch boxes or any other possessions or articles carried to and from the company's property. In addition, the company reserves the right to search any employee's office, desk, files, locker, equipment or any other area or article on our premises. In this regard, it should be noted that all offices, desks, files, lockers, equipment, etc. are the property of the company, and are issued for the use of employees only during their employment. Inspection may be conducted at any time at the discretion of the company. Persons entering the premises who refuse to cooperate in an inspection conducted pursuant to this policy may not be permitted to enter the premises. Employees working on or entering or leaving the premises who refuse to cooperate in an inspection, as well as employees who after the inspection are believed to be in possession of stolen property or illegal substances, will be subject to disciplinary action, up to and including discharge, if upon investigation they are found to be in violation of the company's security procedures or any other company rules and regulations.

Substance Abuse

The company has vital interests in ensuring a safe, healthy and efficient working environment for our employees, their co-workers and the clients we serve. The unlawful or improper presence or use of controlled substances or alcohol in the workplace presents a danger to everyone. For these reasons, we have established as a condition of

employment and continued employment with the company the following substance abuse policy.

Employees are prohibited from reporting to work or working while using illegal or unauthorized substances. Employees are prohibited from reporting to work or working when the employee uses any controlled substance, except when the use is pursuant to a doctor's orders and the doctor advised the employee that the substance does not adversely affect the employee's ability to safely perform his or her job duties.

In addition, employees are prohibited from engaging in the unlawful or unauthorized manufacture, distribution, sale or possession of illegal or unauthorized substances and alcohol in the workplace including: on company paid time, on company premises, in company vehicles, or while engaged in company activities. Our employees are also prohibited from reporting for duty or remaining on duty with any alcohol in their systems. Employees are further prohibited from consuming alcohol during working hours, including meal and break periods. This does not include the authorized use of alcohol at company-sponsored functions or activities.

Your employment or continued employment with the company is conditioned upon your full compliance with the foregoing substance abuse policy. Any violation of this policy may result in disciplinary action, up to and including discharge. Consistent with its fair employment policy, the company maintains a policy of non-discrimination and reasonable accommodation with respect to recovering addicts and alcoholics, and those having a medical history reflecting treatment for substance abuse conditions. We encourage employees to seek assistance before their substance or alcohol use renders them unable to perform their essential job functions or jeopardizes the health and safety of themselves or others. The company will attempt to assist its employees through referrals to rehabilitation, appropriate leaves of absence and other measures consistent with the company's policies and applicable federal, state or local laws.

The company further reserves the right to take any and all appropriate and lawful actions necessary to enforce this substance abuse policy including, but not limited to, the inspection of company issued lockers, desks or other suspected areas of concealment, as well as an employee's personal property when the company has reasonable suspicion to believe that the employee has violated this substance abuse policy.

Although the state has legalized marijuana, the company is not required to allow the use of marijuana in the workplace. Use is strictly prohibited on company property and may result in discipline, up to and including immediate discharge. This policy represents management guidelines. For more information, please speak to the human resource manager.

Traffic

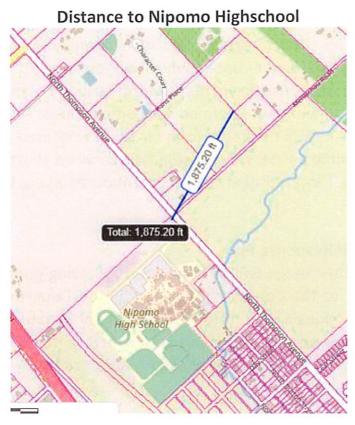
No public access to the site will occur at any time. Regular commercial operations result in 8 round trips per day in a commuter truck, outside the typical times for increased traffic (hours of operation are proposed from 6am-2:30pm). There will be commercial deliveries once a month for soil and farm supplies. This is within standards for the access road and standard agricultural operations for the property.

Air Quality

The project is located on an existing agricultural site, accessed via a private driveway with no new grading required. The public access road is paved all the way to the site's driveway. There are no predicted air quality impacts.

Setbacks

The nearest sensitive receptors (schools, parks, libraries, licensed recover facilities, et. al) are located well outside the 1000-foot setback required by 22.30.D.1. The closest sensitive receptor is Nipomo Highschool, located 1,875' away (image below). The Agriculture zoned parcel size of 22.32 acres meets the size requirement of 10 acres for two acres of outdoor cultivation and up to 22,000 sf of indoor cultivation.



Neighborhood Compatibility

Several crops are currently cultivated by the surrounding properties, including squash, grapes (vineyard), lemons, hay, and avocados. The general direction of the prevailing winds is from the north. The greenhouses will be equipped with black-out features at night to eliminate light pollution. Any motion detection lighting used for security will be cast downwards to reduce light pollution.

Measures proposed to control odor from the cannabis operation have been proven in other jurisdictions including Santa Barbara County in areas where cannabis cultivation is located in proximity to sensitive receptors such as schools. The Byer's Odor Control System is a proven successful tool to neutralize odors when installed on structures surrounding odorous uses. Installation of this system will significantly reduce/eliminate offsite detection of cannabis plant odor, making the site a compatible ag use with surrounding residential receptors that may detect a nuisance odor from a cannabis cultivation with no odor control measures installed. The noise ratings for this system include an evaporation fan at 36 Hz and main blower at 59.46 Hz. There is no projected increase in noise level from this project.

Waste Management

Cannabis cultivation will not produce any wastewater as all water is used within the planting environment. There will be a concrete pad under/outside of the metal storage shed for the pesticides/fertilizers with drainage leading to an exterior container for collecting water runoff, which will be used to water other plants onsite. All green waste consisting of dead and/or stripped of flower plants and soil are composted onsite within in a defined soil compost area. Any non-compostable waste produced onsite will be placed in the trash bins located next to the existing manufacturing building onsite, which is regularly serviced. Portable restrooms will be provided for staff located next to the greenhouses along the access road for ease of servicing.

Storage and Hazard Response Plan

Pesticide and fertilizer usage will be conducted following good farming practices and in accordance to the County of San Luis Obispo Department of Agriculture standards. The pesticides will be stored in a new metal shed to be placed inside the fencing next to the proposed greenhouses. A concrete pad will be poured under this new structure, with drainage to collect any water runoff.

The following products will be used for soil and pest control: 0-0-50 sulfate of potash, 1-0-1 Cal-mag, 14-0-0 growers secret nitrogen, algamin, blood meal, bloom-bat guano, calcium mainstay, dipel, forge, gnatrol WDG, Grandevo, H2H 3-2-1 Grow, humega humic acid, liquid potassium, metalosate multimineral, mycotrol, mykos, natures nectar 0-0-5 potassium, natures nectar 0-4-0 phosphorus, Nu-film P, Omni, Silwet, SS SCI suncor soil, trilogy, and worm castings. See attached Chemical List Binder for corresponding material safety data sheets (25 total). Totals will only be what is necessary for the upcoming grow cycles, stored on shelves within secondary containment. All staff will be properly trained on the handling practices of chemicals used for the cultivation and what to do in the event of unintended exposure.

Water Management Plan

The property is in the South Coast Water Planning Area, Nipomo Valley Watershed. The project site is served by one existing groundwater well that has historically served the property for agricultural use. No import of water is necessary or will occur in association with the proposed cannabis cultivation operations. Limited surrounding agriculture combined with high recharge potentials support the land use of commercial cannabis cultivation. The projected water usage is as follows:

Monthly Water													
Usage (Gallons)	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	ОСТ	NOV	DEC	TOTALS
22,000 sf	3,000	3,000	3,000	3,000	3,000	4,000	4,000	4,000	4,000	3,000	3,000	3,000	40,000
Greenhouse													

The cannabis project will use an average of 835 gallons/week or 3,340 gallons/month.

Energy Use

The property is powered by a PG&E connection. The total annual estimated energy use for the cannabis operation is kWh. An estimated energy demand breakdown is attached.

Issues Requiring Special Consideration

Cultural Resources

The cultivation operation is proposed in an area on the parcel that was previously used for agricultural farming. Minimal site disturbance will occur as a result of this project.

Biological Resources

A biological resource assessment was conducted by Althouse & Meade, Inc. in March 2019. Several special-status species were determined to have the potential to occur onsite, including bird species and a drainage feature. The following mitigation measures will be implemented to minimize potential impacts to a less than significant level:

BR-1. Within one week of vegetation clearing or ground disturbance, if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. If surveys do not locate nesting birds, construction activities may commence. If nesting birds are located, no construction activities shall occur within a distance specified by a qualified biologist, until chicks are fledged, or the nest fails. Buffer radius shall be specified according to special status rank of the nesting bird, intensity of construction activity or impact (i.e. high decibel levels or heavy ground disturbance) and where local, state, and federal regulations apply. A preconstruction survey report shall be submitted to the lead agency immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the Project site and nest locations shall be included with the report. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions.

Jurisdictional Drainages

The California Department of Fish and Wildlife regulates activities that divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or ban of any river, stream, or lake. CDFW has initiated a Cannabis cultivation permitting program that requires all applicants obtaining an Annual License from the California Department of Food and Agriculture to have a Lake and Streambed Alteration Agreement or written verification that one is not needed. If all Project components are set outside the 1600 jurisdiction a Self-Certification can be submitted online. More information about the CDFW Cannabis Program and permitting can be found at https://www.wildlife.ca.gov/Conservation/Cannabis/Permitting.

The State Water Board has also initiated a Cannabis Cultivation Program to establish principles and guidelines (requirements) for cannabis cultivation activities to protect water quality and instream flows. To implement the program, the Cannabis Cultivation General Order was adopted and provides for a permitting pathway for cultivators. The General Order provides criteria to evaluate the threat to water quality based on site conditions and waterway classification. More information about the State Water Board Cannabis Cultivation can be found at http://www.waterboards.ca.gov/water_issues/programs/cannabis.

The drainage that passes through the is defined as Freshwater Forested/Shrub Wetland, classified as PSSA (Palustrine (P), Scrub-Shrub (SS), Temporary Flooded (A) according to the National Wetlands Inventory (NWI 2005). As an ephemeral waterway, all project components should observe a minimum 50-foot buffer from the top of bank or bank-full location. Figure 6 provides a Project footprint overlay on biological resources and indicates a minimum 50-foot setback from the waterway.



Parking Modification and Required Findings

The project site is designed to accommodate staff for the greenhouse cultivation adjacent to the proposed greenhouse site outside the proposed fencing. Due to the limited nature of the staff required for the operation, parking standards as outlined in Chapter 22.18, Nursery Specialties are not appropriate for the project.

The following findings are provided for use in a request for modification of parking standards of Chapter 22.18, Nursery Specialties.

In accordance with Chapter 22.18.18.020.H, the following three findings support the request to modify the parking standards:

- a. The characteristics of the project, which consists of an owner-operated cannabis operation with minimal staff, do not necessitate the number of parking spaces, types of design, or improvements required by this chapter as the activities will be conducted by the property owner and up to 8 full-time staff who will have a designated parking area provided on site adjacent to the proposed cultivation area.
- b. The existing parking area is adequate to accommodate on the site all parking needs generated by the use as the proposed parking area will have approximately 12 spaces for the 8 fulltime employees. No additional parking than what is currently proposed.
- c. No traffic safety problems will result from the proposed modification of the parking standards as there is ample existing parking on the site for the cultivation project. In addition, the hours of operation are proposed from 6:00am-2:30pm, outside of normal peak traffic hours.

CEQA Categorical Exemption

Section 15301 of the State CEQA Guidelines allows for existing projects and projects that have no potential for causing a significant effect on the environment to be exempt from the provisions of CEQA. The project application proposes to utilize an area consisting of previously disturbed areas and non-sensitive annual grasses. There is no possibility that this project may have a significant effect on the environment.

The greenhouse location is within area that has been subject to previous disturbance. No enlargement of the access driveway, parking area, or developed use area is proposed. Baseline conditions shall remain constant for operational elements such as persons on the site and traffic.

No other measures beyond those required by County ordinances are necessary to address the environmental impacts associated with the proposed project. The proposed project does not include any environmental impacts or significant changes to the project site.

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WELL PERMIT PLOT PLAN

0907305

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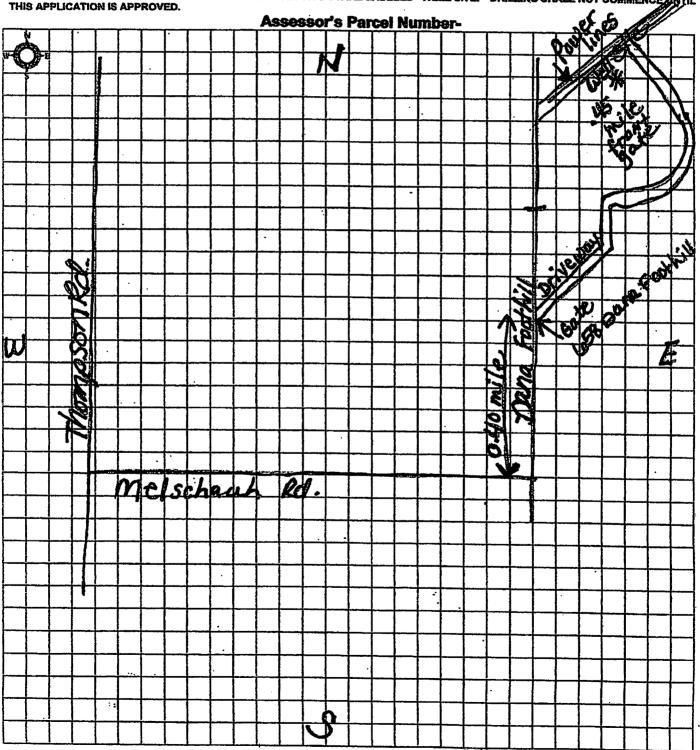
SAN LUIS OBISPO COUNTY ENVIRONMENTAL HEALTH SERVICES

2156 Sierra Way

San Luis Obispo, California 93401 Telephone: 805-781-5544

SCALE: 1/2" = 25"

INDICATE BELOW THE EXACT LOCATION OF PROPOSED WELL WITH RESPECT TO THE FOLLOWING ITEMS: PROPERTY LINES, WATER BODIES OR WATER COURSES, DRAINAGE PATTERN, ROADS, EXISTING WELLS, SEWERS AND PRIVATE SEWAGE DISPOSAL SYSTEMS.
ANIMAL ENCLOSURES AND ANY OTHER CONCENTRATED SOURCES OF POLLUTION. DICLUDE DIMENSIONS. ALL PROPOSED WELL SITES SHALL BE DESIGNATED WITH A FLAGGED SURVEYOR'S STAKE LABELED "WELL SITE." DRILLING SHALL NOT COMMENCE JUSTIL



M & W Pumps, Inc

1226 W Furukawa Way Santa Maria CA 93458

Phone 805-925-1147 Fax 805-928-6286 License # 752893 D21/C57

May 24, 2016

Emilio Cortez 375 Mehlschau Rd. Nipomo CA 93444

Re: Water well

Well info: As of 4/1/15 6" pvc Static water level 240' Well depth 370'

Summary of work completed by M&W Pumps, Inc.

Well pump was pulled on 12-31-13 because motor kept on tripping the breakers. Motor and pump were inspected and found to be damaged. Possibly from running dry or motor not cooling properly. Pump and motor were downsized from approximately 55gpm to 33gpm to help with cooling and pump cycling. Static water level at that time was measured at 166'.

April 1, 2015 pump was not pumping water. Pump was pulled and the static water level was measured at 240', a drop of 74' from 2013. Pump appeared to have run dry and threads looked softened from heat. Pump was not on end of drop pipe. Pump was lowered and downsized again to 10gpm. It was recommended to customer to use well sparingly to prolong well life. The surrounding areas have recorded water level drops because of the on-going drought.

In February 2016 a pump test was performed. The static water level was found to have risen to 198', which is 42' higher than April 2015, but 32' lower than 2013. Pump produced 15gpm with a pumping water level of 236'.

For further questions, contact Frank Morales at 805-925-1147.



1602 Spring Street, Paso Robles, CA 93446 (805) 237-9626 • Fax (805) 237-9181 • www.althouseandmeade.com

March 26, 2019 1183.01

Mr. Emilio Cortez Evergreen Standard P.O. Box 1524 Nipomo, CA 93444

Re: Biological Resource Assessment for 375 Mehlschau Road, Nipomo, San Luis Obispo County

Dear Mr. Cortez:

This report provides the results of a reconnaissance level biological survey conducted on a 22.2-acre property (Property) located at 375 Mehlschau Road in Nipomo, San Luis Obispo County, California (Figure 1). Approximate coordinates for center of the Property are 35.05833° N, -120.48315° W (WGS 84) in the Nipomo United States Geological Survey (USGS) 7.5-minute topographic quadrangle. The Property is assessor parcel number (APN) 090-051-058. This survey was conducted to provide baseline biological information and an assessment of potential special status plant and animal species that could occur on the Property or be affected by the proposed project (Project), a Cannabis Cultivation Minor Use Permit on approximately 2.5 acres of the Property.

The proposed Project would include a 2-acre outdoor grow area with Cannabis planted directly in the ground within hoop houses, which would be constructed in two phases. Phase I would consist of 1.36 acres. Phase II would expand this area by an additional 0.64 acres to total 2 acres and is proposed to occur after a year of compliance and good standing with surrounding neighbors. Secure 6-foot tall fencing with screening will be installed around the perimeter of the cultivation area, as well as a compost area. In addition to the outdoor grow area, greenhouses will be constructed for indoor cultivation of up to 22,000 square feet (0.5 acre), located south of the outdoor cultivation area. An existing 3,000 square-foot ag-exempt structure may be used for manufacturing the product grown onsite. No new access roads or parking areas are proposed. For CalFire access, a 150-foot working clearance with base will be added around the proposed greenhouses. A Site Plan is provided which shows areas of proposed development for the intended Project (refer to Attachment C).

Methods

The Property was surveyed for biological resources on February 27, 2018 by Althouse and Meade, Inc. Senior Biologist Lisa Gadsby. Biological surveys were conducted on foot in order to compile species lists, to search for special status plants and animals, to map habitats, and to photograph the

Study Area. The general vegetation survey method included meandering transects with an emphasis on identifying each plant species observed. Transects were also utilized to describe general conditions and dominant species, compile species lists, and evaluate potential habitat for special status species. The entire 22.2-acre Property was surveyed. Identification of botanical resources included field observations and laboratory analysis of collected material. Botanical nomenclature used in this document follows the Jepson Manual, Second Edition (Baldwin et al. 2012).

Wildlife documentation included observations of animal presence and wildlife sign. Observations of wildlife were recorded during the field survey in all areas of the Property (Table 2; Attachment F). Birds were identified by sight or by vocalizations. Results of the botanical and wildlife surveys are summarized below.

The California Natural Diversity Database (CNDDB; February 2019 data) and the California Native Plant Society (CNPS) On-line Inventory of Rare and Endangered Plants of California were reviewed for the nine USGS 7.5-minute quadrangles surrounding the site, including: Arroyo Grande NE, Tar Spring Ridge, Caldwell Mesa, Oceano, Nipomo, Huasna Peak, Guadalupe, Santa Maria, and Twitchell Dam.

Existing Conditions

The Property is an agriculturally zoned parcel located in the unincorporated community of Nipomo, approximately 7.5 miles north of the City of Santa Maria and 7.2 miles southeast of the City of Arroyo Grande, in southern San Luis Obispo County. The Property is 22.2 acres in size, approximately half of which is comprised of fallow cropland dominated by wild mustard (*Sinapis arvensis*). Structures on the Property include two single-family residences, two temporary office trailers, a barn, a small storage shed, and other ancillary facilities related to previous farming activities. An ephemeral drainage with associated willow riparian habitat is located at the western corner of the Property. The drainage was dry with no evidence of ponding or pooling at the time of the survey. Scattered trash and debris were observed in the drainage. A windrow of eucalyptus trees borders the Property to the northeast. Ornamental trees such as olive and cypress border the southeast end and the driveway.

Results

Special Status Species

The CNDDB and CNPS On-line Inventory of Rare and Endangered Plants of California list 63 special status plant species, subspecies, and varieties and 35 special status animal species known to occur in the vicinity (9-quad search area) of the Property. Based on the results of the site survey, the Property does not have potential to support special status plant species and none were observed during the survey. The Property has potential to support one special status animal (Table 1, Attachment D). There are no sensitive natural communities present on the Property. Below we discuss the potential special status animal species and describe habitat, range restrictions, known occurrences, and survey results for the Property.

A. Special Status Birds. One special status bird, Cooper's hawk (Accipiter cooperii), was observed on the Property during the February 2019 survey. Cooper's hawk is listed by California Department of Fish and wildlife (CDFW) as a Watch List species (for nesting occurrences only). Cooper's hawks occur regularly in California during the winter months and during spring and fall migration (CNDDB 2019). Cooper's hawks frequent oak and riparian woodland habitats, and increasingly urban areas, where they prey primarily upon small birds (Curtis et al. 2006). One Cooper's hawk was observed within the willow riparian habitat at the northwest end of the Property. No nests or nesting behaviors were observed, however there is potential for Cooper's hawk to nest in the riparian habitat and the large eucalyptus trees on the northeast border of the Property. The CNDDB does not list any records of Cooper's hawk nesting within the vicinity of the Property.

Botanical Survey Results

An early season botanical survey conducted in February 2019 identified 17 species and subspecies of vascular plants on the Property (Table 2; Attachment E). The botanical survey effort did not include late or mid-season coverage and therefore is not considered a protocol-level survey. The list includes 3 species native to California, and 14 introduced (naturalized or planted) species. Special status species were not detected.

Wildlife Survey Results

Wildlife species detected on the Property include nine birds and one mammal (Table 3; Attachment F). As previously described, one special status bird species, Cooper's hawk, was observed. All habitats on the Property are disturbed and provide low quality conditions for most wildlife. A variety of birds are likely to pass through the Property seasonally, and several species are likely to nest in the riparian habitat, eucalyptus trees, and other areas of the Property. Common reptiles and amphibians such as western fence lizard, gopher snake, and Sierra treefrog are expected.

Impacts and Mitigations

The proposed Project would occupy approximately 2.5 acres of the Property, including the 2-acre outdoor grow area and the additional 0.5 acres dedicated to above-ground greenhouse structures for indoor cultivation (refer to Site Plan in Attachment C). The Project would be situated in an area that is presently fallow farm fields dominated by wild mustard. One special status animal species, Cooper's hawk, was observed on the Property and has potential to nest in the willow riparian habitat or eucalyptus trees on site. The Project would not likely affect any nesting Cooper's hawk, if present, because work would be limited to the fallow cropland habitat at a distance of at least 120 feet from riparian habitat and 200 feet from eucalyptus trees. Therefore, there are no mitigation measures recommended for Cooper's hawk.

Other bird species may potentially nest within the fallow fields in the Study Area. There is one potentially jurisdictional drainage feature along the northwest end of the Study Area. The following sections provide mitigation information and recommendations designed to reduce potential effects of the Project to biological resources to a less than significant level.

Nesting Birds

Migratory non-game native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5

and 3513 of the California Fish and Game Code prohibit take (as defined therein) of all native birds and their active nests, including raptors and other migratory non-game birds (as listed under the Federal MBTA).

BR-1. Within one week of vegetation clearing or ground disturbance, if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. If surveys do not locate nesting birds, construction activities may commence. If nesting birds are located, no construction activities shall occur within a distance specified by a qualified biologist, until chicks are fledged, or the nest fails. Buffer radius shall be specified according to special status rank of the nesting bird, intensity of construction activity or impact (i.e. high decibel levels or heavy ground disturbance) and where local, state, and federal regulations apply. A preconstruction survey report shall be submitted to the lead agency immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the Project site and nest locations shall be included with the report. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions.

Jurisdictional Drainages

The California Department of Fish and Wildlife regulates activities that divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or ban of any river, stream, or lake. CDFW has initiated a Cannabis cultivation permitting program that requires all applicants obtaining an Annual License from the California Department of Food and Agriculture to have a Lake and Streambed Alteration Agreement or written verification that one is not needed. If all Project components are set outside the 1600 jurisdiction a Self-Certification can be submitted online. More information about the CDFW Cannabis Program and permitting can be found at https://www.wildlife.ca.gov/Conservation/Cannabis/Permitting.

The State Water Board has also initiated a Cannabis Cultivation Program to establish principles and guidelines (requirements) for cannabis cultivation activities to protect water quality and instream flows. To implement the program, the Cannabis Cultivation General Order was adopted and provides for a permitting pathway for cultivators. The General Order provides criteria to evaluate the threat to water quality based on site conditions and waterway classification. More information about the State Water Board Cannabis Cultivation can be found at http://www.waterboards.ca.gov/water_issues/programs/cannabis.

The drainage that passes through the is defined as Freshwater Forested/Shrub Wetland, classified as PSSA (Palustrine (P), Scrub-Shrub (SS), Temporary Flooded (A) according to the National Wetlands Inventory (NWI 2005). As an ephemeral waterway, all project components should observe a minimum 50-foot buffer from the top of bank or bank-full location. Figure 6 provides a Project footprint overlay on biological resources and indicates a minimum 50-foot setback from the waterway.

Thank you for allowing us to be of assistance. If you have any questions or concerns, please call our office at (805) 237-9626.

Sincerely,

Jason Dart

Principal Biologist

Copy:

Jessica Edmonson, Kirk Consulting

Attachments

- Attachment A. References
- Attachment B. Photographs
- Attachment C. Figures
- Attachment D. CNDDB/CNPS Special Status Species Lists
- Attachment E. Plant List
- Attachment F. Wildlife List

Attachment A. References

- Baldwin BG, Goldman DH, Keil DJ, Patterson R, Rosatti TJ, Dieter H. Wilken DH, editors. 2012. The Jepson manual: vascular plants of California. 2nd ed. Berkeley (CA): UC Press.
- [CDFW] California Department of Fish and Wildlife. 2018. Guidelines for assessing the effects of proposed projects on rare, threatened, and endangered plants and natural communities. [cited 2019 March 6]. 2nd ed.
- [CNDDB] California Department of Fish and Wildlife, California Natural Diversity Database. November 2018 Special animals list [Internet]. Sacramento (CA): California Department of Fish and Wildlife; [cited 2019 February 26]. Available from http://www.dfg.ca.gov/wildlife/nongame/list.html.
- [CNDDB] California Department of Fish and Wildlife, California Natural Diversity Database. 2018. Special vascular plants, bryophytes, and lichens list [Internet]. Sacramento (CA): California Department of Fish and Wildlife; [cited 2019 February 26]. Available from http://www.dfg.ca.gov/wildlife/nongame/list.html.
- [CNPS] California Native Plant Society, Rare Plant Program. 2019. Inventory of rare and endangered plants of California. Sacramento (CA): California Native Plant Society; [cited 2019 February 26]. Available from http://rareplants.cnps.org.
- Curtis OE, Rosenfield RN, Bielefeldt J. 2006. Cooper's hawk (Accipiter cooperii). In: Birds of North America. (Poole A, editor).
- [NAIP] National Agriculture Imagery Program. 2018. Aerial photomosaic of San Luis Obispo County [Internet]. Washington (DC): United States Department of Agriculture (USDA);

 Available from https://www.fsa.usda.gov/programs-and-services/aerial-photography/index
- [NWI] National Wetlands Inventory. 2005. Wetland mapper. NWI, translator. [USFWS] US Fish and Wildlife Service. [accessed 2019 March 7]. https://www.fws.gov/wetlands/data/Mapper.html.

Attachment B. Photographs



Photo 1. View from southeast end of property showing driveway, with residences and barn in background. View northwest. February 26, 2019.



Photo 2. Overview of proposed outdoor grow location. Fallow fields dominated by wild mustard. View northwest. February 26, 2019.



Photo 3. View of willow riparian habitat and ephemeral drainage along northwest end of property. View northeast. February 26, 2019.



Photo 4. Site overview from west end of property, facing east. Eucalyptus in background. February 26, 2019.

Attachment C. Figures

- Figure 1. USGS Topographic Map
- Figure 2. Aerial Photograph
- Figure 3. California Natural Diversity Database Plant Records
- Figure 4. California Natural Diversity Database Animal Records
- Figure 5. USFWS Critical Habitat
- Figure 6. Biological Resources
- Site Plan for 375 Mehlschau Road

USGS Quadrangle: Nipomo

375 Mehlschau Road Map Center: 120.48315°W 35.05832°N Nipomo, San Luis Obispo County N 000,2,000 4,000 Feet

Project Location



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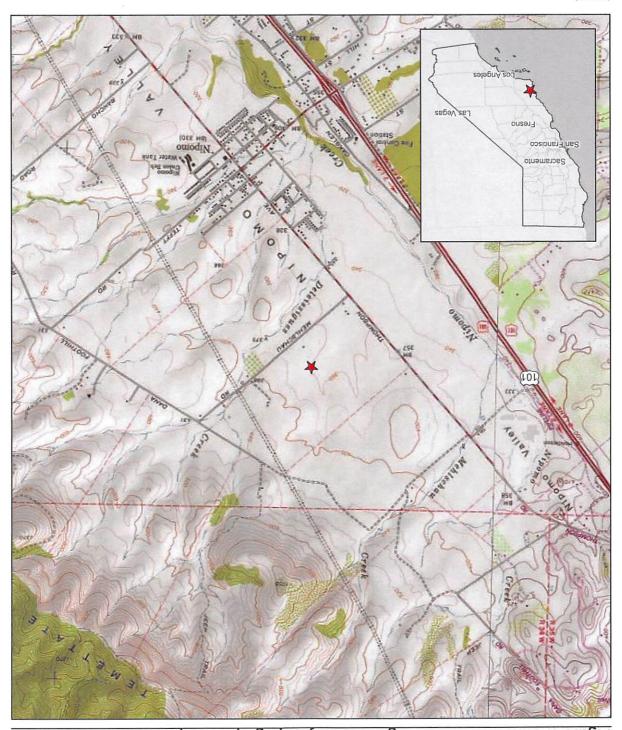
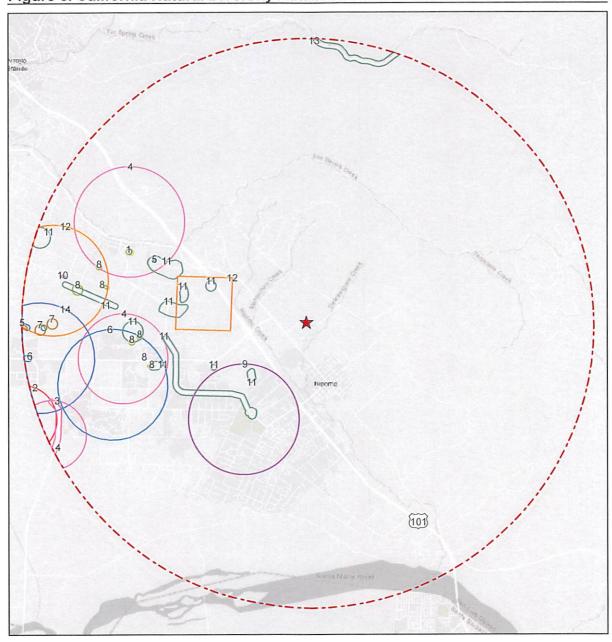


Figure 2. Aerial Photograph



March 07, 2019 10:29 MA by MAP 40:01 BIOFOGICAL AND EADE, INC. Imagery Date: 09/28/2016 1997 000 00₺ 200

Figure 3. California Natural Diversity Database Plant Records





- Black-flowered figwort Blochman's leafy daisy
- Crisp monardella Dune larkspur 3
- Hoover's bent grass
- Kellogg's horkelia Marsh sandwort
- Pismo clarkia
- San Luis Obispo monardella San Luis Obispo owl's-clover 10
- 11 Sand mesa manzanita
- Santa Margarita manzanita 12
- Slender bush-mallow 13
- Southern curly-leaved monardella

Legend



Project Location

5-Mile Radius



375 Mehlschau Road

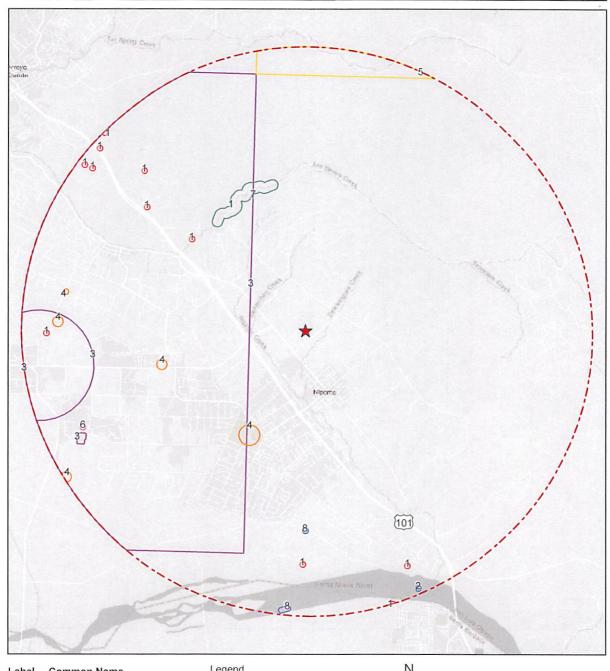
Map Center: 120.48268°W 35.05826°N Nipomo, San Luis Obispo County

CNDDB GIS Data Last Updated: February 2019



Map Updated: February 28, 2019 03:18 PM by MMP

Figure 4. California Natural Diversity Database Animal Records



Label **Common Name**

- California red-legged frog Coast horned lizard
- 2
- Monarch California overwintering population Northern California legless lizard
- Prairie falcon
- Sharp-shinned hawk
- Steelhead south-central California coast DPS
- Western spadefoot



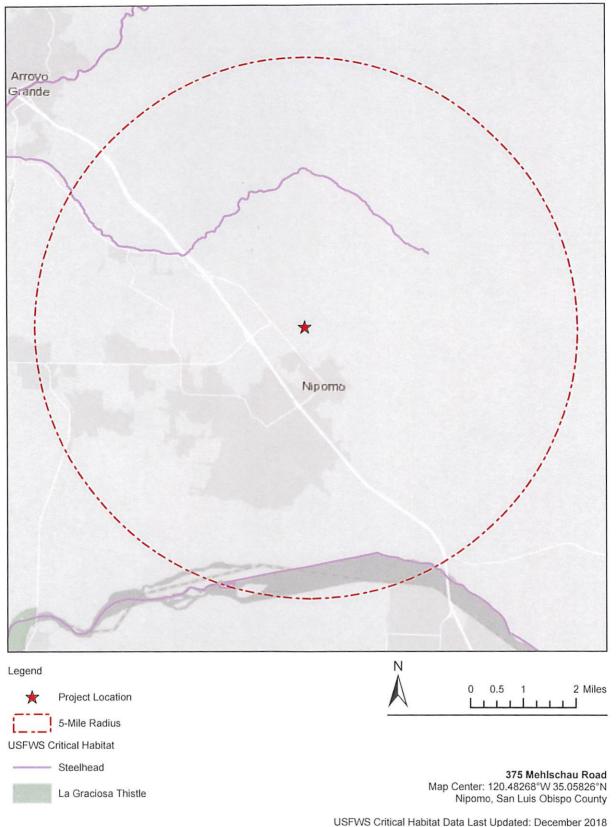
375 Mehlschau Road Map Center: 120.48268°W 35.05826°N Nipomo, San Luis Obispo County

CNDDB GIS Data Last Updated: February 2019



Map Updated: February 28, 2019 03:18 PM by MMP

Figure 5. United States Fish and Wildlife Service Critical Habitat





Map Updated: February 28, 2019 03:24 PM by MMP

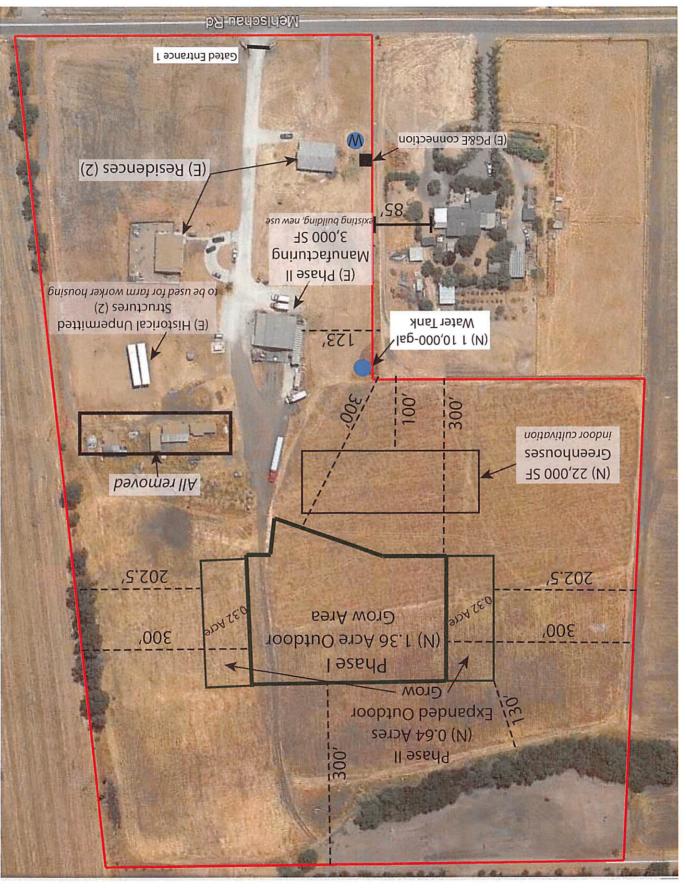
Figure 6. Biological Resources





Map Updated: March 07, 2019 10:30 AM by MMP

Site Plan



Attachment D. CNDDB/CNPS Special Status Species Lists

Attachment D includes Table 1, which lists the potential special status animal species in the region with potential to occur.

Potential Special Status Animals List

Table 1 lists one special status animal species reported from the region with potential to occur in the Study Area. Federal status, California State status, and CDFW listing status for each species are given. Typical nesting or breeding period, habitat preference, to occur, and whether or not the species was observed in the Study Area are also provided.

TABLE 1. SPECIAL STATUS ANIMAL LIST

	Common Name Scientific Name	Fed/State Status Global/State Rank CDFW Rank	Nesting-Breeding Period	Habitat Preference	Potential to Occur	Detected Within Property?	Effect of Proposed Activity
1.	Cooper's Hawk* Accipiter cooperii	None/None G5/S4 WL	March 15 through August 15	Oak woodland, riparian, open fields. Nests in dense trees, esp. coast live oak.	High (foraging) to low (nesting). Species observed on Property. No nests observed, however suitable nesting habitat is present.in riparian habitat and eucalyptus windrow.	Yes	None

^{*}not listed in the CNDDB for the search area, but possibly for the location.

Abbreviations:

WL: CDFW Watch List

Attachment E. Plant List

TABLE 2. PLANT LIST

Scientific Name	Special Status	Origin	Common Name
Trees - 4 Species			
Cupressus sp.	None	Ornamental	Cypress
Eucalyptus globulus	None	Introduced	Blue-gum
Olea europaea	None	Ornamental	Olive
Salix lasiolepis	None	Native	Arroyo willow
Forbs - 11 Species			
Asclepias sp.	None	Native	Milkweed
Brassica sp.	None	Introduced	Mustard
Foeniculum vulgare	None	Introduced	Fennel
Helminthotheca echioides	None	Introduced	Bristly ox-tongue
Juncus sp.	None	Native	Rush
Lamium amplexicaule	None	Introduced	Henbit
Malva sp.	None	Introduced	None
Rumex crispus	None	Introduced	Curly dock
Sinapis arvensis	None	Introduced	Wild mustard
Sonchus sp.	None	Introduced	Sow thistle
Vicia villosa	None	Introduced	Winter vetch
Grasses - 2 Species			
Bromus diandrus	None	Introduced	Ripgut brome
Hordeum murinum	None	Introduced	Foxtail barley

Attachment F. Wildlife List

TABLE 3. WILDLIFE LIST

Common Name	Scientific Name	Special Status	Habitat Type
Birds – 9 Species			
Cooper's Hawk	Accipiter cooperii	WL (nesting)	Oak, riparian woodland
Red-winged Blackbird	Agelaius phoeniceus	None	Marshes, fields
House Finch	Haemorhous mexicanus	None	Urban, grassland, chaparral, oak savannah
Ruby-crowned Kinglet	Regulus calendula	None	Oak, riparian woodlands
Black Phoebe	Sayornis nigricans	None	Near water in natural and urban settings
Say's Phoebe	Sayornis saya	None	Open country, grassland
Eurasian Collared Dove	Streptopelia decaocto	None	Urban
European Starling	Sturnus vulgaris	None	Agricultural, livestock areas, urban
White-crowned Sparrow	Zonotrichia leucophrys	None	Oak, riparian woodlands
Mammals – 1 Species			
Pocket Gopher	Thomomys sp.	None	Variety of habitats

Abbreviations:

WL: CDFW Watch List

CORTEZ, EMILIO CANNABIS MINOR USE PERMIT 375 MEHLSCHAU ROAD, NIPOMO, CA 93444 APN (090-051-058)

SECURITY PLAN

Parcel Size:

22.32 Acres

APN:

090-051-058

Address:

375 Mehlschau Road, Nipomo, CA 93444

Land Use Designation:

AG

Existing Uses:

Ag Barn, Residences (2)

Access:

Mehlschau Road from N. Thompson Avenue

The subject property consists of one parcel totaling 22.32 acres, located at 375 Mehlschau Road in Nipomo (APN 090-051-058), accessed off Mehlschau Road from N. Thompson Avenue, in the South County Planning Area and zoned Agriculture. Existing uses on the site include two residences (PMT2003-03844 & PMT2003-03845) and historical supporting ag structures. The property was historically used for squash cultivation (approximately 10 acres).

The proposed security plan includes security cameras with motion detection lighting located around the perimeter of the greenhouses and at the entrance gate to ensure there is no unauthorized access to the site. There are two existing entrance gates to the property. The second gate has key pad entry and will be equipped with a security camera. The site will operate in full compliance with State Licensing requirements for track and trace which will further ensure adherence to security protocols. Secure fencing is proposed around the perimeter of the greenhouse, with the compost located within the fencing.

State Regulation Security Compliance

California Department of Food and Agriculture CalCannabis (CalCannabis)

Section 8304 (c) of CalCannabis Regulations require any security lighting to be shielded and downward facing. The proposed camera surveillance system includes motion-detection lighting that will be cast downwards to reduce light pollution in the vicinity. Given the limited staff (8 maximum) needed for this small operation, no badges are proposed as part of the security plan.

Locks

The greenhouses proposed on the property for cannabis cultivation will be equipped with secure commercial-grade, nonresidential door locks.

Alarm System

An alarm system will be maintained at the licensed premises.

Parcel Summary Report

APN: 090-051-058

Parcel Information

APN: 090-051-058

Assessee: CORTEZ EMILIO

Care Of:

Address: 375 MEHLSCHAU RD NIPOMO

CA 93444

Description: RHO NIP DANA SB PTN LT 1

Site Address:

Land Uses

00375 MEHLSCHAU RD

Tax Rate Area Code:052041Estimated Acres:21.95Community Code:SCSCSupervisor District:Supdist 4

Avg Percent Slope: 3

Land Use Information



Selected Parcel

AG	

Combining Designations



Permit Information

Permit PRE2018-00122	Description Pre-Application	Application Date 9/12/2018 9:52:03 AM
SEP2015-00225	CCM - Condition Compliance Monitoring	2/10/2016 12:00:00 AM
PMT2011-00082	PMTC - Commercial Permit	7/19/2011 1:10:05 PM
PMT2004-00570	PMTR - Residential Permit	8/16/2004 12:00:00 AM
SUB2003-00323	Subdivision	6/22/2004 12:00:00 AM



Parcel Summary Report APN: 090-051-058

PMT2003-03844	PMTR - Residential Permit	6/14/2004 12:00:00 AM
PMT2003-03845	PMTR - Residential Permit	6/14/2004 12:00:00 AM
PMT2003-03091	Determination	4/8/2004 12:00:00 AM
S010367C	Subdivision	5/31/2002 12:00:00 AM
S010087N	Subdivision	10/3/2001 12:00:00 AM
S000147L	Subdivision	12/13/2000 12:00:00 AM
S990250P	Subdivision	3/2/2000 12:00:00 AM
C0426	PMTG - Grading Permit	2/4/2000 12:00:00 AM

Clerk Recorder Documents

 Clerk Document
 Date
 Document Type

 2007-I-001990
 07/17/2007
 C



Interactive Data Viewer

Legend

SLO County Parcels Roads

CalTrans

Maintained by SLO CO

Private Maintenance

Federal or State Maintenance

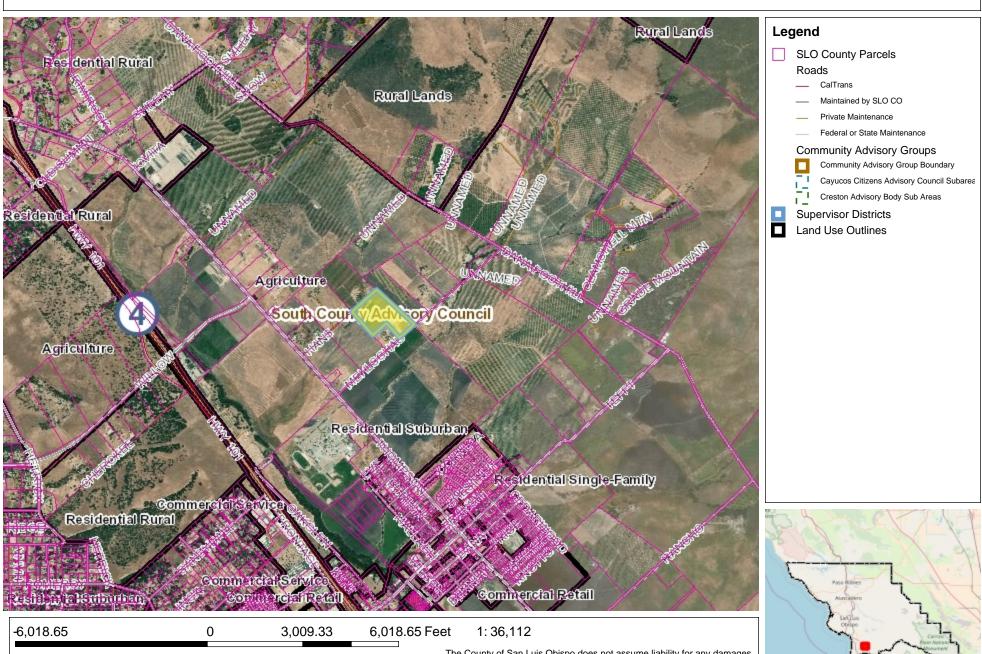
Referral -- Page 55 of 62

-752.33 376.17 752.33 Feet 1: 4,514

WGS_1984_Web_Mercator_Auxiliary_Sphere © County of San Luis Obispo Planning and Building Department The County of San Luis Obispo does not assume liability for any damages caused by errors or omissions in the data and makes no warranty of any kind, express or implied, that these data are accurate and reliable. Map for Reference Purposes Only



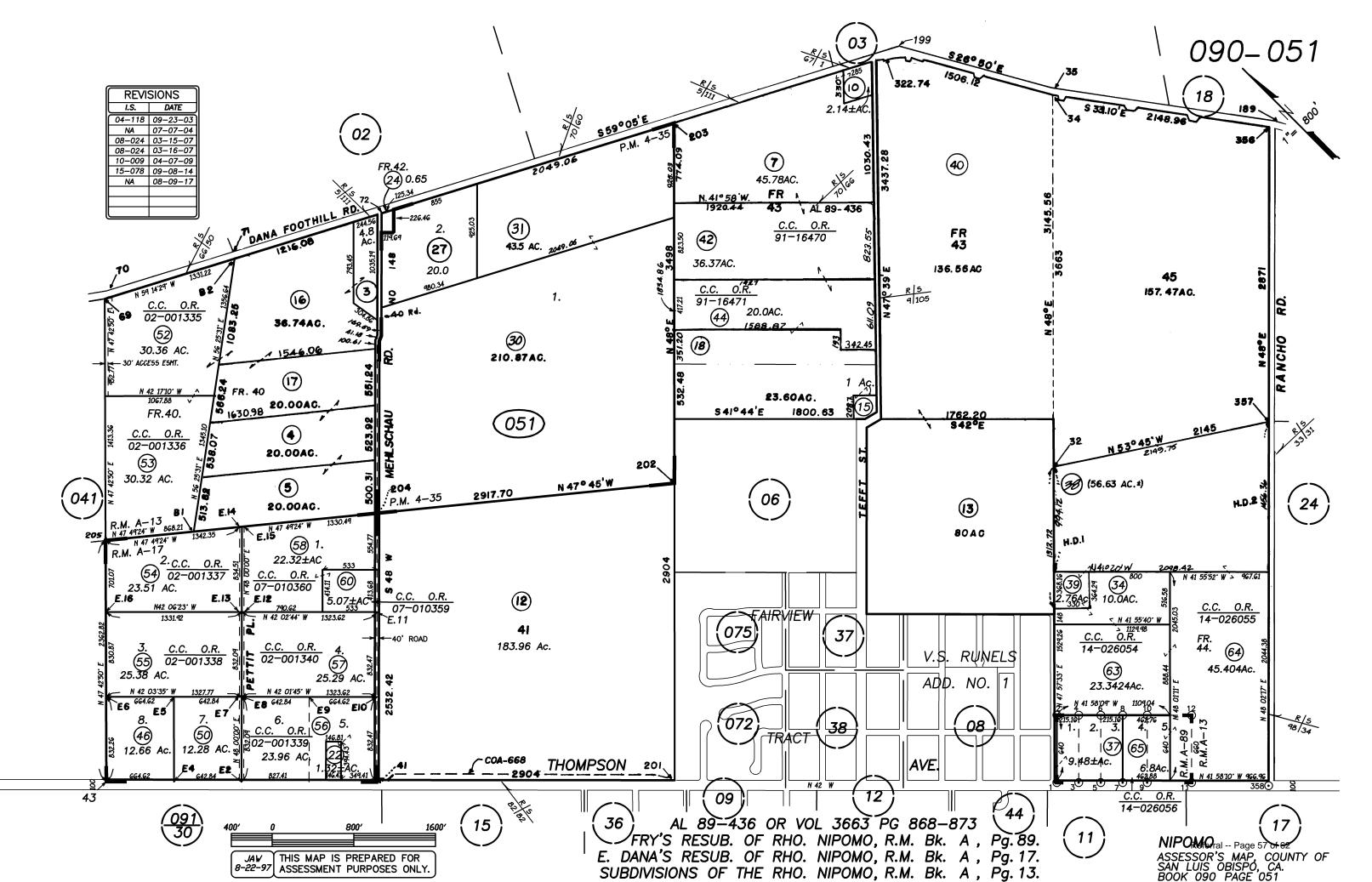
Interactive Data Viewer





Referral -- Page 56 of 62

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Kirk Consulting

- Scope of Work
 1) 22,000 SF Indoor Cultivation
- 2) 5,250 SF Ancillary Nursery
- 3) 5,250 SF Drying
- 4) 3,000 SF Manufacturing (Phase II)

Vicinity Map



Sheet Index

- 1) Overall Site Plan
- 2) Detailed Site Plan
- 3) Buffer Map
- 4-6) Conceptual Greenhouse Plans



790.62

(N) Greenhouses

22,000 SF Indoor Cultivation

5,250 SF Ancillary Nursery

5,250 SF Drying

124'

414.11

40' paved road

(N) 1 10,000-gal

Water Tank

(E) PG&E connection

(E) Phase II Manufacturing 3,000 SF

Site: 22.32 Acres

OVERALL SITE PLAN

834.51

* Site is located over 1000 feet from any sensitive use, as defined by 22.40.050D.1, and 22.40.060D.1, Location

All removed

(E) Historical Unpermitted

Structures (2)

(E) Residences (2)

554.77

1,330.49

Ouse Cortez
Sheet
1 of 6

SCALE: 1" = 200'

DATE: 2.11.19

Referral -- Page 58 of 62

irk Consulting





Example of New Proposed Fencing/Screening

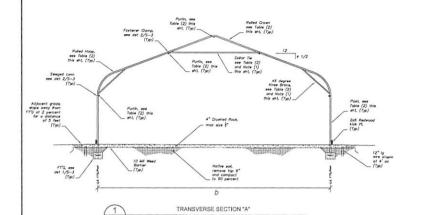
Sheet 2: Detailed Site Plan Cortez, Emilio 375 Mehlschau Road Nipomo, CA APN: 90-051-058

SCALE: 1" = 200)'
DATE: 2.11.19	
Cortez	
Sheet	
2 of 6	

Referral -- Page 59 of 62

(E) 8' deer fencing will add screening & barbed-wire (N) 6' secure fencing with black cloth screening (N) Base Road for Fire Access . All removed (N) Metal Building for (N) Greenhouses (N) 1 10,000-gal Pesticide/ Fertilizer 22,000 SF Indoor Cultivation Water Tank 5,250 SF Ancillary Nursery (E) Historical Unpermitted 5,250 SF Drying Trash Bins Structures (2) to be used for farm worker housing (E) Phase II Manufacturing 3,000 SF isting building, new use (E) Residences (2) (E) PG&E connection (E) 6'steel Electric Entrance -Mehlschau-Rd-

DETAILED SITE PLAN



Professional State State

A 1/2

A 1

2 FRONT ELEVATION "B"

S-2 (REAR ELEVATION SIMILAR)

ay Width "b" (ft)	Max Lenght "I"	Roof Pitch	Height (ft)		Bent	Tubbing Pipe Wall	Purlin and Brace Tubing Pipe	
	(ft)		Goble "h" (ft) *	Total "H" (ft)	Tubing Pipe OD "d" (In)	Thickness "t" (gauge)	(In)	Wall "t" (gauge)
20	36	4 1/2 to 12	5'-3"	9'-3"	1 8	14	1 8	14
24	60	4 1/2 to 12	6'-3"	11'-3"	1 8	14	1 8	14
30	96	4 1/2 to 12	7'-10"	12'-10"	1 8	14	1 8	14

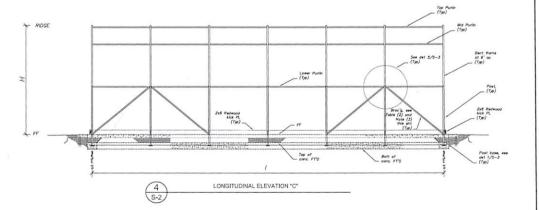
ble height may alightly vary from figures shown.

3 S-2 TABLE of Steel Tubing Pipe Sizes for Bent, Posts, Purlins and Braces

ble (2)

- NOIES;

 1) Knee broking and collar tie shall be provided at each bent.
- 2) At front and back panel the post spacing shall not exceed 5 feet.
- Longitudinal cross bracing shall be provided as follows:
 At two first and two last spaces,

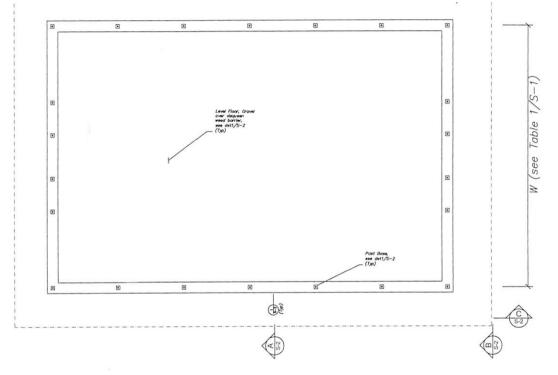


Sheet 5: Greenhouse Plans Cortez, Emilio 375 Mehlschau Road Nipomo, CA APN: 90-051-058

SCALE: 1"

5 of

CONCEPTUAL GREENHOUSE PLANS



1 S-1

TYPICAL FOUNDATION PLAN FOR 24'x36' GREENHOUSE MODULE

Part 6- Site Work Material Quantity *

1. The quantities shown in Table (1) below are for information only. Contractor shall make their of take off estimation.

TABLE (1):

Bay Width "B" (ft)	Max Length "L" (ft)	Trench Excavation (Cubic Yd)	Rebor #4s (ft)	(Cubic Yd)	10 Mil Visqueen weed barrier (Square Yd)	Crushed Rock, 2 max. size (Cubia Yd)
20	36	9	240	3	130	12
24	60	13	350	5	230	22
30	96	20	530	8	450	43

Site Grading and backfill NOT included.

PROJECT: Greenhouse Structure 333 Gudalupe Avenue Guadelupe, CA PREPARED FOR:
Pieter de Groot
ISC Poly West
333 Guadelupe Street
Guadelupe, CA 93434
(805) 431-3119

FOUNDATION PLAN

Scale: 3/8" =1'-0"

The design and instructions in these plans are instrument of service and are property of DAVAR ENGINEERING. It is for use on the project noted, ar shall not be used otherwise without written permission of DAVAR ENGINEERING.

Kirk Consulting

Sheet 6: Greenhouse Plans Cortez, Emilio 375 Mehlschau Road Nipomo, CA APN: 90-051-058

SCALE: 1" = 200'
DATE: 2.11.19
Cortez
Sheet
6 of 6