

COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
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August 15, 2022

Laurel Fisher Perez
Suzanne Ellege Planning & Permitting Services, Inc.
1625 State Street, Suite 1
Santa Barbara, CA 93101

PLANNING COMMISSION
HEARING OF AUGUST 10, 2022

RE: *Appeals of Nojoqui Farms Cannabis Cultivation Project; 21APL-00000-00043, 21APL-00000-00044, 19LUP-00000-00530*

Hearing on the request of Appellants, Edward Seaman (Appellant No. 1) and Sierra Botanicals, LLC (Appellant No. 2), to consider Case Nos. 21APL-00000-00043 and 21APL-00000-00044, appeals of the Director's decision to approve Land Use Permit (LUP) Case No. 19LUP-00000-00530, the Nojoqui Farms Cannabis Cultivation Project. The appeals were filed on August 23, 2021, and August 27, 2021, in compliance with Chapter 35.102 of the County Land Use and Development Code (LUDC). The application is a request for an LUP to allow 22.17 acres of cannabis cultivation activities on a 53-acre parcel, zoned Agriculture II (AG-II-40), shown as Assessor's Parcel Number 083-430-014, located at 1889 Highway 101 in the unincorporated area of Buellton, Third Supervisorial District.

Dear Ms. Fisher Perez:

At the Planning Commission hearing of August 10, 2022, Commissioner Parke moved, seconded by Commissioner Ferini and carried by a vote of 4 to 0 (Martinez recused) to:

1. Deny the appeals, Case Nos. 21APL-00000-00043 and 21APL-00000-00044;
2. Make the required findings for approval of the Project as specified in Attachment A of the Staff Report dated August 2, 2022, including California Environmental Quality Act (CEQA) findings;
3. Determine that the previously certified Programmatic Environmental Impact Report (PEIR) (17EIR-00000-00003) is adequate and no subsequent environmental review is required pursuant to CEQA Guidelines §15162 and 15168(c) (Attachments C and D of the staff report dated August 2, 2022); and
4. Grant *de novo* approval of the Project, Case No. 19LUP-00000-00530, subject to the conditions included in Attachment B of the Staff Report dated August 2, 2022, and as revised at the Planning Commission Hearing of August 10, 2022.

Condition No. 2 of the Conditions of Approval was revised during the hearing of August 10, 2022 as follows:

2. **Proj Des-01 Project Description:** [Continued from Condition No. 1] The operation will employ five full-time employees, with an additional 19 seasonal employees during harvest periods. The Project will include up to three harvests per year for a duration of 21 days per harvest period. Harvest periods will occur between the months of May through June, July through August, and October through November. Hours of operation will be from 7:00 A.M. to 4:00 P.M., Monday through Saturday. The hours of operation will not change during harvest periods. All harvested cannabis will be transferred into the onsite 10,000-sq. ft. processing building, into coolers within the onsite 3,240-sq. ft. agricultural storage barn, or to an offsite processing facility the same day it is harvested. All onsite cannabis processing activities will occur within either 1) the enclosed 10,000-sq. ft. processing building, which will be equipped with a carbon filtration and HVAC system to mitigate odors produced by drying, curing, trimming, storing, packaging, and labeling activities, or 2) the enclosed coolers within the 3,240-sq. ft. agricultural storage barn, which will be equipped with refrigeration units to mitigate odors produced by cannabis storage.

Three existing offsite groundwater wells will provide water for the Project (irrigation, domestic, and fire protection uses). The Applicant shall provide County P&D staff, a well meter log of the Main Well that serves the cannabis cultivation project prior to commencement of use and biannually thereafter for the life of the project. The use of the well is limited to 26.6 acre-feet per year (AFY), as confirmed by the well meter log. The Project will include approval of a water system permit and repair of the existing private onsite wastewater treatment system serving the employee restroom. The Project site will continue to be accessed via an existing 24-ft.-wide asphalt driveway off Highway 101. Fire protection will be provided by the Santa Barbara County Fire Department and law enforcement will be provided by the Santa Barbara County Sheriff's Department. The Project site is a 53-acre parcel zoned Agriculture-II (AG-II-40), and shown as Assessor's Parcel Number 083-430-014, located at 1889 Highway 101 in the Buellton area, 3rd Supervisorial District.

Any deviations from the project description, approved plans, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The attached findings and conditions reflect the Planning Commission's actions of August 10, 2022.

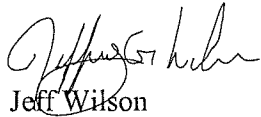
The action of the Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to

the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on Monday, August 22, 2022 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$709.06 and must be delivered to the Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA at the same time the appeal is filed.

Sincerely,



Jeff Wilson

Secretary to the Planning Commission

cc: Case File: 21APL-00000-00043, 21APL-00000-00044, 19LUP-00000-00530

Planning Commission File

Owner: Sunburst Church of Self Realization, DBA Nojoqui Farms, P.O. Box 2008, Buellton, CA 93427

Applicant: Nojoqui Farms, Patricia Paulsen, 1889 Hwy 101, Buellton, CA 93427

Appellant 1: Edward Seaman, 1399 Camino Rio Verde, Santa Barbara, CA 93111

Appellant 2: Sierra Botanicals, LLC, Justin El-Diwany, P.O. Box 3726, Saratoga, CA 95070

Fire Department

Flood Control

Public Works

Environmental Health Services

Joan Hartman, Third District Supervisor

John Parke, Third District Planning Commissioner

Alia Vosburg, Planner

**Attachments: Attachment A – Findings
Attachment B – Conditions of Approval**

JW/dmv

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

SUBSEQUENT ACTIVITIES WITHIN THE SCOPE OF THE PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR)

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15162 AND 15168:

1.1 CONSIDERATION OF THE SUBSEQUENT ACTIVITIES IN THE PROGRAM

The County Planning Commission considered the previously certified PEIR for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003 (Attachment C to the Staff Report, dated August 2, 2022 and incorporated herein by reference), along with the proposed Project, which is an activity within the scope of the PEIR. Staff prepared a written checklist in compliance with State CEQA Guidelines § 15168(c)(4) to document the evaluation of the site and the activity to determine that the environmental effects of the operation are covered in the PEIR (Attachment D to the Staff Report, dated August 2, 2022 and incorporated herein by reference). As shown in the written checklist, the Project is within the scope of the PEIR and the effects of the Project were examined in the PEIR. Therefore, on the basis of the whole record, including the written checklist, the previously certified PEIR, and any public comments received, the County Planning Commission finds that the Project will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment, and there is no new information of substantial importance under State CEQA Guidelines Section 15162 warranting the preparation of a new environmental document for the Project.

1.2 LOCATION OF DOCUMENTS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101, and available online at the below link:

<https://cosantabarbara.box.com/s/y1sgz7j4od04bfaz88k0b48e6n0iuo1p>

A digital copy of the Final PEIR can be located online at the below link:

<https://ca-santabarbaracounty.civicplus.pro/1358/Zoning-Permitting>

2.0 ADMINISTRATIVE FINDINGS

2.1 LAND USE PERMIT FINDINGS

2.1.1 *Finding required for all Land Use Permits. In compliance with Section 35.30.100.A of the County Land Use and Development Code, prior to the approval or conditional*

approval of an application for a Land Use Permit the review authority shall first find, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (e.g., water, sewer, roads) are available to serve the proposed development.

The County Planning Commission finds that the proposed Project is adequately served by public or private services and resources.

The Project site is served by an existing water system including three existing groundwater wells that will continue to provide water for the proposed Project. An analysis of the existing water system performed by a Professional Geologist demonstrates that the Project will result in a reduction of the historic water use of the property and the existing production capacity of the wells is adequate to meet the demand of the Project. Environmental Health Services (EHS) also reviewed the Project and determined that the existing system's primary well (identified as the "Main Well") is adequate for domestic use. The Project will include approval of a water system permit and the repair of an existing private onsite wastewater treatment system tied to an existing restroom that will be made available for employee use.

The Project site will continue to be accessed via an existing 24-ft.-wide asphalt driveway off Highway 101. The Project was reviewed by the Public Works Department - Transportation Division and the existing roads providing access to the Project site were determined to be adequate to support Project traffic. The Project site is within the jurisdiction of the Santa Barbara County Fire Department (County Fire) and County Fire will continue to provide fire protection services to the Project site.

2.1.2 Findings required for all Land Use Permits. In compliance with Subsection 35.82.110.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Land Use Permit the review authority shall first make all of the following findings:

- 1. The proposed development conforms:**
 - a. To the applicable provisions of the Comprehensive Plan, including any applicable community or area plan.**
 - b. With the applicable provisions of this Development Code or falls within the limited exception allowed in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).**

The County Planning Commission finds that the proposed development conforms to the applicable provisions of the Comprehensive Plan and the Land Use and Development

Code (LUDC) as discussed in the Planning Commission Staff Report dated August 2, 2022, and incorporated herein by reference. As discussed in Section 6.3 of the Staff Report, the proposed development conforms to the applicable provisions of the Comprehensive Plan. The Project is not located within any applicable Community Plan area. Additionally, as discussed in Section 6.4 of the Staff Report, the proposed development is consistent with the LUDC requirements for cannabis activities and development within the AG-II-40 Zone District, as they relate to permitted uses, building heights, setbacks, and parking.

2. *The proposed development is located on a legally created lot.*

The County Planning Commission finds that the proposed development is located on a legally created lot. The subject property is a part of the Rancho Nojoqui, in the County of Santa Barbara, State of California, as granted by patent dated September 11, 1869, and recorded in Book "A" at Page 779, et seq., of Patents, in the office of the County Recorder. The subject property is a developed lot standard in size.

3. *The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement fees and processing fees have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).*

The County Planning Commission finds that, as conditioned, the subject property and the proposed Project will be in full compliance with all laws, rules, and regulations pertaining to zoning uses, subdivisions, setbacks and all other applicable provisions of the LUDC as discussed in Section 6.4 of the Planning Commission Staff Report, dated August 2, 2022, and incorporated herein by reference. Additionally, all processing fees have been paid to date.

ATTACHMENT B - CONDITIONS OF APPROVAL

Project Description

- 1. Proj Des-01 Project Description:** This Land Use Permit is based upon and limited to compliance with the project description, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The Project is a request for approval of a Land Use Permit to allow 22.17 acres of cannabis cultivation, which includes 20.67 acres of outdoor cannabis cultivation in hoop structures, 1.20 acres of cannabis nursery in hoop structures, 0.07 acres of cannabis processing (storage) in an existing 3,240-sq. ft. agricultural storage barn, and 0.23 acres of cannabis processing (drying, curing, trimming, storing, packaging, and labeling) in a proposed processing building, 10,000 sq. ft. in area and 25 ft. in height. Hoop structures will be up to 15 ft. in height and will not include any permanent structural elements, utilities, or lighting. Cannabis green waste will be composted onsite in a 0.40-acre compost area. The Project also includes a proposed 30,000-gallon water storage tank for fire protection purposes and a proposed compacted gravel parking lot with twenty 9-ft. by 20-ft. employee parking spaces. Existing onsite development to be used for the proposed cannabis operation includes: a 3,240-sq. ft. agricultural storage barn (noted above and consisting of a 2,160-sq. ft. structure with a 1,080-sq. ft. attached shade cover) to be used for an office and cooler storage for cannabis product staging prior to shipment; a 96-sq. ft. detached restroom for employee use; a 2,500-sq. ft. machine shed to be used for farm equipment storage and office use; and one 30,000-gallon water storage tank for irrigation and domestic use. Existing onsite development that will remain, but will not be used for the proposed cannabis operation includes a 3,288-sq. ft. residence and a 4,600-sq. ft. hay shelter. Existing onsite development that will be removed prior to Land Use Permit issuance includes a 1,070-sq. ft. employee mobile home, a 6,440-sq. ft. barn, a 1,482-sq. ft. mobile home, a 240-sq. ft. shed, a 49-sq. ft. shed, a 120-sq. ft. shed, a 96-sq. ft. shed, a 324-sq. ft. horse shelter, a 320-sq. ft. cargo container, and a 2,880-sq. ft. shade structure. The Project includes removal of two non-native trees. The Project does not include any native tree or native vegetation removal. Grading is limited to less than 50 cubic yards.

The cannabis operation will be enclosed with 7-foot-high no-climb security fencing (composed of wood rail wire mesh fencing 5 ft. in height, topped with barbed wire 2 ft. in height) connected to 8-ft.-high chain-link security fencing that will enclose the nursery area. Security light fixtures will be installed at the access gate, in the parking lot, and on the exterior of the processing building. All security lighting will be pole-mounted or building-mounted at a maximum height of 10 ft. and will be fully shielded, directed downward, and motion-activated. Existing and proposed landscaping will screen the operation from public views along Highway 101. [Continued in Condition No. 2]

- 2. Proj Des-01 Project Description Continued:** [Continued from Condition No. 1] The operation will employ five full-time employees, with an additional 19 seasonal employees during harvest periods. The Project will include up to three harvests per year for a duration of 21 days per harvest period. Harvest periods will occur between the months of May through June, July through August, and October through November. Hours of operation will be from 7:00 A.M. to 4:00 P.M., Monday through Saturday. The hours of operation will not change during harvest periods. All harvested cannabis will be transferred into the onsite 10,000-sq. ft. processing building, into coolers within the onsite 3,240-sq. ft. agricultural storage barn, or to an offsite processing facility the same day it is harvested. All onsite

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cannabis processing activities will occur within either 1) the enclosed 10,000-sq. ft. processing building, which will be equipped with a carbon filtration and HVAC system to mitigate odors produced by drying, curing, trimming, storing, packaging, and labeling activities, or 2) the enclosed coolers within the 3,240-sq. ft. agricultural storage barn, which will be equipped with refrigeration units to mitigate odors produced by cannabis storage.

Three existing offsite groundwater wells will provide water for the Project (irrigation, domestic, and fire protection uses). The Applicant shall provide County P&D staff, a well meter log of the Main Well that serves the cannabis cultivation project prior to commencement of use and biannually thereafter for the life of the project. The use of the well is limited to 26.6 acre-feet per year (AFY), as confirmed by the well meter log. The Project will include approval of a water system permit and repair of the existing private onsite wastewater treatment system serving the employee restroom. The Project site will continue to be accessed via an existing 24-ft.-wide asphalt driveway off Highway 101. Fire protection will be provided by the Santa Barbara County Fire Department and law enforcement will be provided by the Santa Barbara County Sheriff's Department. The Project site is a 53-acre parcel zoned Agriculture-II (AG-II-40), and shown as Assessor's Parcel Number 083-430-014, located at 1889 Highway 101 in the Buellton area, 3rd Supervisorial District.

Any deviations from the project description, approved plans, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

3. **Proj Des-02 Project Conformity:** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

Conditions By Issue Area

4. **CulRes-09 Stop Work at Encounter:** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of Phase 2 investigations of the County Archaeological Guidelines and funded by the Owner/Applicant.

PLAN REQUIREMENTS: This condition shall be printed on all landscaping, building and grading plans.

MONITORING: P&D permit processing planner shall check plans prior to Land Use Permit issuance and prior to Building and Grading Permit issuance, and P&D compliance monitoring staff shall spot check in the field throughout grading and construction activities.

5. **WatConv-04 Equipment Storage-Construction:** The Owner/Applicant shall designate a construction equipment filling and storage area(s) to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all Grading and Building Permit plans.

TIMING: The Owner/Applicant shall install the area prior to commencement of construction.

MONITORING: P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

6. **WatConv-05 Equipment Washout-Construction:** The Owner/Applicant shall designate a washout area(s) for the washing of concrete trucks, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in this area and removed from the site. The area shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all Grading and Building Permit plans.

TIMING: The Owner/Applicant shall install the area prior to commencement of construction.

MONITORING: P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

Project Specific Conditions

7. **Demolition of Structures:** The Owner/Applicant shall demolish or remove the following existing structures: a 1,070-sq. ft. employee mobile home, a 6,440-sq. ft. barn, a 1,482-sq. ft. mobile home, a 240-sq. ft. shed, a 49-sq. ft. shed, a 120-sq. ft. shed, a 96-sq. ft. shed, a 324-sq. ft. horse shelter, a 320-sq. ft. cargo container, and a 2,880-sq. ft. shade structure. Prior to the initiation of any demolition or construction activities, the owner/applicant shall obtain a Demolition Permit, Building Permit, and/or any other permit, required pursuant to the Building Code.

TIMING: The Owner/Applicant shall demolish or remove the structures prior to Land Use Permit Issuance.

MONITORING: P&D compliance staff shall inspect the project site to confirm that the structures have been removed.

8. **Road Encroachment Permit:** The Owner/Applicant shall obtain a road encroachment permit and make necessary improvements as required by Caltrans.

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TIMING: The Owner/Applicant shall obtain clearance from Caltrans prior to Land Use Permit issuance.

MONITORING: P&D Compliance staff shall verify with Caltrans that all road encroachment requirements have been completed pursuant to the requirements of this condition.

- 9. Water System Permit:** Prior to Land Use Permit issuance, the Owner/Applicant shall obtain a water system permit, as required by Environmental Health Services, and have any improvements associated with the water system permit constructed and inspected, with the permitted work finalized.
- 10. Onsite Wastewater Treatment System:** Prior to Land Use Permit issuance, the work related to the approved onsite wastewater treatment system (OWTS) abandonment permits ON0024561 and ON0024562, shall be constructed and inspected, with the permitted work finalized. Prior to Land Use Permit issuance, an OWTS permit shall be obtained to repair the existing OWTS serving "Existing AG Bldg. #1 with ADA Restroom" (also known as the existing 3,240 sq. ft. agricultural storage barn and 96-sq. ft. detached restroom), and this work shall be completed and inspected, with the permitted work finalized.
- 11. Licenses Required:** The applicant shall obtain and maintain in good status: (1) a valid County business license as required by the County Code Chapter 50, and (2) a valid State cannabis license as required by the California Business and Professions Code for the cannabis activities that are the subject of this permit.
- 12. Transfer of Ownership:** In the event that the applicant transfers interest in the commercial cannabis operation, the successor(s) in interest shall assume all responsibilities concerning the project including, but not limited to, maintaining compliance with the conditions of this permit and paying for P&D condition compliance activities throughout the life of the project.

DOCUMENTATION: The successor(s) in interest shall notify P&D compliance staff, in writing, of the transfer in interest, and provide the contact and billing information of the successor(s) in interest.

TIMING: The successor(s) in interest shall provide the written notification within 30 days following the transfer in interest.

MONITORING: P&D compliance staff reviews the written notification to confirm that all requisite information has been included pursuant to the requirements of this condition.

- 13. Records:** The applicant shall maintain clear and adequate records and documentation, in accordance with State law, the California Cannabis Track-and-Trace System, and as required by County Code Chapter 35, demonstrating that all cannabis or cannabis products have been obtained from, and are provided to, other permitted and licensed cannabis operations.

TIMING: The applicant shall maintain the documentation for a minimum of five years following the preparation and/or approval of the documentation.

MONITORING: The applicant shall provide the documentation for review, inspection, examination and audit by the Department.

- 14. Permit Compliance:** The Owner/Applicant/Operator shall ensure that the project complies with the

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County cannabis regulations, all approved plans, and project conditions, including those which must be monitored after the project is built and/or operations commence. To accomplish this the Owner/Applicant/Operator shall:

1. Complete and submit a Permit Compliance Application to Planning and Development and identify a name and number of the contact person for the project compliance activities.
2. Sign a separate Agreement to Pay for compliance monitoring costs and remit a security deposit prior to Land Use Permit issuance as authorized by ordinance and fee schedules. Compliance monitoring costs will be invoiced monthly and may include costs for Business License annual review and for P&D to hire and manage outside consultants when deemed necessary by P&D staff to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.
3. Participate in Initial Compliance Inspections that may occur:
 - a. Prior to commencement of use and/or issuance of Business License,
 - b. Within the first year (during the active growing season), and
 - c. Other instances as deemed necessary by Planning & Development
4. Participate in Regular Compliance Inspections that may occur:
 - a. Upon renewal of the County Business License,
 - b. For the life of the project, or as specific in permit conditions, and
 - c. Other instances as deemed necessary by Planning & Development

PLAN REQUIREMENTS: The Owner/Applicant/Operator shall include a note and a copy of this condition on all project plans including Building and Grading Plans.

TIMING: Prior to Land Use Permit issuance, an associated Permit Compliance Application and deposit shall be submitted to Planning & Development.

MONITORING: Planning & Development Compliance Staff or designee shall conduct initial and regular compliance inspections as identified above in accordance with this condition, and as determined to be necessary.

- 15. Fencing and Security Plan:** The applicant shall implement the Fencing and Security Plan stamped "Zoning Approved".

PLAN REQUIREMENTS: The Fencing and Security Plan must comply with the requirements of the Land Use and Development Code (§35.42.075.C.2) as that section reads as of the date of project approval.

TIMING: The applicant shall implement the Fencing and Security Plan prior to commencement of the cannabis activities that are the subject of this permit. The applicant shall maintain the project site in compliance with the Fencing and Security Plan throughout the life of the project.

MONITORING: P&D compliance staff inspects the project site to confirm that all components of the Fencing and Security Plan are installed and maintained pursuant to the requirements of this condition.

16. **Landscape and Screening Plan:** The applicant shall implement the Landscape and Screening Plan stamped "Zoning Approved".

PLAN REQUIREMENTS: The Landscape and Screening Plan must comply with the requirements of the Land Use and Development Code (§35.42.075.C.3) as that section reads as of the date of project approval. The applicant shall file a performance security in an amount sufficient to ensure the installation and maintenance of the landscaping for two years, as determined by a landscape architect and approved by P&D compliance staff.

TIMING: The applicant shall submit one copy of the approved Landscaping and Screening Plan to P&D staff and deposit the performance security prior to Land Use Permit issuance. The applicant shall install all components of the Landscape and Screening Plan prior to commencement of the cannabis activities that are the subject of this permit or prior to final building inspection, whichever occurs first. The applicant shall maintain the landscaping and screening in compliance with the Landscape and Screening Plan throughout the life of the project.

MONITORING: P&D compliance staff inspects the project site to confirm that all components of the Landscape and Screening Plan are installed and maintained pursuant to the requirements of this condition. P&D compliance staff releases said performance security upon a written statement from the Department that the landscaping, in accordance with the approved Landscape and Screening Plan, has been installed and maintained for two years.

17. **Lighting Plan:** The applicant shall implement the Lighting Plan stamped "Zoning Approved".

PLAN REQUIREMENTS: The Lighting Plan must comply with the requirements of Land Use and Development Code (§35.42.075.C.4) as that section reads as of the date of project approval.

TIMING: All components of the Lighting Plan shall be implemented prior to commencement of the cannabis activities that are the subject of this permit or prior to final building inspection, whichever occurs first. The applicant shall maintain the project site in compliance with the Lighting Plan throughout the life of the project.

MONITORING: P&D compliance staff inspects the project site to confirm that all components of the Lighting Plan are installed, maintained and operated pursuant to the requirements of this condition.

18. **Noise Plan:** The applicant shall implement the Noise Plan stamped "Zoning Approved,".

PLAN REQUIREMENTS: The Noise Plan must comply with the requirements of the Land Use and Development Code (§ 35.42.075.C.5), as that section reads as of the date of project approval.

TIMING: The applicant shall implement the Noise Plan prior to commencement of the cannabis activities that are the subject of this permit, or prior to final building inspection, whichever occurs first. The applicant shall maintain the project site in compliance with the Noise Plan throughout the life of the project.

MONITORING: P&D compliance staff inspects the project site to confirm that all components of the Noise Plan are installed, operated and maintained pursuant to the requirements of this condition.

- 19. Minimization of Cannabis Odor:** In compliance with the requirements of the Land Use and Development Code (§35.42.075.D.1.o), as that section reads as of the date of project approval, in order to minimize cannabis odors, the drying, curing, and/or trimming of harvested cannabis shall either (1) be located within an enclosed structure which utilizes best available control technology, or (2) include techniques/or equipment (e.g., the use of freeze drying techniques/equipment and immediate packaging of harvested cannabis in the field) that shall achieve an equivalent or greater level of odor control as could be achieved using an enclosed structure which utilizes best available control technology. The Owner/Applicant shall comply with the proposed method to minimize cannabis odors as depicted on the plans stamped 'Zoning Approved.' The Owner/Applicant shall inform P&D compliance monitoring staff prior to making any changes to the odor control technology/technique.

PLAN REQUIREMENTS: The odor control technology/technique or system shall be graphically depicted on project plans and must comply with the requirements of Section 35.42.075.D.1.o, as that section reads as of the date of project approval.

TIMING: The odor control technology/technique or system shall be implemented prior to the Final Building Clearance and/or commencement of cultivation activities, whichever occurs first. The Owner/Applicant shall maintain the technology/technique or system in good, working condition throughout duration of cannabis processing activities. The Owner/Applicant shall inform P&D compliance monitoring staff of their intent to change the odor control technology/technique or system prior to its use. The Owner/Applicant shall submit updated materials for P&D review and approval prior to installation or use of new odor control technology/technique or system. If required, the Owner/Applicant shall obtain additional permits for the use of the new odor control technology/technique or system. Compliance with the requirements of this condition is necessary for the life of the project.

MONITORING: P&D compliance staff shall monitor implementation of odor control technology/technique or system prior to Final Building Clearance and/or commencement of use, whichever occurs first. Permit Compliance staff has the authority to request additional measures necessary for corrective actions, provided at the cost of the Owner/Applicant, to verify compliance with this condition. Upon implementation/installation of the odor control technology/technique or system and quarterly thereafter for one year, Permit Compliance staff shall conduct an inspection of the odor control technology/technique to assess its compliance with the requirements of this condition. Permit Compliance staff may conduct additional inspections, as needed, throughout the life of the project.

- 20. Site Transportation Demand Management Plan:** The applicant shall implement the Site Transportation Demand Management Plan stamped "Zoning Approved".

PLAN REQUIREMENTS: The Site Transportation Demand Management Plan must comply with the requirements of the Land Use and Development Code (§ 35.42.075.D.1.j) as that section reads as of the date of project approval.

TIMING: The applicant shall implement the Site Transportation Demand Management Plan prior to commencement of the cannabis activities that are the subject of this permit, or prior to final building inspection, whichever occurs first. The applicant shall maintain the project site in compliance with the Site Transportation Demand Management Plan throughout the life of the project.

MONITORING: The applicant shall demonstrate to P&D compliance staff (e.g., by providing a copy of an executed contract with a rideshare service or site inspections to verify that trip reduction features are installed onsite) that all components of the approved Site Transportation Demand Management Plan are implemented.

- 21. Compliance with State Water Board Requirements:** The applicant shall demonstrate, to the satisfaction of the State Water Resources Control Board, compliance with the State Water Resources Control Board's comprehensive Cannabis Cultivation Policy. The Policy includes limitations on the diversion of surface water and certain groundwater diversions, and regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants and fertilizers.

TIMING: The applicant shall satisfy this condition prior to Land Use Permit issuance.

- 22. Water Efficiency for Commercial Cannabis Activities:** Water-conserving features shall be included in the design of the cannabis cultivation. Water-conserving features shall include timed drip irrigation.

PLAN REQUIREMENTS: Water conserving features must comply with the requirements of the Land Use and Development Code (§ 35.42.075.D.1.j).

TIMING: The applicant shall implement the Water efficiency measures prior to commence of use. The applicant shall maintain the project site in compliance with the water efficiency measures throughout the life of the project.

MONITORING: P&D compliance staff shall inspect the project site to confirm that all water efficiency measures are installed, operated and maintained pursuant to the requirements of this condition.

- 23. Wildlife Movement Plan:** The Owner/Applicant shall implement the avoidance and minimization measures and all associated components included in the Wildlife Movement Plan (WMP) prepared by David N. Lee Consulting, dated July 30, 2021 and stamped "Zoning Approved".

PLAN REQUIREMENTS: This condition shall be printed on building and grading plans.

TIMING: The requirements of this condition shall be implemented prior to the commencement of ground disturbing activities. The requirements of this condition shall also be implemented throughout the life of the Proposed Project, as applicable. Permit compliance staff shall conduct site inspections as needed to confirm compliance.

MONITORING: P&D permit processing planner shall check plans prior to issuance. P&D compliance monitoring staff, as well as USFWS staff and/or CDFW staff as needed, shall monitor compliance with

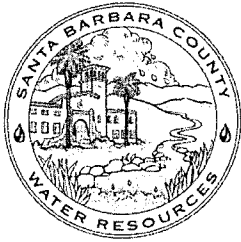
this condition prior to the commencement of project activities, which may include installation of fencing and lighting, or at the pre-construction meeting, or during grading and construction, and throughout the life of the project, as applicable. The Owner/Applicant shall demonstrate compliance with the measures outline above, listed in the planset and as detailed in the WMP prepared by David N. Lee Consulting dated July 30, 2021 throughout the life of the project to permit compliance staff.

County Rules and Regulations

- 24. Rules-01 Effective Date-Not Appealable to CCC:** This Land Use Permit shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit. [LUDC §35.82.020]
- 25. Rules-03 Additional Permits Required:** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
- 26. Rules-05 Acceptance of Conditions:** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
- 27. Rules-08 Sale of Site:** The project site and any portions thereof shall be sold, leased or financed in compliance with the exhibit(s), project description and the conditions of approval including all related covenants and agreements.
- 28. Rules-09 Signs:** No signs of any type are approved with this action unless otherwise specified. All signs shall be permitted in compliance with the LUDC.
- 29. Rules-20 Revisions to Related Plans:** The Owner/Applicant shall request a revision for any proposed changed to approved plans. Substantial conformity shall be determined by the Director of P&D.
- 30. Rules-22 Leased Facilities:** The Operator and Owner are responsible for complying with all conditions of approval contained in this Land Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the Owner and the Operator.
- 31. Rules-23 Processing Fees Required:** Prior to issuance of the Land Use Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
- 32. Rules-26 Performance Security Required:** The Owner/Applicant shall post separate performance securities, the amounts and form of which shall be approved by P&D, to cover the full cost of installation and maintenance of landscape & irrigation. Installation securities shall be equal to the value of a) all materials listed or noted on the approved referenced plan, and b) labor to successfully install the materials. Maintenance securities shall be equal to the value of maintenance and/or replacement of the items listed or noted on the approved referenced plan(s) for two years of

maintenance of the items. The installation security shall be released when P&D determines that the Owner/Applicant has satisfactorily installed of all approved landscape & irrigation plans per those condition requirements. Maintenance securities shall be released after the specified maintenance time period and when all approved landscape & irrigation have been satisfactorily maintained. If they have not been maintained, P&D may retain the maintenance security until satisfied. If at any time the Owner fails to install or maintain the approved landscape and irrigation, P&D may use the security to complete the work.

33. **Rules-29 Other Dept Conditions:** Compliance with Departmental/Division letters required as follows:
 - a. Public Works Department – Water Resources Division, dated October 22, 2020;
 - b. County Fire Department, dated December 2, 2020;
34. **Rules-30 Plans Requirements:** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
35. **Rules-33 Indemnity and Separation:** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project.
36. **Rules-37 Time Extensions-All Projects:** The Owner/Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner/Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.



**Santa Barbara County Public Works Department
Water Resources Division**

Flood Control ♦ Water Agency ♦ Project Clean Water
130 E. Victoria Street, Suite 200, Santa Barbara, CA 93101
PH (805) 568-3440 FAX (805) 568-3434
<http://cosb.countyofsb.org/pwd/pwwater.aspx?id=2956>

SCOTT D. MCGOLPIN
Director Public Works

THOMAS D. FAYRAM
Deputy Director Water Resources

October 22, 2020

Dara Elkurdi, Planner
County of Santa Barbara
Planning & Development Department
123 E. Anapamu St.
Santa Barbara, CA 93101

**Re: 19LUP-00000-00530; Nojoqui Farms Cannabis Cultivation
APN: 083-430-014; Buellton**

Dear Ms. Elkurdi:

The Public Works Department Water Resources Division has conditions for the subject project which includes cannabis cultivation on the subject property including, 25 acres of outdoor cultivation, hoop structures, 10K SF proposed ag storage and packing, 3200 SF existing ag barn/shade structure to be used as office and staging, 2500 SF existing office/ machine shed to be used as office and storage, 6440 SF existing barn to be used for trimming and nutrient storage, and a 30K gallon water tank.

The Water Resources Division does not regulate hoop structures.

A. Flood Control & Water Conservation District

This parcel is partially located within FEMA Special Flood Hazard Area (SFHA) Zone A.

It is understood that with this current LUP case that no improvements to existing structures are proposed, and no change-of-use is proposed.

Please note that for any future proposed improvements to existing structures located within the SFHA, compliance with SBCC Ordinance 15A would be required, and would be based upon Substantial Improvement (SI) determinations for each improved structure. Should the SI determination (cost of improvements versus the depreciated structure market value) equal or exceed 50%, commercial structures would have to either be dry flood-proofed or raised above the Base Flood Elevation (BFE) plus 2 feet, as determined by a licensed professional.

1. Prior to Building Department clearance
 - a. The applicant shall submit record drawings to the District's Floodplain Manager in electronic format.

B. Project Clean Water

The project is subject to the County's Post-Construction Stormwater Requirements for treating storm water quality, because the project creates or replaces 5,000 square feet of parking or has 25 or more parking spaces or exceeds the established thresholds of more than 0.5 ac of disturbance for commercial development. Therefore, appropriate control measures must be designed and installed to treat storm water runoff, where applicable, from the 1.2-inch storm.

The following provisions apply to this project:

1. Submit a Stormwater Control Plan that identifies how stormwater runoff is treated for water quality using runoff reduction measures such as permeable surfaces (gravel), and treatment measures such dispersal to landscaped or vegetated areas.

It is recommended to follow the County of Santa Barbara's Stormwater Technical Guide for a Tier 2 project or other approved technical guide. The County's Stormwater Technical Guide is on the Water Resources Division website. Click on the Development tab at SBProjectCleanWater.org.

2. Prior to issuance of Building or Grading Permits (whichever of these actions comes first), the applicant must submit to the Water Resources Division (attention: Project Clean Water) for review and approval a final Storm Water Control Plan with accompanying civil, architectural, and possibly landscape plans if appropriate, for the treatment measures provided.

The Stormwater Control Plan must provide relevant details on the location and function of treatment facilities. These facilities shall be depicted on a separate plan sheet within the engineering plan set. At a minimum, the submittal(s) must:


- a. Show the locations of all impervious surfaces and their delineated drainage management area,
 - b. Demonstrate how the treatment areas comply with the conditions by managing runoff from the design storm, and
 - c. Include a long-term maintenance plan appropriate for the proposed facilities.
3. The applicant will include a deposit for plan check review at the time the Stormwater Control Plan and engineering plans are submitted. The plan check deposit of \$2,000 shall be submitted to Water Resources Division, Public Works, 130 E. Victoria St., Santa Barbara, CA 93101. The check shall be made payable to Project Clean Water.
 4. Prior to issuance of Building or Grading Permits (whichever comes first), the owner must sign a maintenance agreement that includes the long-term maintenance plan. Instructions for preparing a maintenance plan are provided in the Stormwater Technical Guide. The maintenance agreement identifies the owner as the party responsible for maintaining the storm water retention facilities for the life of the project. The maintenance agreement will be signed and notarized by the property owner.
 5. Upon installation of treatment systems, and prior to Building Division final clearance on Grading or Building permits, all improvements required as part of the above conditions shall be installed in accordance with the approved plans. An Engineer's Certificate of Approval shall be signed and stamped by the engineer of record and submitted to the Water Resources Division along with a set of As-Built plans or drawings in PDF format. If the treatment systems are be installed in phases, separate Certificates of Approval can be provided for each phase. If necessary, the final

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October 21, 2020
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maintenance plan shall be revised by the engineer of record based on as-built construction drawings, including elevations and construction details of stormwater facilities.

Sincerely,

SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

By: 
Karen Sullivan, P.E.
Development Review Engineer

Cc: Laurel Perez, Suzanne Elledge P&P Services Inc., 1625 State Street, Suite 1, Santa Barbara, CA 93101
Patricia Paulsen, Nojoqui Farms, 1889 HWY 101, Buellton, CA 93427

Memorandum

DATE: December 2, 2020

TO: Dara Elkurdi
Planning and Development
County of Santa Barbara - Santa Maria

FROM: Steven Sauer, Inspector
Fire Department

SUBJECT: APN: 083-430-014; Permit: 19LUP-00530; Project: 20FDR-00060
Site: 1889 HWY 101, Buellton
Project: Land Use Permit – Cannabis Cultivation, Nojoqui Farms



The above project is located within the jurisdiction of the Santa Barbara County Fire Department.

NO CONDITIONS FOR LAND USE PERMIT

The Fire Prevention Division must be notified of any changes to the project proposal. A change in the project description may cause conditions to be imposed.

ADVISORY FOR CONSTRUCTION

PROJECT DEVELOPMENT

2. Fire Protection Certificates (FPCs) shall be required.
3. All standard fire department conditions and current codes shall apply at time of development.
 - All new permanent/occupiable structures or existing structures changing their occupancy classification shall comply with current codes.

PRIOR TO CONSTRUCTION

4. Create a defensible space of 100 feet (or to the property line, whichever is nearer) around the proposed structures and any existing structures on this property.
 - Defensible space standards apply to all storage containers
 - Removal does not apply to single specimens of trees, ornamental shrubbery or similar plants that are used as ground cover if they do not form a means of rapidly transmitting fire from the native growth to any structure.
5. Access plans shall be approved by the fire department prior to any work being undertaken.
 - All access ways shall be installed, made serviceable and maintained for the life of the project.
 - Apparatus access way shall have a minimum width of 20 feet.
 - Surface shall be all-weather or paved

- Access ways shall be unobstructed and extended to within 150 feet of all portions of the exterior walls of the first story of any building.
 - Dead-end access exceeding 150 feet shall terminate with a fire department approved turnaround.
 - A minimum of 13 feet, 6 inches of vertical clearance shall be provided and maintained for the life of the project for emergency apparatus access.
6. New fire hydrant(s) shall be installed per approved stored water plan.
- Plans for a stored water fire protection system shall be approved by the fire department.
 - Required water supplies for fire protection shall be installed and made serviceable prior to construction and for the life of the project.
 - Reference Santa Barbara County Fire Department Development Standard #3.

PRIOR TO OCCUPANCY CLEARANCE

7. Automatic fire sprinkler system(s) shall be installed as required by the fire department.
- Fire sprinkler plans shall be approved by the fire department prior to installation.
 - Reference Santa Barbara County Fire Department Standard #4.
8. Address numbers shall be posted as required by the fire department.
- Address numbers shall be a color contrasting to the background color.
 - The address numbers shall be elevated at least three feet from the ground for clear visibility and easy directional identification.
 - The numbers shall be visible from the access road when travelling in either direction.
 - If the driveway is over 150 feet in length or the building is obstructed from view at the access road and/or driveway, numbers shall be posted at all road and driveway intersections as is necessary.
9. Access way entrance gates shall conform to fire department requirements.
10. When access ways are gated, a fire department approved Knox locking system shall be installed. Reference Santa Barbara County Development Standard #7.

As always, if you have any questions or require further information, please call me at 805-686-8182 or 805-681-5523.

SS:mkb