

## **ATTACHMENT 2: CONDITIONS OF APPROVAL**

### **CONDITIONS OF APPROVAL SUAREZ OUTDOOR CANNABIS CULTIVATION LAND USE PERMIT CASE NO. 19LUP-00000-00327 APN: 149-160-033**

#### **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 Proposed Project is a request for a Land Use Permit to allow 34.7 acres of cannabis cultivation under hoop structures. No cannabis processing will occur on site and all harvested cannabis will be removed from the site on the same day it is harvested. Six existing unpermitted structures on the parcel will be demolished prior to the commencement of cannabis cultivation activities. The six structures proposed for demolition include one 747 square foot (sq. ft.) cold storage structure, one 137 sq. ft. pump house, one 101 sq. ft. agricultural accessory building, one 320 sq. ft. storage container, one 822 sq. ft. barn, and one 120 sq. ft. orchard storage shed. Only one existing structure will be retained, a 120 sq. ft. shed (not part of the cannabis operation). A 160 sq. ft. security kiosk, a 168 sq. ft. two stall restroom building, a 160 sq. ft. pesticide and materials storage container and two 5,000 gallon water tanks will be constructed along with a 12 space parking lot and a fenced mulching area. A new septic system will be installed to serve the restroom. The cannabis operation will be fully enclosed by 6 foot tall no-climb deer fencing. Security lighting will be provided by 12 fully-shielded, downward-facing, motion-sensor activated lights mounted on 8 foot tall wooden posts or at 8 feet on the security kiosk. Lighting will be set to shut off within 3 minutes of activation. Screening of the project from public views from Foothill Road will be provided by 8 to 15 foot wide landscape areas along the west, north and east perimeter of the cannabis area featuring native trees and shrubs. Grading will total 280 cubic yards of cut and 280 cubic yards of road base fill for the parking area and driveway.

The cannabis operation will employ 4 full-time employees from March through December with an additional 20 temporary workers from April to November. Hours of operation will be 7am to 4pm, Monday through Saturday. The cultivation area will be divided into five blocks and planted in two week intervals commencing on April 1st and ending in August. Plants will be ready for harvest within 60-75 days of planting starting in June. Harvests would continue in two week intervals through mid-November.

As per the Project's Site Transportation Demand Management Plan, temporary employees will be transported to the site by vanpool from Santa Maria and/or Kern County. A drip irrigation system will be used to eliminate the potential for irrigation runoff and maximize the efficient use of water. Tensiometers will be used to monitor soil moisture and prevent over watering. The Project will offset all groundwater used for irrigation of cannabis and landscaping on a 1:1

basis for the duration of the Project by providing compensation to farmers within the same groundwater basin that switch from irrigated to non-irrigated agricultural activities, and/or by funding irrigation improvements in the same groundwater basin as outlined in Attachment 8 of the Board Agenda Letter dated July 13, 2021, incorporated herein by reference. In the event that a groundwater offset contract that meets the requirements of the 1:1 groundwater offset program (Attachment 8) cannot be secured or maintained, groundwater use for cannabis cultivation on the subject property shall cease until a contract is secured. Irrigation water for cannabis cultivation as well as domestic and fire suppression water will be provided by an existing onsite well and a new water well. Waste water will be handled by the proposed septic system. The parcel will be served by the County Fire Department and the County Sheriff. Access to the site will continue to be provided off Foothill Road along a proposed 20' wide all-weather driveway. The property is a 78.27-acre parcel zoned AG-II-100 and shown as Assessor's Parcel Number 149-160-033, located at 2225 Foothill Road in the Cuyama area, First Supervisorial District.

Any deviations from the project description, exhibits or conditions of approval must be reviewed and approved by Santa Barbara County for conformity with the project as approved. Said deviations may be subject to additional requirements, including but not limited to permit modification and/or environmental review. Deviations without the above described approval will constitute a violation of the subject permit.

2. **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 (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

### **Conditions By Issue Area**

3. **Air-01 Dust Control.** The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:
  - a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
  - b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
  - c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
  - d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
  - e. When wind exceeds 15 mph, have site watered at least once each day including weekends

and/or holidays.

- f. Order increased watering as necessary to prevent transport of dust off-site.
- g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.
- h. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately:
  - i. Seed and water to re-vegetate graded areas; and/or
  - ii. Spread soil binders; and/or
  - iii. Employ any other method(s) deemed appropriate by P&D or APCD.

**PLAN REQUIREMENTS:** These dust control requirements shall be noted on all grading and building plans.

**PRE-CONSTRUCTION REQUIREMENTS:** The contractor or builder shall provide P&D monitoring staff and APCD with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to:

- a. Assure all dust control requirements are complied with including those covering weekends and holidays.
- b. Order increased watering as necessary to prevent transport of dust offsite.
- c. Attend the pre-construction meeting.

**TIMING:** The dust monitor shall be designated prior to Grading or Building Permit issuance. The dust control components apply from the beginning of any grading or construction throughout all development activities until Final Building Inspection Clearance is issued.

**MONITORING:** P&D processing planner shall ensure measures are on plans. P&D grading and building inspectors shall spot check; Grading and Building shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

- 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 immediately contact P&D staff, and retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of the County Archaeological Guidelines and conduct appropriate mitigation funded by the Owner/Applicant.

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

**MONITORING:** P&D permit processing planner shall check plans prior to issuance of land use permit and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

- 5. Noise-02 Construction Hours.** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 7:00 a.m. and 4:00 p.m. Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating interior

construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.

**PLAN REQUIREMENTS:** The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries.

**TIMING:** Signs shall be posted prior to commencement of construction and maintained throughout construction.

**MONITORING:** The Owner/Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors and permit compliance staff shall spot check and respond to complaints.

### **Project Specific Conditions**

- 6. 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 § 35.32.075.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 final building inspection and/or commencement of the cannabis activities that are the subject of this permit, whichever occurs first. 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.

- 7. 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 issuance of this Land Use Permit. 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. 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 Planning and Development Department that the landscaping, in

accordance with the approved Landscape and Screening Plan, has been installed and maintained for two years.

**8. 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.

**9. Lighting Plan.** The applicant shall implement the Lighting Plan stamped ‘Zoning Approved’  
**PLAN REQUIREMENTS:** The Lighting Plan must comply with the requirements of the 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 final building inspection of the first constructed structure or commencement of the cannabis cultivation activities, 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 site to confirm that all components of the Lighting Plan are installed, maintained and operated pursuant to the requirements of this condition.

**10. Permit Compliance.** The Owner/Applicant/Operator shall ensure that the project complies with 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 approval of LAND USE PERMIT as authorized by ordinance and fee schedules. Compliance monitoring costs will be invoiced monthly and may include costs 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 issuance of the Land Use Permit 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.

- 11. 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.

- 12. Site Transportation Demand Management (STDM) 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 the issuance of final building inspection of the first constructed structure, or final grading inspection, or commencement of the cannabis cultivation activities (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.

- 13. 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.

- 14. Water efficiency for commercial cannabis activities.** Water-conserving features shall be included in the design of cannabis cultivation. Required water-conserving features include the following: timed irrigation system with drip emitters.

**DOCUMENTATION:** The applicant shall document water-conserving features on the Site Plan stamped “Zoning Approved”.

**TIMING:** Water-conserving features shall be installed prior to the commencement of cannabis cultivation activities.

**15. Wildlife Movement Plan.** The Owner/Applicant shall comply with the approved Wildlife Movement Plan dated September 22, 2020 and prepared by Ecological Assets Management, LLC, as well as Sheet L-1.15 of the Plan set and Detail B of Sheet L-1.12 of the Plan Set.

**TIMING:** The Owner/Applicant shall install wildlife movement measures consistent with the Plan onsite prior to commencement of cannabis cultivation 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. The Owner/Applicant shall demonstrate compliance with the WMP, as well as Sheet L-1.15 of the Plan Set and Detail B of Sheet L-1.12 of the Plan Set, to compliance staff throughout the life of the project, as requested.

**16. Habitat Protection Plan:** The Owner/Applicant shall implement the avoidance and minimization measures and all associated components included in the Habitat Protection Plan prepared by Ecological Assets Management, LLC, dated September 22, 2020 and stamped “Zoning Approved”. Summarized below, the HPP measures include but are not limited to:

- a. *Pre-construction surveys for California glossy snake, Coast horned lizard, and San Joaquin coachwhip*
- b. *Biologist monitoring of all initial grubbing and grading of the site*
- c. *Pre-construction surveys for active bird nests within 250 feet of the project site limits if work is proposed between February 1 through September 15*
- d. *Pre-construction surveys for the presence of western burrowing owl and/or active burrows within the proposed work area and within 250 feet of the project site limits*
- e. *Pre-construction surveys for San Joaquin kit fox*
- f. *Biologist shall conduct a pre-construction kit fox briefing for construction workers*
- g. *Pre-construction surveys for active badger dens*

**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 cultivation activities, grading, or construction of new buildings, whichever is first. 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 HPP prepared by Ecological Assets Management, LLC, dated September 22, 2020 throughout the life of the project to permit compliance staff, as requested.

### **County Rules and Regulations**

- 17. 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].
- 18. 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.
- 19. 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.
- 20. 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.
- 21. Rules-20 Revisions to Related Plans.** The Owner/Applicant shall request a revision for any proposed changes to approved permit, landscape, habitat protection, or grading plans. Substantial conformity shall be determined by the Director of P&D.
- 22. Rules-22 Leased Facilities.** The Operator and Owner are responsible for complying with all conditions of approval contained in this Conditional Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the Owner and the Operator.
- 23. Rules-23 Processing Fees Required.** Prior to issuance of this Land Use Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
- 24. Rules-32 Contractor and Subcontractor Notification.** The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner / Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.
- 25. 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.

**26. Rules-37 Time Extensions – All Projects.** The Owner/Applicant may request a time extension prior to the expiration of this permit 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.