

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

### **CONDITIONS OF APPROVAL SFS Farms OpCo 1, LLC CANNABIS CULTIVATION LAND USE PERMIT CASE NO. 19LUP-00000-00312 APN: 099-150-065**

#### **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 outdoor cannabis cultivation of approximately 82.62 acres and 4.18 acres of cannabis nursery operations. Nursery and cannabis cultivation will occur outdoors and not under hoop structures. No on-site processing will occur. There will be up to two harvests per year, each lasting a maximum of 3 weeks. An existing 4,800 SF building will be used for a 200 SF office and employee bathrooms. The remaining 4,560 SF of the building will remain unused and not a part of the cannabis operation. An existing 5,000 gallon water tank will be used for domestic purposes. An existing as-built 320 SF shipping container is to be used for irrigation equipment storage related to the cannabis operation and will be permitted under this Land Use Permit. An existing as-built 320 SF shipping container is to be used for chemical and fertilizer storage related to the cannabis operation and will be permitted under this Land Use Permit. One 320 SF shipping container is proposed for additional storage.

Existing permitted structures on-site which are not a part of the cannabis operation include an 800 SF carport, a 1,878 SF residence, an additional 1,450 SF residence, a 1,540 SF shop, a 4,030 SF barn and a 4,800 SF storage building.

6-foot high deer fencing will enclose the cultivation and nursery area. There is an existing 18-foot wide secured gate located north of the premises. Two 7-foot high, 20 foot wide secured gates are proposed. Security cameras will be mounted to the office and bathroom building and to security poles at a height of eight feet. Security lighting will be pointed downward, fully-shielded, and motion sensor activated. Lighting will be mounted to the office and bathroom building at a height of eight feet and to light poles at a height of ten feet near the gated entrance to the property and in the parking area.

Hours of operation during non-harvest season will be 6:00 A.M. to 3:00 P.M., 7 days a week. Hours of operation during harvest season will be from 5:00 A.M. to 7:00 P.M., 7 days a week in the field, with 24-hour a day on-site security. There will be nine (9) full-time employees year-round, an additional five (5) to fifteen (15) workers during growing season, and up to one hundred (100) additional, seasonal workers. Sanitary facilities for employees will be provided by portable chemical toilets with hand-washing stations. Existing parking includes 47 parking

spaces and will include eleven rideshare spaces, four shuttle spaces, and one handicapped space. No grading is proposed.

The parcel will be served by a private on-site well and the Santa Barbara County Fire District. Access will continue to be provided via a private 20-foot access driveway off of Hapgood Road. The property is a 965.59-acre parcel zoned AG-II-100 and shown as Assessor's Parcel Number 099-150-065, located at 4874 Hapgood Road in the Lompoc area, 4th Supervisorial District.

### **Project Specific Conditions**

- 2. Cannabis Waste Discharge Requirements.** The applicant shall demonstrate compliance with the State Water Resources Control Board's comprehensive Cannabis Cultivation Policy which includes principles and guidelines for cannabis cultivation, including regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants and fertilizers.
- 3. 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.

- 4. 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.
- 5. 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. 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.

6. **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 issuance of final building inspection. 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.

7. **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.

8. **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.

9. **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 and/or grading inspection. 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.

10. **Water efficiency for commercial cannabis activities.** Water-conserving features shall be included in the design of cannabis cultivation. Water-conserving features include the following:
  - a. Timed drip irrigation.

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

11. **Septic System.** The applicant shall obtain approval from EHS for the proposed new septic system to serve the employee restroom in the office building.

**DOCUMENTATION:** The applicant shall submit any and all materials and information that

EHS requires in order to review the proposed septic system for compliance with EHS standards.

**TIMING:** Prior to final building occupancy clearance the applicant shall submit the required materials and information for EHS' review and final approval.

**MONITORING:** EHS reviews the material and information regarding the septic system, and may conduct field inspections to verify that the system complies with any and all applicable EHS requirements.

**12. Single Parcel Water System.** The applicant shall obtain approval from EHS for the use of an existing agricultural water system, as part of a Single Parcel Water System to provide domestic (potable) water for employees of the cannabis activities.

**DOCUMENTATION:** The applicant shall submit any and all materials and information that EHS requires in order to review the proposed Single Parcel Water System for compliance with any requirements enforced by EHS for the Single Parcel Water System.

**TIMING:** Prior to final building occupancy clearance, the applicant shall submit the required materials and information for EHS' review and final approval.

**MONITORING:** EHS reviews the material and information regarding the proposed Single Parcel Water System, and may conduct field inspections to verify that the Single Parcel Water System complies with any and all applicable EHS requirements.

**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. Wildlife Movement Plan.** The Owner/Applicant shall comply with the Wildlife Movement Plan (WMP) included in the Biological Resources Assessment prepared by David N. Lee, dated January 25, 2021 and the avoidance and minimization measures contained within it as well as those noted in the approved plan set. The WMP measures include:

- 1) Fallow buffer zones surrounding the cultivation area
- 2) Internal wildlife movement corridors
- 3) Wildlife friendly fencing with 2-inch by 4-inch wire mesh openings

**TIMING:** The Owner/Applicant shall install these measures as outlined in the WMP and prior to the commencement of any cannabis cultivation activities, which include but are not limited to installation of fencing, lighting, landscaping, etc. as authorized by this permit. Permit compliance shall conduct site inspections as needed to confirm compliance.

**MONITORING:** The Owner/Applicant shall demonstrate compliance with the measures outlined above and listed in the plan set and as detailed in the WMP prepared by David N. Lee dated July 29, 2020 throughout the life of the project to permit compliance staff.

### *County Rules and Regulations*

- 15. 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.
- 16. 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.
- 17. Rules-20 Revisions to Related Plans.** The Owner/Applicant shall request a revision for any proposed changes to the approved permit plans. Substantial conformity shall be determined by the Director of P&D.
- 18. 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.
- 19. 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.
- 20. Rules-25 Signed Agreement to Comply.** Prior to Land Use Permit issuance, the Owner/Applicant shall provide evidence that they have recorded a signed Agreement to Comply with Conditions that specifies that the Owner of the property agrees to comply with the project description, approved exhibits and all conditions of approval. Form may be obtained from the P&D office.
- 21. 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.

- 22. 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.