



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT DEPARTMENT**

MEMORANDUM

TO: County Planning Commission

FROM: Petra Leyva, Supervising Planner
Staff Contact: Gwen Beyeler, Planner

DATE: November 5, 2019

HEARING DATE: November 7, 2019

RE: Merritt Appeal of Busy Bee's Organics, Inc. Cannabis Cultivation
Case No. 19APL-00000-00012; Appeal of Land Use Permit Case No.
18LUP-00000-00496

I. Introduction

At the October 30, 2019, Planning Commission hearing, staff presented the Merritt Appeal of the Busy Bee's Organics, Inc. Cannabis Cultivation Land Use Permit. The Commission discussed the merits of the Proposed Project, which included the following:

1. The Applicants are authentic farmers and come from a farming background;
2. The Applicants have a history of being "good neighbors" according to public testimony from neighbors;
3. Existing landscape screening around the perimeter of the subject property;
4. Preservation of the on-site Santa Ynez River riparian habitat; and,
5. Minimal on-site processing of cannabis.

The Commission also discussed its concerns with the Proposed Project, which included the following:

1. Cultivation of cannabis located near Highway 246;
2. Increase from the 18 acres of cannabis planting that was originally submitted as part of the November 21, 2018 Land Use Permit application submittal to the 22 acres that was approved on May 7, 2019;
3. Excessive 22 acres of hoop coverage;
4. Lack of input from the County Agricultural Commissioner; and,

5. History of conflict with nearby properties.

After extensive public testimony from the Applicant, Appellant, and community members, the Commission continued the Merritt Appeal of the Busy Bee's Organics, Inc. Cannabis Cultivation Land Use Permit to the November 7, 2019, hearing in order to allow P&D staff to return with additional conditions of approval for the Proposed Project.

The Commission asked staff to invite the Agricultural Commissioner to attend the November 7, 2019, Planning Commission hearing to provide an update on the working group formed to address conflicts between traditional agricultural operations and cannabis cultivation. Unfortunately, the Agricultural Commissioner is unavailable to attend the hearing, but it was reported that progress is being made and that the group has one more meeting before they conclude their work.

II. Proposed Conditions of Approval

At the October 30, 2019 Planning Commission hearing, the Commission requested that staff return with conditions which would reduce the new outdoor cannabis cultivation area from 22 acres to 18 acres and reduce the acreage of new hoop structures. To reflect these changes, staff has prepared Condition No. 3, Condition No. 4, and Condition No. 5 (Attachment Q to the Planning Commission Memorandum, dated November 5, 2019) as follows.

3. ***Reduction in Hoop Structures.*** *The total amount of hoop structures shall be reduced to XXX acres. Hoop structures shall cover the cannabis cultivation areas along the eastern and western edges of the cannabis cultivation. Additional hoop structures may be allowed within the interior cannabis cultivation areas so long as the total acreage of XXX hoop structures is not exceeded. The project plans shall be revised to be consistent with this condition prior to issuance of the Land Use Permit.*
4. ***Reduction in Cultivation Area.*** *The total area of cannabis cultivation shall be reduced to 18 acres. The project plans shall be revised to be consistent with this condition prior to issuance of the Land Use Permit.*
5. ***Cultivation Buffer.*** *A 100 ft. buffer, within which no cannabis cultivation may occur, shall be provided along the eastern and western property boundaries to minimize the potential conflicts with adjacent agricultural operations. The project plans shall be revised to be consistent with this condition prior to issuance of the Land Use Permit.*

At the October 30, 2019 Planning Commission hearing, the Commission requested that staff return with a revised odor abatement condition which would include the agricultural practices outlined in the odor abatement plan (Attachment K to the Staff Report dated October 10, 2019). To reflect these changes, staff has prepared revisions to Condition No. 15 (Attachment Q to the Planning Commission Memorandum, dated November 5, 2019) as follows (additions shown in underlined font).

15. ***Odor Abatement Plan.*** *The Applicant shall implement the Odor Abatement Plan stamped "Zoning Approved" (Attachment K to the Staff Report dated October 10, 2019). The Applicant shall follow the methods for reducing odors outlined in the Odor Abatement Plan, as follows:*
1. *The Applicant shall not dry cannabis onsite.*
 2. *The Applicant shall harvest fresh plants and immediately flash freeze them in temporary freezers on wheels or to box and ship them as fresh cut flowers upon harvest.*
 3. *All plant material shall either be vacuum-sealed and flash frozen or shipped offsite within two hours of harvest.*
 4. *The Applicant shall not stagger harvest periods throughout the property.*
 5. *The Applicant shall grow genetics that feature citrus, pine and floral flavor profiles, reducing the potential for the 'skunk' odor anecdotally associated with cannabis cultivation.*
 6. *The only indoor cultivation onsite shall occur within the one existing greenhouse and is for plants in vegetative state only. These plants shall not be scheduled to mature to the flower stage and therefore shall not emit any odor.*

If a continuous public nuisance is verified as emanating from this property, Busy Bee's Organics will take the following tiered approach to curtail the nuisance:

1. *Install wind screens that direct ground-level air upward thereby increasing dispersion through turbulence and elevating the most odorous air to heights above that of an individual's nose.*
2. *Install and/or operate fans normally used to protect orchards from frost to increase dispersion and direct ground-level air to heights above that of an individual's nose.*
3. *In the event that Tiers 1 and 2 above are insufficient to abate a continuous public nuisance, then the Applicant shall install and/or operate the best available vapor-phase odor control system along the length of property boundary or another more beneficial location between the cultivation activities and the individual receptor(s) that have lodged the complaint. All installation shall comply with County requirements.*

PLAN REQUIREMENTS: *The Odor Abatement Plan must comply with the requirements of the Santa Ynez Valley Community Plan Development Standard [DevStd LUG-SYV-8.11].*

TIMING: *The Applicant shall implement the Odor Abatement Plan prior to issuance of final building and/or grading inspection and/or throughout operation of the Project as applicable. The Applicant shall maintain the Project site in compliance with the Odor Abatement Plan, throughout the life of the Project.*

MONITORING: *P&D compliance staff inspects the Project site to confirm that all components of the Odor Abatement Plan are installed, operated, and maintained*

pursuant to the requirements of this condition. Upon implementation of the odor abatement plan and twice per year thereafter for one year, Permit Compliance staff will conduct an inspection of the odor abatement plan to assess its compliance with the Santa Ynez Valley Community Plan. As part of each inspection, the County will retain a certified industrial hygienist, at the Applicant's expense, to certify that the odor abatement plan meets the requirements of this condition and the Santa Ynez Valley Community Plan.

The Planning Commission also requested that staff return with a new condition of approval requiring the Applicant to return for review of the Project in two years. The purpose of the review would be to assess the effectiveness of specific project conditions. Land Use Permits are reviewed and approved by the Director pursuant to Land Use and Development Code (LUDC) Section 35.82.110.D. Therefore, staff recommends that the review be conducted by the Director and that the Director report back to the Planning Commission on the status of the project and the effectiveness of the identified conditions. The review would be focused on the cannabis cultivation and not the infrastructure or buildings that were permitted under the Land Use Permit. If it is determined that the specified conditions are not effective, the Director shall make modifications to the conditions of approval. To reflect this change, staff has prepared Condition No. 25 (Attachment Q to the Planning Commission Memorandum, dated November 5, 2019) as follows.

- 25.** *Director Review. The Director shall review the Proposed Project two years after issuance of the Land Use Permit Case No. 18LUP-00000-00496. The purpose of this review is to assess the effectiveness of the project conditions that address odor control and potential pesticide related conflicts with adjacent agricultural operations. The Director may make modifications to the conditions as deemed necessary. The Director shall report back to the Planning Commission on the efficacy of these conditions and any required modifications to the conditions of approval.*

TIMING: Two years after the issuance date of the Land Use Permit Case No. 18LUP-00000-00496, the Land Use Permit 18LUP-00000-00496 allowing for cannabis cultivation activities shall be reviewed. If odor problems or pesticide related conflicts with adjacent agricultural operations exist, new abatement plans shall be developed and reviewed and approved by the Director.

It is staff's understanding that the purpose of this review is to ensure that the conditions of approval that are designed to minimize impacts to the community and conflicts with adjacent agricultural operations. An alternative to the land use permit review process outlined above would be to rely on the existing codified regulations contained in Chapter 50, Licensing of Cannabis Operations. The code currently requires that an operator obtain a business license every year. The operation is reviewed to ensure that it complies with Chapter 50, Chapter 35, and the project conditions, among other standards. The renewal of a license can be denied pursuant to Section 50.20 – Denial of renewal licenses and Section 50-17 – Grounds for denial of a business license; excerpts are shown below.

Sec. 50-20. - Denial of renewal licenses.

(a) An application for renewal of a cannabis business license shall be denied if:

(1) The application is filed fewer than sixty calendar days before the cannabis business license expiration;

(2) The licensee fails to conform to and comply with the criteria set forth in this chapter, including possession of all required and valid state licenses;

(3) The licensee is delinquent in payment of county taxes on commercial cannabis activity;

(4) The cannabis business license is suspended or revoked at the time of the application or at any time before issuing the renewal license;

(5) The land use entitlement/permit for the commercial cannabis operation is suspended or revoked at the time of the application or at any time before issuing the renewal license; or

(6) Any of the grounds for denial listed in section 50-17 are present.

Sec. 50-17, Grounds for Denial of a License, includes the following criteria:

(d) The applicant's operations, energy conservation, equipment, inventory control, quality control, security waste management or cultivation plans, or other information in the application are determined to be insufficient to maintain the health, safety and general welfare of employees or the public or fail to comply state law or the County Code by staff from the agricultural commissioner, fire, planning and development, community services, public health or sheriff's departments;

Staff believes that these sections of chapter 50 are sufficiently broad to allow for the denial of a business license renewal if the CEO's office, with other departments, determines that the

standards imposed upon the operation are “insufficient to maintain the health, safety, and general welfare of employees or the public”.

Furthermore, Sec. 50-26 Suspension or revocation of a cannabis business license, allows the CEO's office to suspend or revoke a business license, based on substantial evidence, if the land use entitlement is suspended or revoked or if the operator is “engaging in conduct that constitutes a nuisance, where the licensee has failed to abate the nuisance

The business license renewal process was specifically designed to continuously monitor operations and to ensure that operators conform to the project's required conditions and ordinance standards and that impacts to the surrounding community and uses are avoided or minimized.

III. Recommended Actions

Given the addition of Condition No. 3, Condition No. 4, Condition No. 5, revision to Condition No. 15, and addition of Condition No. 25 of the Land Use Permit for the Proposed Project, your Commission's motion should include the following:

1. Deny the appeal, Case No. 19APL-00000-00012.
2. Make the required findings for approval of the Proposed Project specified in Attachment A of the staff report prepared for the Planning Commission hearing, dated October 10, 2019, including California Environmental Quality Act (CEQA) findings.
3. Determine that the previously certified Programmatic EIR (17EIR-00000-00003) is adequate and no subsequent environmental review is required pursuant to CEQA Guidelines Sections 15162 and 15168 (c)(2) (Attachment C and Attachment P to the staff report prepared for the Planning Commission hearing, dated October 10, 2019).
4. Grant *de novo* approval of the revised Proposed Project, Case No. 18LUP-00000-00496, subject to the conditions included as Attachment Q of this Planning Commission Memorandum dated November 5, 2019.

Refer the item back to staff if your Commission takes other than the recommended action for appropriate findings.

Attachments:

- Q. Revised Conditions of Approval

ATTACHMENT Q: REVISED CONDITIONS OF APPROVAL
CONDITIONS OF APPROVAL
BUSY BEES ORGANICS, INC. CANNABIS CULTIVATION
CASE NO. 18LUP-00000-00496
APN: 099-240-072

Project Description

- 1. Proj Des-01 Project Description.** This Land Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked A-Q, dated October 10, 2019, 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:

Busy Bee's Organics, the Applicant, requests a Land Use Permit to allow for 22 acres of outdoor cannabis cultivation under 10 ft. tall hoop structures, 11,200 sq. ft. of outdoor cultivation within five existing 10 ft. tall hoop structures, and 2,700 sq. ft. of mixed-light and nursery cultivation within an existing greenhouse. Cultivation will be irrigated by a timed-drip system. The Project will also include two new 3,000 sq. ft. buildings located in the northeast portion of the parcel to be used for processing and one new 1,080 sq. ft. three-sided shade structure to be used as a protective cover for a new well pump and fertigation system to be located at the site of the existing on-site agricultural well in the northeast portion of the parcel.

There is an existing 2,960 sq. ft. main residence (not cannabis related), an existing 1,008 sq. ft. manager's residence (not cannabis related), an existing 1,344 sq. ft. garage (not cannabis related), an existing 768 sq. ft. garage (not cannabis related), and an existing 3,000 sq. ft. agricultural storage building (not cannabis related). The applicant also requests permitting of an existing 2,700 sq. ft. greenhouse, a 240 sq. ft. agricultural storage building (not cannabis related), two 320 sq. ft. connex storage buildings, and 11,200 sq. ft. of five existing hoop structures. Fifteen new parking spaces will be installed, of which three will be designated for ridesharing. The operation employs eight full-time workers, three of which live onsite year-round. There will be a maximum of 20-24 employees during peak harvest time. Harvests will occur approximately twice per year and will last up to approximately two weeks, depending on weather conditions. Hours of operation will be from 7:00 AM to 4:30 PM, Monday through Saturday. Two existing on-site water wells, one of which is a domestic water well, will provide water for the cultivation and employees. An existing on-site septic system and portable toilets will provide wastewater treatment for the employees.

Any deviations from the project description, 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.

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 (e.g., Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Project Specific Conditions

3. **Reduction in Hoop Structures.** The total amount of hoop structures shall be reduced to XXX acres. Hoop structures shall cover the cannabis cultivation areas along the eastern and western edges of the cannabis cultivation. Additional hoop structures may be allowed within the interior cannabis cultivation areas so long as the total acreage of XXX hoop structures is not exceeded. The project plans shall be revised to be consistent with this condition prior to issuance of the Land Use Permit.
4. **Reduction in Cultivation Area.** The total area of cannabis cultivation shall be reduced to 18 acres. The project plans shall be revised to be consistent with this condition prior to issuance of the Land Use Permit.
5. **Cultivation Buffer.** A 100 ft. buffer, within which no cannabis cultivation may occur, shall be provided along the eastern and western property boundaries to minimize the potential conflicts with adjacent agricultural operations. The project plans shall be revised to be consistent with this condition prior to issuance of the Land Use Permit.
6. **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.
7. **Fencing and Security Plan.** The Applicant shall implement the Fencing and Security Plan stamped "Zoning Approved" (Attachment G to the Staff Report dated October 10, 2019).

PLAN REQUIREMENTS: The Fencing and Security Plan must comply with the requirements of the Land Use and Development Code (§ 35.42.075.C.2).

TIMING: The Applicant shall implement the Fencing and Security Plan prior to the issuance of final building and/or grading inspection and/or throughout operation of the Project, as applicable. 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.

- 8. Landscape and Screening Plan.** The Applicant shall implement the Landscape and Screening Plan stamped "Zoning Approved" (Attachment G to the Staff Report dated October 10, 2019).

PLAN REQUIREMENTS: The Landscape and Screening Plan must comply with the requirements of the Land Use and Development Code (§ 35.42.075.C.3). 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 permit. The Applicant shall install all components of the Landscaping and Screening Plan prior to issuance of final building and/or grading inspection and/or throughout operation of the project, as applicable. 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 approved Landscape Plan and Screening Plan has been installed and maintained for two years.

- 9. Lighting Plan.** The Applicant shall implement the Lighting Plan stamped "Zoning Approved" (Attachment G to the Staff Report dated October 10, 2019).

PLAN REQUIREMENTS: The Lighting Plan must comply with the requirements of the Land Use and Development Code (§ 35.42.075.C.4 and -D.1.g).

TIMING: The Applicant shall submit two copies of the approved Lighting Plan to P&D compliance staff, prior to issuance of this permit. All components of the Lighting Plan must be installed prior to final 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 Project site to confirm that all components of the Lighting Plan are installed, maintained, and operated pursuant to the requirements of this condition.

- 10. Noise Plan.** The Applicant shall implement the Noise Plan stamped "Zoning Approved" (Attachment G to the Staff Report dated October 10, 2019).

PLAN REQUIREMENTS: The Noise Plan must comply with the requirements of the Land Use and Development Code (§ 35.42.075.C.5).

TIMING: The Owner/Applicant shall implement the Noise Plan prior to issuance of final building inspection and/or through operation of the Proposed Project, as applicable. The Applicant shall maintain the Project site in compliance with the Noise Plan, throughout the life of the Proposed 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.

- 11. Site Transportation Demand Management Plan.** The Applicant shall implement the Site Transportation Demand Management Plan stamped "Zoning Approved" (Attachment G to the Staff Report dated October 10, 2019).

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).

TIMING: The Applicant shall implement the Site Transportation Demand Management Plan prior to the issuance of final building and/or grading inspection and/or throughout operation of the Project as applicable. 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 on-site) that all components of the approved Site Transportation Demand Management Plan are implemented.

- 12. 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, within the State prior to commencement of cultivation activities.

- 13. Cannabis Waste Management Requirements.** The Applicant shall demonstrate compliance with the California Department of Food and Agriculture's comprehensive

Cannabis Cultivation regulations which include principles and guidelines for cannabis waste management, including regulations on composting cannabis waste prior to commencement of cultivation activities.

- 14. Water efficiency for commercial cannabis activities.** Water-conserving features shall be included in the design of proposed cannabis cultivation. The Applicant shall irrigate the proposed cultivation using timed drip irrigation or other water-conserving irrigation method.

TIMING: The Applicant shall install the timed drip irrigation at the time of planting and cultivation.

MONITORING: P&D compliance staff shall inspect the irrigation to ensure that there are no leaks and that irrigation method is being maintained by the Applicant.

- 15. Odor Abatement Plan.** The Applicant shall implement the Odor Abatement Plan stamped "Zoning Approved" (Attachment K to the Staff Report dated October 10, 2019). The Applicant shall follow the methods for reducing odors outlined in the Odor Abatement Plan, as follows:

1. The Applicant shall not dry cannabis onsite.
2. The Applicant shall harvest fresh plants and immediately flash freeze them in temporary freezers on wheels or to box and ship them as fresh cut flowers upon harvest.
3. All plant material shall either be vacuum-sealed and flash frozen or shipped offsite within two hours of harvest.
4. The Applicant shall not stagger harvest periods throughout the property.
5. The Applicant shall grow genetics that feature citrus, pine and floral flavor profiles, reducing the potential for the 'skunk' odor anecdotally associated with cannabis cultivation.
6. The only indoor cultivation onsite shall occur within the one existing greenhouse and is for plants in vegetative state only. These plants shall not be scheduled to mature to the flower stage and therefore shall not emit any odor.

If a continuous public nuisance is verified as emanating from this property, Busy Bee's Organics will take the following tiered approach to curtail the nuisance:

1. Install wind screens that direct ground-level air upward thereby increasing dispersion through turbulence and elevating the most odorous air to heights above that of an individual's nose.
2. Install and/or operate fans normally used to protect orchards from frost to increase dispersion and direct ground-level air to heights above that of an individual's nose.
3. In the event that Tiers 1 and 2 above are insufficient to abate a continuous public nuisance, then the Applicant shall install and/or operate the best available vapor-phase odor control system along the length of property

boundary or another more beneficial location between the cultivation activities and the individual receptor(s) that have lodged the complaint. All installation shall comply with County requirements.

PLAN REQUIREMENTS: The Odor Abatement Plan must comply with the requirements of the Santa Ynez Valley Community Plan Development Standard [DevStd LUG-SYV-8.11].

TIMING: The Applicant shall implement the Odor Abatement Plan prior to issuance of final building and/or grading inspection and/or throughout operation of the Project as applicable. The Applicant shall maintain the Project site in compliance with the Odor Abatement Plan, throughout the life of the Project.

MONITORING: P&D compliance staff inspects the Project site to confirm that all components of the Odor Abatement Plan are installed, operated, and maintained pursuant to the requirements of this condition. Upon implementation of the odor abatement plan and twice per year thereafter for one year, Permit Compliance staff will conduct an inspection of the odor abatement plan to assess its compliance with the Santa Ynez Valley Community Plan. As part of each inspection, the County will retain a certified industrial hygienist, at the Applicant's expense, to certify that the odor abatement plan meets the requirements of this condition and the Santa Ynez Valley Community Plan.

- 16. Underground Utilities.** Except as otherwise noted in the Project Description, all utilities shall be placed underground.

PLAN REQUIREMENTS: The Permittee shall restate the provisions for utility undergrounding on all building and grading plans.

TIMING: This condition shall be satisfied prior to issuance of the first Building Permit.

MONITORING: P&D staff shall check plans prior to issuance of Building Permit.

- 17. 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 Applicant and/or 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 Applicant and/or successor(s)-in-interest shall provide the written notification within 30-days following the transfer in interest.

MONITORING: Review of the written notification to confirm that it includes all of the requisite information, pursuant to the requirements of this condition by P&D compliance staff.

- 18. 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, as applicable.

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

- 19. Agreement to Comply.** By signing this Land Use Permit, the Permittee hereby acknowledges and agrees to comply with all conditions of approval set forth within this approval.
- 20. Revocation.** This entitlement to allow commercial cannabis activities may be revoked in compliance with Chapter 35.84.060 (Revocation of Entitlement to Land Use).
- 21. BAR Required.** The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for project design. All project elements (e.g., design, scale, character, colors, materials and landscaping) shall be compatible with vicinity development and shall conform in all respects to BAR approval 19BAR-00000-00071.

TIMING: The Owner/Applicant shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to issuance of Land Use Permit. Grading plans, if required, shall be submitted to P&D concurrent with or prior to BAR plan filing.

MONITORING: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that the Project has been built consistent with approved BAR design and landscape plans prior to Final Building Inspection Clearance.

- 22. 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.

- 23. 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, water body or sensitive biological resources.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all plans for zoning clearance, grading and building permits.

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.

- 24. Equipment Washout-Construction.** The Owner/Applicant shall designate a washout area 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 bi-monthly. The area shall be located at least 100 feet from any storm drain, water body, or sensitive biological resources.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all Zoning Clearance and Grading permits.

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.

- 25. Director Review.** The Director shall review the Proposed Project two years after issuance of the Land Use Permit Case No. 18LUP-00000-00496. The purpose of this

review is to assess the effectiveness of the project conditions that address odor control and potential pesticide related conflicts with adjacent agricultural operations. The Director may make modifications to the conditions as deemed necessary. The Director shall report back to the Planning Commission on the efficacy of these conditions and any required modifications to the conditions of approval.

TIMING: Two years after the issuance date of the Land Use Permit Case No. 18LUP-00000-00496, the Land Use Permit 18LUP-00000-00496 allowing for cannabis cultivation activities shall be reviewed. If odor problems or pesticide related conflicts with adjacent agricultural operations exist, new abatement plans shall be developed and reviewed and approved by the Director.

County Rules and Regulations

- 26. Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until all necessary zoning and building permits are obtained. Before P&D issues a permit for the Project, 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.
- 27. Revisions Related to Plans.** The Owner/Applicant shall request a revision for any proposed changes to approved Land Use Permit and related plans. Substantial conformity shall be determined by the Director of P&D.
- 28. Processing Fees Required.** Prior to issuance of Land Use Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
- 29. Fees – Transportation.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for transportation. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. The total DIMF amount for Transportation will be determined by County Public Works Department-Transportation Division staff.

TIMING: Transportation DIMFs shall be paid to the County Public Works Department-Transportation Division prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).

- 30. Fees – Fire.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation

fees to finance the development of facilities for transportation. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. The total DIMF amount for Fire is currently estimated to be \$0.77/sq. ft. for processing and \$0.35/sq. ft. for non-residential agricultural development (September 30, 2019). This is based on a project type of non-retail commercial.

TIMING: Fire DIMFs shall be paid to the County Fire Department prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).

- 31. Other Dept Conditions.** Compliance with Departmental/Division letters required as follows:
 - a. Flood Control Water Agency dated June 24, 2019;
- 32. Plan 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.
- 33. Mitigation Monitoring Required.** The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:
 - a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
 - b. Sign a separate Agreement to Pay for compliance monitoring costs and remit a security deposit prior to issuance 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 (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) 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. Monthly invoices shall be paid by the due date noted on the invoice;
 - c. Note the following on each page of grading and building plans "This project is subject to Condition & Mitigation Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval;
 - d. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by

P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.

- 34. 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 the Project. In the event that the County fails promptly to notify the Owner /Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
- 35. Time Extensions-All Projects.** The Owner/Applicant may request a time extension prior to the expiration of this Land Use 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 the California Environmental Quality Act (CEQA). If the Owner/Applicant requests a time extension for this Land Use Permit, this Land Use 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