

ATTACHMENT 2: CONDITIONS OF APPROVAL

**CONDITIONS OF APPROVAL
CASTLEROCK FAMILY FARMS II, LLC CANNABIS CULTIVATION
LAND USE PERMIT
CASE NO. 19LUP-00000-00050
APNs: 099-230-034 and -011**

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:

Castlerock Family Farms II, LLC, the Applicant, requests a Land Use Permit, Case No. 19LUP-00000-00050, to allow approximately 22.95 acres of outdoor cannabis cultivation. All cultivation would occur under hoop structures with a maximum height of 16 feet and would be located in three separate areas. Cultivation Area A would be 16.53 acres, Cultivation Area B 4.63 acres, and Cultivation Area C 1.79 acres (Sheets 2 and 3 of Plan Set). No processing would occur on-site. The three cultivation areas, the operations area, and an administrative hold area would each be fully encircled separately with six to eight-foot tall no-climb deer fencing. Outdoor lighting would be fully-shielded, night sky compliant, activated by motion sensor and set to shut off after six minutes or less. No new structures are proposed as part of this Project. The Project would be screened from view from Highway 246 by 70 Bishop Pine and 57 Coast Live Oak trees that will be planted along an existing berm. Revegetation of a 3.28 acre area along the Santa Ynez River riparian corridor would include 9 Bishop Pines, 110 Coast Live Oaks and 30 California Box Elder trees, as well as 6 species of shrubs, groundcovers and perennials.

At present, there are 27 structures on the site. The cannabis operation would include the use of five of the existing structures. Six structures will be demolished. Of the remaining 21, five will be part of the cannabis operation and sixteen are a part of the existing residential and agricultural uses as outlined below. Nine existing but previously unpermitted structures will be legalized through this LUP approval and subsequent building permit approvals (one of these will be part of the cannabis operation and eight will not be part of the cannabis operation). Structure numbers listed below correspond with structure numbers listed on the Site Plan.

Five Existing Structures for Cannabis

- Structure #30: Pesticide/Chemical/Tool Storage Building (320 sq. ft.)
- Structure #36: Farm Office (160 sq. ft.) – restroom to be added
- Structure #37: 5,000-gallon Water Tank (80 sq. ft.) (as built - previously unpermitted)
- Structures #38 and #39 20,000-gallon water tanks (155 sq. ft. each)

Six Structures for Demolition

- Structure #9: Singlewide Residential Trailer (640 sq.ft.)
- Structure #10: Shed (112 sq. ft.)
- Structure #11: Carport (256 sq. ft.)
- Structure #13: Bunker/Bomb Shelter
- Structure #20: Doublewide Residential Trailer (1,320 sq. ft.)
- Structure #23: Processing Barn (6,260 sq. ft.)

Eight Non-Cannabis Structures – To Be Legalized

After demolition, 16 existing non-cannabis structures would remain. Eight of the existing non-cannabis related structures are ‘as-built’ (did not obtain the necessary permits) and would be legalized through this land use permit and subsequent building permit approvals.

- Structure #1: Primary Residence – Addition (1,216 sq. ft.)
- Structure #8: Garage conversion later (725 sq. ft.)
- Structure #14: Horse Corrals – Covered (3,000 sq. ft.)
- Structure #18: Fuel Dispenser w/ 2 Above-Ground Storage Tanks (64 sq. ft.)
- Structure #19: 3-Sided Pole Barn (736 sq. ft.)
- Structure #21: Shed #2 (180 sq. ft.)
- Structure #22: Tool Shed (280 sq. ft.)
- Structure #24: Horse Corrals – Covered (5,692 sq. ft.)

Operational hours are generally proposed for between 6:30 a.m. and 4:00 p.m., Monday through Friday. During ~~four~~ three annual, ~~one-month-long~~ harvesting/planting periods, which will last approximately 2 weeks (per harvest) no longer than 1 month (per harvest), operating hours may be extended to include weekends and are proposed for between 6:00 a.m. to 8:00 p.m. ~~The four annual harvesting/planting periods would run mid-February to mid-March, mid-May to mid-June, mid-August to mid-September and mid-November to mid-December.~~

The Project includes five full-time permanent employees, with up to 15 additional employees during the harvesting/planting periods. The site is served by four existing private water wells and existing private septic systems. Electrical service is provided by PG&E. Access to the site is provided via a private driveway off of State Highway 246. Twenty-nine parking spaces would be provided onsite.

The Project includes the construction of a permanent staff restroom within the existing 160-sq. ft. office building, and portable restroom facilities with hand washing stations will be placed in cultivation areas on the property to serve employees during harvesting/planting periods. The property is a 277.43-acre parcel zoned Ag-II-100 and shown as Assessor's Parcel Numbers 099-230-011 and 099-230-034, located at 2200 W. Highway 246 in the Buellton area of the 3rd 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.

Project Specific Conditions

2. **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.
3. **Transfer of Ownership.** In the event that the Permittee sells or transfers its interest in the cannabis operations facility, the Permittee and/or succeeding carrier shall resume all responsibilities concerning the Project and shall be held responsible to the County to maintain consistency with all conditions of approval. The succeeding operator shall immediately notify the County and provide accurate contact and billing information to the County for remaining compliance work for the life of the facility.

DOCUMENTATION: The Permittee shall notify the County of changes in ownership to any or all of the cannabis operations facility.

TIMING: Notification of changes in property ownership shall be given by the Permittee to Planning and Development within 30 days of such change.

4. **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.

5. **Fencing and Security Plan.** The applicant shall implement the Fencing and Security Plan stamped ‘Zoning Approved’ and dated June 9, 2020.

PLAN REQUIREMENTS: The Fencing and Security Plan must comply with the requirements of the Land Use and Development Code § 35.32.075.C.2.

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. 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.

- 6. Landscape and Screening Plan.** The applicant shall implement the Landscape and Screening Plan stamped ‘Zoning Approved’ and dated June 9, 2020.

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 Landscape and Screening Plan to P&D and deposit the performance security prior to issuance of this permit. The applicant shall install all components of the Landscape and Screening Plan prior to final building inspection or commencement of the cannabis activities that are the subject of this permit, 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 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 the 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.

- 7. Lighting Plan.** The applicant shall implement the Lighting Plan stamped ‘Zoning Approved’ and dated June 9, 2020.

PLAN REQUIREMENTS: The Lighting Plan must comply with the requirements of the Land Use and Development Code § 35.42.075.C.4.

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.

- 8. Noise Plan.** The applicant shall implement the Noise Plan stamped “Zoning Approved” and dated June 9, 2020, to ensure that all noise associated with the cannabis operation shall comply with the following:

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

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.

- 9. Site Transportation Demand Management (STDM) Plan.** The applicant shall implement the Site Transportation Demand Management Plan stamped ‘Zoning Approved’ and dated June 9, 2020.

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. 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. 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.

- 11. Water Efficiency.** Water-conserving features shall be included in the design of cannabis cultivation. Water-conserving features include the following:
- a. Evaporative barriers on exposed soils and pots;
 - b. Rainwater capture and reuse; and

- c. Timed drip irrigation.

DOCUMENTATION: The applicant shall document water-conserving features on the Site Plan stamped ‘Zoning Approved’ and dated June 26, 2020.

- 12. Biological Resources:** The applicant shall implement the “Revegetation, Habitat and Tree Protection and Wildlife Movement Plan” prepared by Watershed Environmental (dated May 7, 2020).

PLAN REQUIREMENTS: The Revegetation, Habitat and Tree Protection and Wildlife Movement Plan must comply with the requirements of the Land Use and Development Code § 35.42.075.C.1 and Appendix J.

TIMING: All components of the Revegetation, Habitat and Tree Protection and Wildlife Movement Plan shall be implemented prior to any cultivation activities. The applicant shall maintain the project site and conduct all commercial cannabis activities subject to this permit in compliance with said Plan throughout the life of the project.

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

- 13. CulRes-09 Stop Work at Encounter.** The applicant shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The applicant shall immediately contact P&D staff and retain a P&D approved archaeologist and Native American representative to evaluate the find in compliance with the provisions of the County Archaeological Guidelines and conduct appropriate mitigation funded by the applicant.

PLAN REQUIREMENTS: This condition shall be printed on all Building and/or 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 project work.

- 14. Construction Clean-up.** The applicant shall clear the project site of all excess construction debris.

TIMING: Debris clearance shall occur prior to Final Building Inspection.

MONITORING: P&D compliance staff shall site inspect prior to Final Building Inspection.

- 15. Site Maintenance.** The applicant shall maintain the project site in a state of good condition at all times. This includes, but is not limited to: painting; landscape screening; materials and equipment repair; and keeping the site clear of debris, trash and graffiti.
- 16. Inspection.** All permitted commercial cannabis activities are subject to review and inspection from law enforcement or any agents of the State or County charged with enforcement of this Article and shall be at the cost of the permittee.
- 17. 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.
- 18. 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 and irrigation, including that called out in the Revegetation Plan (Attachment O). The landscape installation security shall be waived if installation is completed in conformance with applicable requirements prior to Building Final/Occupancy Approval. 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 all approved landscape & irrigation including the restoration of the area near the river outlined in the Revegetation Plan, per those condition requirements. Maintenance securities shall be released after the specified maintenance time period and when all approved landscape & irrigation including the Revegetation Plan 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 including the Revegetation Plan, P&D may use the security to complete the work.
- 19. Land Use Entitlement Compliance.** The cannabis activities authorized by this land use entitlement shall be subject to County inspection to determine compliance with the conditions of approval, Land Use Development Code Section 35.42.075, the County Code and State law.
- 20. Revocation.** This entitlement to allow commercial cannabis activities may be revoked in compliance with Chapter 35.56.140 (Revocation of Entitlement to Land Use).
- 21. 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.

22. **Bio-9a Threatened and Endangered Species Approvals.** The permittee shall provide evidence that all necessary approvals have been obtained from the California Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, and/or National Marine Fisheries Service, including an Incidental Take Permit and/or Habitat Conservation Plan for the California Tiger Salamander, if required, prior to Land Use Permit issuance.

TIMING Permittee shall provide to P&D copies of approvals obtained from CDFW, USFWS and/or NMFS prior to issuance of the Land Use Permit.

MONITORING: Permittee shall provide to P&D copies of approvals from CDFW, USFWS and/or NMFS. P&D staff shall confirm receipt of any necessary approvals prior to issuance of the Land Use Permit.

- 23. 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 issuance of the Land Use Permit, the applicant shall submit the required materials and information for EHS’ review and 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.

- 24. 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 issuance of the Land Use Permit, the applicant shall submit the required materials and information for EHS’ review and 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.

County Rules and Regulations

- 25. Rules-02 Effective Date.** This Land Use Permit shall become effective upon the expiration of the appeal period provided an appeal has not been filed. If an appeal has been filed, the permit shall not be deemed effective until final action by the review authority on the appeal.

- 26. Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until all the necessary planning and building permits are obtained. Before any Permit will be issued by Planning

and Development, the applicant must obtain written clearance from all departments having conditions. Such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.

27. **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.
28. **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.
29. **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.
30. **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 the Planning and Development Department or the Building and Safety Division. These shall be graphically illustrated where feasible.
31. **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. In the event that the County fails promptly to notify the 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.
32. **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.