

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

### **CANNA RIOS, LLC CANNABIS CULTIVATION LAND USE PERMIT**

**CASE NO. 19LUP-00000-00116**

**APNS: 129-040-010, 129-040-018, AND 129-030-022**

#### **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 includes a request for approval of a Land Use Permit to allow 46.29 acres of outdoor cannabis cultivation and 1.45 acres of cannabis nursery. The outdoor cannabis cultivation area will include 35.95 acres of hoop structures (18 feet in width/300 feet in length) and the cannabis nursery area will include 0.95 acres of hoop structures (20 feet in width/147-248 feet in length). Hoop structures will have a maximum height of 16 feet and will not include any permanent structural elements, utilities, or lighting. The operation will involve two harvests per year for a duration of approximately three weeks per harvest, not to exceed four weeks per harvest. All harvested cannabis will be transferred off site for processing the same day it is harvested. There will be no processing (i.e., drying, curing, trimming, storing, packaging, or labeling) of harvested cannabis on the Project site. The total cannabis cultivation area (as defined by the LUDC) will be approximately 47.74 acres in size.

The secure cannabis operational area will also include a 0.67 acre compost and waste area, 0.64 total acres of compacted soil parking and general agricultural equipment storage area, and a 0.50 acre transport staging (packing and shipping) area. The transport staging area will be used for weighing and recording, boxing, and vehicle loading for movement of cannabis offsite. The Project also includes five 280-sq. ft. storage containers and a 224 sq. ft. temporary office trailer. The five storage containers will be used for general material/equipment storage and pesticide/chemical storage, and will not hold any cannabis plant or product. The temporary office trailer will be permitted for a maximum of one year following land use permit issuance, after which time the trailer will be removed from the site, not to return. The project will not include any grading in excess of 50 cubic yards. The project will not include any tree removal or native vegetation removal.

The proposed cannabis operation will be secured with 6-foot-high “no-climb” chain link fencing along the perimeter of the proposed cannabis operational area. Access to the

proposed cannabis operation will be controlled with 6-foot high, 20-foot-wide “no-climb” chain link gates that will remain locked at all times except during times of active ingress/egress. Additional security features include security cameras and security lighting that will be installed around the perimeter and throughout the cannabis operational area. All light fixtures will be fully shielded and directed downward, and installed at a maximum height of 10 ft. All light fixtures will be motion activated, and when triggered, will remain on for a maximum of six minutes. Screening will be provided by approximately 127,899 sq. ft. of landscaping planted along portions of the western, eastern and southern project boundaries.

The proposed cannabis operation will involve a maximum of 24 regular full-time employees and a maximum of 43 additional seasonal employees who will be employed on site for a maximum of 60 days per year during planting and harvest periods. The hours of operation will be 6:30 a.m. to 4:30 p.m. Monday through Friday.

- 2. Proj Des-01 Project Description Continued.** An existing onsite groundwater well will provide irrigation water for the Project. All sanitation facilities will be provided in compliance with OSHA. Fire protection will be provided by the Santa Barbara County Fire Department, law enforcement will be provided by the Santa Barbara County Sheriff's Department, and electricity will be provided by Pacific Gas & Electric Co. The project will not include the use of generators.

The Project site is accessed via White Rock Lane, an existing 25-foot wide private road off of Santa Maria Mesa Road. The Project site is on a 431.4-acre lot, zoned Agriculture II (AG-II-100) and shown as Assessor's Parcel Numbers 129-040-010, -018, and 129-030-022, located at 4651 Santa Maria Mesa Road in the unincorporated area of Santa Maria, 5th Supervisorial District.

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.

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

project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Wildlife Movement Plans) must be submitted for review and approval and shall be implemented as approved by the County.

### **Conditions By Issue Area**

4. **CulRes-09 Stop Work at Encounter.** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall 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 the land use permit and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

5. **Bio-20 Equipment Storage-Construction.** The Owner/Applicant shall designate a construction equipment filling and storage area to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from any storm drain, waterbody, or riparian habitat and in a location where a potential spill would not drain directly toward aquatic habitat.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all 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.

**Project Specific Conditions**

**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. Transfer of Ownership.** In the event that the applicant transfers interest in the commercial cannabis operation, the successor(s) in interest shall assume all responsibilities concerning the Project including, but not limited to, maintaining compliance with the conditions of this permit and paying for P&D condition compliance activities throughout the life of the Project.

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

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

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

**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. Permit Compliance.** The Owner/Applicant/Operator shall ensure that the project complies with the County cannabis regulations, all approved plans and Project conditions,

including those which must be monitored after the Project is built and/or operations commence. To accomplish this the Owner/Applicant/Operator shall:

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

- 10. Fencing and Security Plan.** The applicant shall implement the Fencing and Security Plan included as Attachment 7 to the Board Agenda Letter dated December 2, 2021.

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

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

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

- 11. Landscape and Screening Plan.** The applicant shall implement the Landscape and Screening Plan included as Attachment 7 to the Board Agenda Letter dated December 2, 2021.

**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 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 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 Department that the landscaping, in accordance with the approved Landscape and Screening Plan, has been installed and maintained for two years.

- 12. Lighting Plan.** The applicant shall implement the Lighting Plan included as Attachment 7 to the Board Agenda Letter dated December 2, 2021.

**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 commencement of the cannabis activities that are the subject of this permit. 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.

**13. [Removed]**

- 14. Noise Plan.** The applicant shall implement the Noise Plan included as Attachment 7 to the Board Agenda Letter dated December 2, 2021.

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

**TIMING:** The applicant shall implement the Noise Plan prior to commencement of the cannabis activities that are the subject of this permit. 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.

- 15. Site Transportation Demand Management Plan.** The applicant shall implement the Site Transportation Demand Management Plan included as Attachment 7 to the Board Agenda Letter dated December 27, 2021.

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

**TIMING:** The applicant shall implement the Site Transportation Demand Management Plan prior to commencement of the cannabis activities that are the subject of this permit. 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.

- 16. Compliance with State Water Board Requirements.** The applicant shall demonstrate,

to the satisfaction of the State Water Resources Control Board, compliance with the State Water Resources Control Board’s comprehensive Cannabis Cultivation Policy. The Policy includes limitations on the diversion of surface water and certain groundwater diversions, and regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants and fertilizers.

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

- 17. Water efficiency for commercial cannabis activities.** Water-conserving features shall be included in the design of cannabis cultivation. Water-conserving features include timed drip irrigation and soil moisture monitors.

PLAN REQUIREMENTS: Water conserving features must comply with the requirements of the Land Use Development Code (§ 35.42.075.D.1.j) or Coastal Zoning Ordinance (§ 35.144U.C.k)

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

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

- 18. Wildlife Movement Plan.** The Owner/Applicant shall implement the avoidance and minimization measures and all associated components included in the Wildlife Movement Plan (WMP) prepared by Terra Verde, dated April 2021, and stamped “Zoning Approved”. The WMP measures include:

- a. Environmental Awareness Training
- b. Riparian Corridor and General Protection Measures
- c. Pre-construction Survey for American Badger
- d. Pre-construction Survey for Nesting Birds
- e. Pre-Construction Surveys and Monitoring for CRLF, Arroyo Toad, Coast Horned Lizard, and Western Spadefoot Toad
- f. Protection for CRLF, Arroyo Toad, Coast Horned Lizard, and Western Spadefoot Toad
- g. Wildlife Fencing



**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 grading, construction, installation of lighting, fencing, or landscaping, and/or cultivation activities that are the subject of this permit. The requirements of this condition shall also be implemented throughout the life of the 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 outlined above, listed in the plan set and as detailed in the WMP prepared by Terra Verde, dated April 2021, throughout the life of the project to permit compliance staff.

19. **Trailer-01.** Within 12 months from date of permit issuance the temporary office trailer shall be removed from the site.
20. **[Removed]**

### **County Rules and Regulations**

21. **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 Section 35.82.020.
22. **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.

23. **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.
24. **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.
25. **Rules-20 Revisions to Related Plans.** The Owner/Applicant shall request a revision for any proposed changes to the approved permit and/or approved plans. Substantial conformity shall be determined by the Director of P&D.
26. **Rules-22 Leased Facilities.** The Operator and Owner are responsible for complying with all conditions of approval contained in this Land Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the Owner and the Operator.
27. **Rules-23 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.
28. **Rules-29 Other Dept. Conditions.** Compliance with Departmental/Division letters required as follows:
  - a. Fire Department Memo dated January 12, 2021;
  - b. Flood Control / Water Agency / Project Clean Water letter dated November 6, 2020.
29. **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.
30. **Rules-37 Time Extensions-All Projects.** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the Project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant

requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified Project impacts.