



LAND USE PERMIT NO.: 18LUP-00000-00351

Project Name: SANTA RITA VALLEY AG., INC. - CANNABIS CULTIVATION (OUTDOOR)
Project Address: 7680 W Highway 246, BUELLTON, CA
A.P.N.: 099-230-012
Zone: AG-II-100

The Planning and Development Department hereby approves this Land Use Permit for the project described below based upon compliance with the required findings for approval and subject to the attached terms and conditions.

APPROVAL DATE: 3/10/2020
LOCAL APPEAL PERIOD BEGINS: 3/11/2020
LOCAL APPEAL PERIOD ENDS: 3/20/2020
DATE OF PERMIT ISSUANCE (if no appeal filed): 3/23/2020

APPEALS:

1. The approval of this Land Use Permit may be appealed to the Board of Supervisors by the applicant, owner, or any aggrieved person. An aggrieved person is defined as any person who, either in person or through a representative, appeared at a public hearing in connection with this decision or action being appealed, or who by other appropriate means prior to a hearing or decision, informed the decision-maker of the nature of their concerns, or who, for good cause, was unable to do either. The appeal must be filed in writing and submitted in person to the Planning and Development Department at either 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, prior to 5:00 p.m. on or before the date that the local appeal period ends as identified above (CLUDC Chapter 35.102 Appeals).
2. Payment of a fee is required to file an appeal of the approval of this Land Use Permit.

PROJECT DESCRIPTION SUMMARY: Santa Rita Valley Ag., Inc., the Applicant, requests a Land Use Permit (LUP) to allow 32 acres of outdoor cannabis cultivation. Processing of cannabis will take place at another licensed facility. The application involves permitting a new fuel storage tank for a tractor and a new eight-foot chain link security fence encompassing the cultivation area. The Applicant is proposing to remove an existing barbed wire fence and to install a four-foot, redwood colored post rail fence to extend the length of the north side of the property along Highway 246 and on both sides of the driveway. Proposed landscaping will consist of adding a minimum of six coast live oaks (*Quercus agrifolia*), 19 olive trees (*Olea europaea*), and lavender along Highway 246, and eight olive trees (*Olea europaea*) and lavender along the western property line. In addition, grapevines (*Vitis*) are proposed to be planted in front of the proposed chain link security fence along Highway 246 and along the western property line to mask the security fence. There will be four motion-sensor, hooded light fixtures mounted 12 feet high near the entry gate for security purposes. There is an existing 483 square-foot agricultural tool shed, a 1,180 square-foot single-family dwelling, and a 2,200 square-foot barn (for storage) onsite that will be affiliated with the cannabis operation. The single-family dwelling and barn pre-date County permit requirements (constructed before 1958). The agricultural tool shed will be permitted through the requested LUP. No grading or tree removal is proposed. There will be 4-5 regular employees and 40-50 employees during harvest periods (two harvest periods per year, each lasting roughly three weeks). In addition to the agricultural workers, there will be 2-3 security personnel to monitor the property. The hours of operations will be from 6:00 a.m. to 6:00 p.m. from Monday through Saturday for agricultural workers. The security personnel will work 24 hours a day, 7 days a week, for approximately two months prior to harvest and during harvest. The parcel is served by a private well and private septic system. The regular employees would use a bathroom in the existing single-family dwelling and the Applicant would provide portable toilets for seasonal employees (during harvest periods). The Santa Barbara County Fire Department will continue to serve the site. Access will continue to be provided off of Highway 246. The property is a 42.5-acre parcel zoned AG-II-100 and shown as Assessor's Parcel Number 099-230-012, located at 7680 West Highway 246, Buellton, Third Supervisorial District. To receive additional information regarding this project and/or to view the application and/or plans, please contact Nereyda Harmon at 123 East Anapamu Street, Santa Barbara, by email (nmontano@co.santa-barbara.ca.us) or by phone ((805) 568-2513).

PROJECT SPECIFIC CONDITIONS: See Attachment "A"

ASSOCIATED CASE NUMBERS: 19APL-00000-00008; 19APL-00000-00032

PERMIT ISSUANCE: This Land Use Permit will be issued following the close of the appeal period provided an appeal is not filed, or if appealed, the date of final action on the appeal which has the effect of upholding the approval of the permit. Issuance of this permit is subject to compliance with the following terms and conditions:

- 1. Notice.** Notice of this project shall be posted on the project site by the applicant utilizing the language and form of the notice provided by the Planning and Development Department. The notice shall remain posted continuously until at least 10 calendar days following action on the permit, including an action on any appeal of this permit (CLUDC Chapter 35.106 Noticing and Public Hearings). The *Proof of Posting of Notice on Project Site* shall be signed and returned to the Planning and Development Department prior to the issuance of the permit.
- 2. Compliance with conditions.** All conditions that are required to be satisfied prior to issuance of the permit have been satisfied and the permit has been signed by the applicant or owner.
- 3. Design Review.** If required, the project has been granted final approval by the appropriate Board of Architectural Review (BAR), and an appeal of that final approval has not been filed.
- 4. Appeals.** An appeal of the approval of this permit, or an appeal of the final approval by the BAR, has not been filed with the County. If an appeal has been filed then the permit shall not be issued until final action on the appeal(s) has occurred which has the effect of upholding the approval of this permit, and, if applicable, the final approval by the BAR.
- 5. Other approvals.** Any other necessary approvals required prior to issuance of this Land Use Permit have been granted.

PERMIT EXPIRATION AND EXTENSION: This permit shall remain valid only as long as compliance with all applicable requirements of the CLUDC and the permit continues, including the conditions of approval specific to this permit. Additionally:

1. The approval of this permit shall expire either 12 months from the effective date of the permit or other period allowed in compliance with an approved Time Extension, and shall be considered void and of no further effect unless the permit is either issued within the applicable period in compliance with the terms indicated above or a valid application for a Time Extension is submitted prior to the expiration of this 12 month period and is subsequently approved (CLUDC: Section 35.82.110).
2. This permit shall expire two years from the date of issuance and be considered void and of no further effect unless the use and/or structure for which the permit was issued has been lawfully established or commenced in compliance with the issued permit or an application for a Time Extension is submitted prior to the expiration of this two year period and is subsequently approved (CLUDC: Section 35.82.110).
3. The effective date of this permit shall be (a) the day following the close of any applicable appeal period provided an appeal is not filed, or (b) if appealed, the date of final action on the appeal which has the effect of upholding the approval, or (c) some other date as indicated in this permit (CLUDC: Section 35.82.020).

WORK PROHIBITED PRIOR TO PERMIT ISSUANCE: No work, development, or use intended to be authorized pursuant to this permit approval shall commence prior to issuance of this permit and/or any other required permit (e.g., building permit).

OWNER/APPLICANT ACKNOWLEDGMENT: Undersigned permittee acknowledges receipt of this approval and agrees to abide by all conditions and terms thereof. Undersigned permittee also acknowledges that issuance of this permit for this project does not allow construction or use outside of the project description, nor shall it be construed to be an approval of a violation of any provision of any County policy, ordinance or other governmental regulation.

Print name **Signature** **Date**

Land Use Approval By:

_____/_____
Director, Planning and Development **Date**

PERMIT ISSUANCE: The permit shall be issued and deemed effective on the date signed and indicated below.

Planning and Development Department Issuance By:

_____/_____
Planner **Date**

ATTACHMENT A: CONDITIONS OF APPROVAL

Project Description

- 1. Project Description:** Santa Rita Valley Ag., Inc., the Applicant, requests a Land Use Permit (LUP) to allow 32 acres of outdoor cannabis cultivation. Processing of cannabis will take place at another licensed facility. The application involves permitting a new fuel storage tank for a tractor and a new eight-foot chain link security fence encompassing the cultivation area. The Applicant is proposing to remove an existing barbed wire fence and to install a four-foot, redwood colored post rail fence to extend the length of the north side of the property along Highway 246 and on both sides of the driveway. Proposed landscaping will consist of adding a minimum of six coast live oaks (*Quercus agrifolia*), 19 olive trees (*Olea europaea*), and lavender along Highway 246, and eight olive trees (*Olea europaea*) and lavender along the western property line. In addition, grapevines (*Vitis*) are proposed to be planted in front of the proposed chain link security fence along Highway 246 and along the western property line to mask the security fence. There will be four motion-sensor, hooded light fixtures mounted 12 feet high near the entry gate for security purposes. There is an existing 483 square-foot agricultural tool shed, a 1,180 square-foot single-family dwelling, and a 2,200 square-foot barn (for storage) onsite that will be affiliated with the cannabis operation. The single-family dwelling and barn pre-date County permit requirements (constructed before 1958). The agricultural tool shed will be permitted through the requested LUP. No grading or tree removal is proposed. There will be 4-5 regular employees and 40-50 employees during harvest periods (two harvest periods per year, each lasting roughly three weeks). In addition to the agricultural workers, there will be 2-3 security personnel to monitor the property. The hours of operations will be from 6:00 a.m. to 6:00 p.m. from Monday through Saturday for agricultural workers. The security personnel will work 24 hours a day, 7 days a week, for approximately two months prior to harvest and during harvest. The parcel is served by a private well and private septic system. The regular employees would use a bathroom in the existing single-family dwelling and the Applicant would provide portable toilets for seasonal employees (during harvest periods). The Santa Barbara County Fire Department will continue to serve the site. Access will continue to be provided off of Highway 246. The property is a 42.5-acre parcel zoned AG-II-100 and shown as Assessor's Parcel Number 099-230-012, located at 7680 West Highway 246, Buellton, Third Supervisorial District.
- 2. Proj Des-02 Project Conformity:** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Conditions By Issue Area

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

Owner/Applicant.

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

MONITORING: P&D permit processing planner shall check plans prior to ISSUANCE of LAND USE PERMIT and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

4. **CALTRANS ROAD ENCROACHMENT:** The Applicant shall obtain a Road Encroachment Permit from Caltrans.

TIMING: Prior to removal and/or installation of fencing, gates, gate posts, and/or landscaping along Highway 246, the Applicant shall obtain a Road Encroachment Permit.

MONITORING: Permit Compliance staff shall receive a copy of the Road Encroachment Permit prior to the Applicant removing and/or installing fencing, gates, gate posts, and/or landscaping along Highway 246.

Project Specific Conditions

5. **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.

6. **Fencing and Security Plan:** The applicant shall implement the Fencing and Security Plan stamped "Zoning Approved," dated March 10, 2020.

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 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.

7. **Landscape Plan and Screening Plan:** The Applicant shall implement the Landscape and Screening Plan stamped 'Zoning Approved' and dated March 10, 2020.

TIMING: The Landscape and Screening Plan shall be implemented prior to commencement of use and/or prior to final inspection, whichever occurs first, as applicable. All landscaping and screening shall comply with the following:

- a. Landscaping installed with the purpose of screening commercial cannabis activities shall, within five years, reasonably screen the view of any new structure, including greenhouses and agricultural accessory structure, and onsite parking areas from the nearest public road(s).

b. All landscaping shall be installed prior to initiating cultivation activities.

c. A performance security, in an amount to be determined by a landscape architect and approved by the Department, prior to the issuance of any permits, shall be filed with the County to ensure installation and maintenance of the landscaping for two years. Said performance security shall be released 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.

d. Landscaping shall be maintained for the life of the project.

MONITORING: Permit Compliance staff shall monitor implementation prior to final inspection and/or commencement of use, whichever occurs first, and throughout the life of the project.

- 8. Lighting Plan:** The applicant shall implement the Lighting Plan stamped “Zoning Approved,” dated March 10, 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 project site to confirm that all components of the Lighting Plan are installed, maintained and operated 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,” dated March 10, 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: Evaporative barriers on exposed soils and pots, Rainwater capture and reuse, and Timed drip irrigation.

12. Underground Utilities: Except as otherwise noted in the Project Description, all utilities shall be placed underground.

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

b. **TIMING:** This condition shall be satisfied prior to issuance of building permit.

c. **MONITORING:** P&D staff shall check plans prior to issuance of building permit.

13. 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.

14. Inspections: 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.

15. Transfer of Ownership: In the event that the applicant/owner 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.

16. 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.

17. 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.

18. Mitigation Monitoring: All permitted commercial cannabis activities are also subject to review

and inspection from law enforcement or agents of the State of California.

INITIAL INSPECTIONS AND MONITORING: All commercial cannabis facilities shall be monitored through inspections and photo documentation by P&D Permit Compliance staff per the following schedule: a) prior to Commencement of Use to ensure compliance with the permit conditions and plans, b) within the first year (during the active growing season) to ensure compliance with the permit conditions and plans. Site visits can occur more frequently, as determined by P&D.

TIMING: P&D compliance staff shall conduct inspections and/or review condition compliance annually for five years, and/or upon renewal of County Business License, as applicable. Prior to issuance of Land Use Permit, an associated Permit Compliance case must be opened.

- 19. Revocation:** This entitlement to allow commercial cannabis activities may be revoked in compliance with Chapter 35.56.140 (Revocation of Entitlement to Land Use).

County Rules and Regulations

- 20. Rules-03 Additional Permits Required:** The use and/or construction of any structures or improvements authorized by this approval shall not commence until 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.
- 21. Rules-20 Revisions to Related 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.
- 22. 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.
- 23. 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 P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
- 24. 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 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.
- 25. 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.