



County of Santa Barbara Planning and Development

Lisa Plowman, Director

Jeff Wilson, Assistant Director

Elise Dale, Assistant Director

January 30, 2023

James Sullivan et al.
6825 Long Canyon Road
Santa Maria, CA 93454

PLANNING COMMISSION
HEARING OF JANUARY 25, 2023

RE: *Sullivan Appeal of Moriarty Holdings Cannabis Cultivation Project; 22APL-00000-00008, 19LUP-00000-00273*

Hearing on the request of the Appellant, James Sullivan, to consider Case No. 22APL-00000-00008, an appeal of the Director's decision to approve Land Use Permit (LUP) Case No. 19LUP-00000-00273, the Moriarty Holdings Cannabis Cultivation Project. The appeal was filed on March 21, 2022, in compliance with Chapter 35.102 of the County Land Use and Development Code (LUDC). The application is a request for an LUP to allow 17.83 acres of cannabis cultivation activities and associated development on a 40-acre parcel, zoned Agriculture II (AG-II-100), shown as Assessor's Parcel Number 101-070-069, located at 7015 Long Canyon Road in the Santa Maria area, Fourth Supervisorial District.

Dear Mr. Sullivan:

At the Planning Commission hearing of January 25, 2023, Commissioner Ferini moved, seconded by Commissioner Cooney and carried by a vote of 4 to 0 (Martinez recused) to:

1. Deny the appeal, Case No. 22APL-00000-00008; and
2. Make the required findings for approval of the Project as specified in Attachment A of the Staff Report dated January 10, 2023, including California Environmental Quality Act (CEQA) findings; and
3. Determine that the previously certified Programmatic Environmental Impact Report (PEIR) (17EIR-00000-00003) is adequate and no subsequent environmental review is required pursuant to CEQA Guidelines §15162 and 15168(c) (Attachments C and D of the Staff Report dated January 10, 2023); and
4. Grant *de novo* approval of the Project, Case No. 19LUP-00000-00273, subject to the conditions included in Attachment B of the Staff Report dated January 10, 2023.

The attached findings and conditions reflect the Planning Commission's actions of January 25, 2023.

The action of the Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved person, the appellant, in person or through a representative, must have informed the Planning

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624 W. Foster Road, Santa Maria, CA 93455 • Phone: (805) 934-6250 • FAX: (805) 934-6258

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Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on Monday, February 6, 2023 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$709.06 and must be delivered to the Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA at the same time the appeal is filed.

A protest of mitigation fees imposed pursuant to Condition 33 of the Conditions of Approval (Attachment B) may be filed pursuant to Government Code Section 66020(a). The protest shall be filed at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservations, or other exactions to be imposed on a development project. The Applicant is hereby notified that the 90-day approval period in which the Applicant may protest has begun.

Sincerely,



Travis Seawards
Secretary to the Planning Commission

cc: Case File: 22APL-00000-00008, 19LUP-00000-00273
Planning Commission File
Owner: Cat Canyon Investments, LLC, 2179 Summerpark Court, Thousand Oaks, CA 91362
Applicant: Jason Moriarty, 5021 Verdugo Way #105-132, Camarillo, CA 93012
Agent: Thomas Gocha, TCG Associates, LLC, 1072 Casitas Pass Road, Carpinteria, CA 93013
Fire Department
Public Works
Environmental Health Services
Bob Nelson, Fourth District Supervisor
Larry Ferini, Fourth District Planning Commissioner
Alia Vosburg, Planner

Attachments: Attachment A – Findings
Attachment B – Land Use Permit with Conditions of Approval

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

SUBSEQUENT ACTIVITIES WITHIN THE SCOPE OF THE PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR)

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15162 AND 15168:

1.1 **CONSIDERATION OF THE SUBSEQUENT ACTIVITIES IN THE PROGRAM**

The County Planning Commission considered the previously certified PEIR for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003 (Attachment C to the Staff Report, dated January 10, 2023, and incorporated herein by reference), along with the proposed Project, which is an activity within the scope of the PEIR. Staff prepared a written checklist in compliance with State CEQA Guidelines § 15168(c)(4) to document the evaluation of the site and the activity to determine that the environmental effects of the operation are covered in the PEIR (Attachment D to the Staff Report, dated January 10, 2023, and incorporated herein by reference). As shown in the written checklist, the Project is within the scope of the PEIR and the effects of the Project were examined in the PEIR. Therefore, on the basis of the whole record, including the written checklist, the previously certified PEIR, and any public comments received, the County Planning Commission finds that the Project will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment, and there is no new information of substantial importance under State CEQA Guidelines Section 15162 warranting the preparation of a new environmental document for the Project.

1.2 **LOCATION OF DOCUMENTS**

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101, and available online at the below link:

<https://cosantabarbara.app.box.com/s/q97rv82305oyfnbdjhcyxrrdhu3dggkqy>

A digital copy of the Final PEIR can be located online at the below link:

<https://ca-santabarbaracounty.civicplus.pro/1358/Zoning-Permitting>

2.0 **ADMINISTRATIVE FINDINGS**

2.1 **LAND USE PERMIT FINDINGS**

2.1.1 ***Finding required for all Land Use Permits. In compliance with Section 35.30.100.A of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Land Use Permit the review authority shall first find, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (e.g., water, sewer, roads) are available to serve the proposed development.***

The County Planning Commission finds that the proposed Project is adequately served by public or private services and resources, as discussed in Section 6.3 of the Planning Commission Staff Report dated January 10, 2023, and incorporated herein by reference.

Water for the Project will be provided by an existing groundwater well located in the southeastern corner of the property and a proposed and permitted groundwater well to be located in the northwestern corner of the property. During Phase I buildout of the Project, portable restrooms and bottled water will be provided for employee use in compliance with CalOSHA. During Phase II buildout of the Project, potable water and permanent ADA-compliant restrooms will be made available to employees within the proposed processing building (Building A). The permanent restrooms will be served by a new, permitted private onsite wastewater treatment (i.e., septic) system. Environmental Health Services (EHS) reviewed the details of the proposed Project, including the existing groundwater well, proposed groundwater well, and proposed septic system design, and cleared the Project for approval by P&D. Additionally, the Applicant provided a Water Demand Memo prepared by an Agronomist/Certified Crop Advisor and a Water System Source Yield Assessment Memo prepared by a Professional Geologist/Certified Hydrogeologist, that demonstrate adequate water is available to serve the total projected water demand of the Project, including domestic and irrigation uses.

Access to the Project area south of Cat Canyon Creek will be provided via Cat Canyon Road and will include construction of a new road base driveway, a minimum of 20-ft. in width, off of Cat Canyon Road. Access to the Project area north of Cat Canyon Creek will include improvement of an existing driveway within an existing easement that extends approximately 1,950 ft. from Long Canyon Road, a private road, across APN 101-070-075, to the northeastern corner of the Project site. The Project was reviewed by the Public Works Department - Transportation Division, and the existing roads providing access to the Project site were determined to be adequate to support Project traffic. The Project site is located within the jurisdiction of the Santa Barbara County Fire Department (County Fire) and the site will continue to be served by County Fire for fire protection services. County Fire also reviewed the Project and provided a condition letter which is included as a Condition of Approval.

2.1.2 *Findings required for all Land Use Permits. In compliance with Subsection 35.82.110.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Land Use Permit the review authority shall first make all of the following findings:*

- 1. *The proposed development conforms:***
 - a. *To the applicable provisions of the Comprehensive Plan, including any applicable community or area plan.***
 - b. *With the applicable provisions of this Development Code or falls within the limited exception allowed in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).***

The County Planning Commission finds that the proposed development conforms to the applicable provisions of the Comprehensive Plan and the Land Use and Development Code (LUDC) as discussed in the Planning Commission Staff Report dated January 10, 2023, and incorporated herein by reference. As discussed in Section 6.3 of the Staff Report, the proposed development conforms to the applicable provisions of the Comprehensive Plan. The Project is not located within any applicable Community Plan area. Additionally, as discussed in Section 6.4 of the Staff Report, the proposed development is consistent with the LUDC requirements for cannabis activities and development within the AG-II Zone District, as they relate to permitted uses, building heights, setbacks, and parking.

2. The proposed development is located on a legally created lot.

The County Planning Commission finds that the proposed development is located on a legally created lot. Lot legality was established by Conditional Certificate of Compliance (COC) 06COC-00000-00001, recorded October 9, 2001, as Instrument No. 2001-0086692 of Official Records in the County of Santa Barbara. The proposed project is consistent with all conditions of the COC.

3. The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement fees and processing fees have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).

The County Planning Commission finds that, as conditioned, the subject property and the proposed Project are in full compliance with all laws, rules, and regulations pertaining to zoning uses, subdivisions, setbacks and all other applicable provisions of the LUDC as discussed in Section 6.4 of the Planning Commission Staff Report, dated January 10, 2023, and incorporated herein by reference. Additionally, all processing fees have been paid to date.

ATTACHMENT B: LAND USE PERMIT WITH CONDITIONS OF APPROVAL



COUNTY OF SANTA BARBARA

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LAND USE PERMIT NO.: 19LUP-00000-00273

Project Name: MORIARTY HOLDINGS - OUTDOOR CANNABIS CULTIVATION
Project Address: 7015 LONG CANYON RD, CA 93454
A.P.N.: 101-070-069
Zone: AG-II-100

The County Planning Commission 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: 1/25/2023
LOCAL APPEAL PERIOD BEGINS: 1/26/2023
LOCAL APPEAL PERIOD ENDS: 2/6/2023
DATE OF PERMIT ISSUANCE (if no appeal filed): 2/7/2023

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: The Project is a request for approval of a Land Use Permit to allow 17.40 acres of outdoor cannabis cultivation under hoops and 19,000 sq. ft. of cannabis processing in two new processing buildings. The Project site is bisected by Cat Canyon Creek. The two new processing buildings ("Building A" and "Building B") will be located north of the creek and will be each 9,500 sq. ft. in area and 19.5 ft. in height. The Project also includes construction of a 120 sq. ft. guard shack ("Building E"), a 2,400 sq. ft. fertigation barn ("Building C"), and a 26,000 sq. ft. road base parking/ loading area north of the creek. Additionally, the Project includes a 120 sq. ft. ag chemical storage shed ("Building F"), a 2,400 sq. ft. fertigation barn ("Building D"), and a 7,300 sq. ft. road base parking/ loading area south of the creek. Site access south of the creek will require construction of a new 20-ft.-wide road base driveway off of Cat Canyon Road. Site access north of the creek will require improvement of an existing driveway, extending 1,950 ft. from Long Canyon Road across APN 101-070-075, with 20-ft.-wide all-weather road base. The driveway will require improvement of an existing at-grade crossing of a tributary to the creek with a 3-ft. by 6-ft. box culvert. The Project site is a 40 acre parcel, zoned AG-II-100, and shown as Assessor's Parcel Number 101-070-069. To receive additional information regarding this project and/or to view the application and/or plans, please contact Alia Vosburg at 624 West Foster Road, Suite C, Santa Maria, by email (avosburg@countyofsb.org) or by phone ((805) 934-6259).

PROJECT SPECIFIC CONDITIONS: See Attachment "A"

ASSOCIATED CASE NUMBERS: None

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:

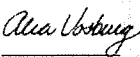
1. The approval of this permit shall expire either 12 months from the effective date of the permit or other period allowed in compliance with an approved Time Extension, and shall be considered void and of no further effect unless the permit is either issued within the applicable period in compliance 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
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Land Use Approval By:

 <small>Digitally signed by Alia Vosburg Contact Info: avosburg@countyofesb.org</small>	<i>on behalf of:</i> _____ / _____	1/25/23
Chair, County Planning Commission		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
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ATTACHMENT A: CONDITIONS OF APPROVAL

Project Description

- 1. Proj Des-01 Project Description:** This Land Use Permit is based upon and limited to compliance with the project description and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The Project is a request for a Land Use Permit to allow a total cannabis cultivation area of 17.83 acres, which includes 17.40 acres of outdoor cannabis cultivation under hoop structures and 19,000 sq. ft. (0.43 acres) of cannabis processing in two new processing buildings detailed below. The operation will involve two grow cycles per year (one 90-day grow and one 120-day grow) and two harvest periods per year for a duration of one month per harvest period.

The Project site is bisected by Cat Canyon Creek. The 17.40 acres of outdoor cannabis cultivation consists of 12.21 acres north of the creek and 5.19 acres south of the creek. All outdoor cannabis cultivation will be grown in soilless media pots and under hoop structures setback a minimum of 50 ft. from all property lines and 100 ft. from the top-of-bank and edge of riparian vegetation of Cat Canyon Creek. Hoop structures will have a maximum height of 12 ft. and will not include any permanent structural elements, utilities, or lighting. The two new processing buildings ("Building A" and "Building B") will be located north of Cat Canyon Creek and will be each 9,500 sq. ft. in area and 29.5 ft. in height. Building A will be used as an administrative office and for trimming, packaging, and storage of cannabis. Building B will be used for drying and storage of cannabis. The Project also includes construction of a 120 sq. ft. guard shack ("Building E"), a 2,400 sq. ft. water storage and fertigation equipment barn ("Building C"), and a 26,000 sq. ft. road base parking and loading area north of Cat Canyon Creek. Additionally, the Project includes a 120 sq. ft. pesticide and ag chemical storage shed ("Building F"), a 2,400 sq. ft. water storage and fertigation equipment barn ("Building D"), and a 7,300 sq. ft. road base parking and loading area south of Cat Canyon Creek. Access to the proposed operational area south of Cat Canyon Creek will include construction of a new road base driveway, a minimum of 20-ft. in width, off of Cat Canyon Road. Access to the operational area north of Cat Canyon Creek will include improvement of an existing driveway extending approximately 1,950 ft. from Long Canyon Road, a private road, across APN 101-070-075, to the Project site. The driveway will be 20 ft. wide, finished with all-weather road base, and will require improvement of an existing at-grade crossing of a tributary to Cat Canyon Creek. The crossing will be improved with a 3-ft. by 6-ft. box culvert.

Commencement of the Project will be phased such that Phase I operations will be limited to the Project components located south of Cat Canyon Creek. During Phase I operations, all harvested cannabis will be transferred offsite for processing the same day it is harvested and there will be no cannabis processing (i.e., drying, curing, trimming, storing, packaging, or labeling) on the Project site. Phase I operations will require a maximum of 3 regular, full-time, employees and 6 seasonal employees who will be employed onsite during the two harvest periods per year (one month each; 2 months total per year). Hours of operation will be limited to the daylight hours that occur between 6 AM and 8 PM Monday through Saturday. During Phase I operations, portable restrooms and bottled water will be provided for employee use in compliance with CalOSHA. Irrigation water will be provided by an existing groundwater well located south of Cat Canyon Creek. [Continued in Condition

No. 2]

2. **Proj Des-01 Project Description Continued:** [Continued from Condition No. 1] Phase II involves full-scale operation of the Project (all proposed Project components north and south of Cat Canyon Creek). During Phase II operations, all harvested cannabis will be transferred to the onsite processing buildings (“Building A” and “Building B”) north of Cat Canyon Creek, or transferred offsite for processing the same day it is harvested. All onsite cannabis processing will occur within Building A or Building B, which will be fully-enclosed structures equipped with molecular carbon filter systems. During Phase II (full-scale) operations the number of employees will increase to a maximum total of 9 regular, full-time, employees and 15 seasonal employees who will be employed onsite during the two harvest periods per year (one month each; 2 months total per year). Hours of operation will be limited to the daylight hours that occur between 6 AM and 8 PM Monday through Saturday. During Phase II operations, potable water and permanent ADA-compliant restrooms will be made available to employees within Building A. Permanent restrooms will be served by a new private onsite wastewater treatment system. Irrigation, domestic, and fire water will be provided by a new groundwater well north of Cat Canyon Creek. Phase II construction and operations will not commence until required authorization from resource agencies has been obtained for construction of the culvert crossing. Development of the Project site will require grading of approximately 147 cubic yards of cut and 5,334 cubic yards of import for a total 5,481 cubic yards of fill. Construction of the culvert crossing will require removal of approximately 2,040 sq. ft. of coyote brush scrub (*Baccharis pilularis*), to be replaced in accordance with the Habitat Protection Plan at a minimum ratio of 1:1.

The operational areas north and south of Cat Canyon Creek will be individually fenced along their perimeter with 6-ft.-tall wire mesh security fencing. Access will be controlled with 6-ft.-tall, 16-ft.-wide wire mesh gates which will remain locked at all times except during active ingress/egress. Additional security features include pole-mounted security lights at the access gates and building-mounted security lights on the exterior of the processing buildings. All security light fixtures will be fully shielded and directed downward, and installed at a maximum height of 8 ft. All security light fixtures will be motion activated, and when triggered, will remain on for a maximum of three minutes. Screening will be provided by approximately 37,368 sq. ft. of landscaping planted along the western, southern, and eastern boundaries of the property and around the perimeter of the processing buildings.

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. No generators will be used onsite.

The Project site is a 40-acre parcel, zoned AG-II-100, and shown as Assessor’s Parcel Number 101-070-069, located at 7015 Long Canyon Road, in the Santa Maria area, 4th Supervisorial District.

Any deviations from the project description, conditions, approved plans, or specified agreements 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 approved plans 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 plans and conditions of approval thereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

Conditions By Issue Area

- 4. Air-01 Dust Control:** The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:
- a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
 - b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
 - d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
 - e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.
 - f. Order increased watering as necessary to prevent transport of dust off-site.
 - g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.
 - h. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately:
 - i. Seed and water to re-vegetate graded areas; and/or
 - ii. Spread soil binders; and/or
 - iii. Employ any other method(s) deemed appropriate by P&D or APCD.

PLAN REQUIREMENTS: These dust control requirements shall be noted on all grading and building plans.

PRE-CONSTRUCTION REQUIREMENTS: The contractor or builder shall provide P&D monitoring staff and APCD with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to:

- a. Assure all dust control requirements are complied with including those covering weekends and holidays.
- b. Order increased watering as necessary to prevent transport of dust offsite.
- c. Attend the pre-construction meeting.

TIMING: The dust monitor shall be designated prior to first Grading or Building Permit. The dust control components apply from the beginning of any grading or construction throughout all development activities until Final Building Inspection Clearance is issued.

MONITORING: P&D processing planner shall ensure measures are on plans. P&D grading and

building inspectors shall spot check; Grading and Building shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

5. **CulRes-07 Cultural Resource Monitor:** The Owner/Applicant shall have all project implementation work, including earth disturbances, clearing, grubbing, and grading activities, within the project site monitored by a P&D approved archaeologist and a Native American representative from the Santa Ynez Band of Chumash Indians in compliance with the provisions of the County Archaeological Guidelines.

TIMING: Prior to Land Use Permit issuance, the Owner/Applicant shall submit for P&D review and approval, a contract or Letter of Commitment between the Owner/Applicant and the archaeologist, consisting of a project description and scope of work, and once approved, shall execute the contract.

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

MONITORING: The Owner/Applicant shall provide P&D compliance monitoring staff with the name and contact information for the assigned onsite monitor(s) prior to grading/building permit issuance and pre-construction meeting. P&D compliance monitoring staff shall confirm monitoring by archaeologist and Native American representative and P&D grading inspectors shall spot check field work.

6. **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 Grading and Building Permits and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

7. **WatConv-04 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, waterbody or sensitive biological resources.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all Grading and Building Permit plans.

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.

8. **WatConv-05 Equipment Washout-Construction:** The Owner/Applicant shall designate a washout area(s) 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. The area shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all Grading and Building Permit plans.

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

9. **Road Encroachment Permit:** The Owner/Applicant shall obtain a road encroachment permit from the Roads Division (Public Works) prior to Land Use Permit issuance.
10. **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.
11. **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.

12. **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.

MORIARTY HOLDINGS - OUTDOOR CANNABIS CULTIVATION

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

13. 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:

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 Land Use Permit issuance 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.

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 Land Use Permit issuance, 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.

14. Fencing and Security Plan: The applicant shall implement the Fencing and Security Plan stamped "Zoning Approved".

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

- 15. Landscape and Screening Plan:** The applicant shall implement the Landscape and Screening Plan stamped "Zoning Approved".

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 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 Land Use Permit issuance. 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.

- 16. Lighting Plan:** The applicant shall implement the Lighting Plan stamped "Zoning Approved".

PLAN REQUIREMENTS: The Lighting Plan must comply with the requirements of the Land Use and Development Code (§35.42.075.C.4) as that section reads as of the date of project approval.

TIMING: The applicant shall implement the Lighting 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 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.

- 17. Noise Plan:** The applicant shall implement the Noise Plan stamped "Zoning Approved".

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

TIMING: The applicant shall implement the Noise Plan prior to 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.

- 18. Minimization of Cannabis Odors:** In compliance with the requirements of the Land Use and Development Code (§35.42.075.D.1.o), as that section reads as of the date of project approval, in order to minimize cannabis odors, the drying, curing, and/or trimming of harvested cannabis shall either (1) be located within an enclosed structure which utilizes best available control technology, or (2) include techniques/or equipment (e.g., the use of freeze drying techniques/equipment and immediate packaging of harvested cannabis in the field) that shall achieve an equivalent or greater level of odor control as could be achieved using an enclosed structure which utilizes best available control technology. The Owner/Applicant shall comply with the proposed method to minimize cannabis odors as depicted on the plans stamped 'Zoning Approved.' The Owner/Applicant shall inform P&D compliance monitoring staff prior to making any changes to the odor control technology/technique.

PLAN REQUIREMENTS: The odor control technology/technique or system shall be graphically depicted on project plans and must comply with the requirements of Section 35.42.075.D.1.o, as that section reads as of the date of project approval.

TIMING: The odor control technology/technique or system shall be implemented prior to the Final Building Clearance and/or commencement of cultivation activities, whichever occurs first. The Owner/Applicant shall maintain the technology/technique or system in good, working condition throughout duration of cannabis processing activities. The Owner/Applicant shall inform P&D compliance monitoring staff of their intent to change the odor control technology/technique or system prior to its use. The Owner/Applicant shall submitted updated materials for P&D review and approval prior to installation or use of new odor control technology/technique or system. If required, the Owner/Applicant shall obtain additional permits for the use of the new odor control technology/technique or system.

Compliance with the requirements of this condition is necessary for the life of the project.

MONITORING: P&D compliance staff shall monitor implementation of odor control technology/technique or system prior to Final Building Clearance and/or commencement of use, whichever occurs first. Permit Compliance staff has the authority to request additional measures necessary for corrective actions, provided at the cost of the Owner/Applicant, to verify compliance with this condition. Upon implementation/installation of the odor control technology/technique or system and quarterly thereafter for one year, Permit Compliance staff shall conduct an inspection of the odor control technology/technique to assess its compliance with the requirements of this condition. Permit Compliance staff may conduct additional inspections, as needed, throughout the life of the project.

- 19. Site Transportation Demand Management Plan:** The applicant shall implement the Site Transportation Demand Management Plan stamped "Zoning Approved".

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

TIMING: The applicant shall implement the Site Transportation Demand Management Plan prior to the issuance of final building and/or grading inspection and/or commencement of cultivation activities, whichever occurs first. 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.

- 20. 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.

- 21. Water Efficiency Plan for Commercial Cannabis Activities:** Water-conserving features shall be included in the design of cannabis cultivation. Water-conserving features include evaporative barriers on exposed soils and pots, 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). The applicant shall document water-conserving features on the Water Efficiency Plan stamped "Zoning Approved".

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

- 22. Minimum Cultivation Requirements:** A minimum of 10% of the cannabis product distributed from the project site shall be sourced from cannabis plant material cultivated on the same lot on which the distribution activities will occur.

DOCUMENTATION: The applicant shall participate in the California Cannabis Track-and-Trace System and prepare documentation from the California Cannabis Track-and-Trace System that identifies the source of cannabis products that are distributed the lot on which the distribution activities will occur.

TIMING: Within three business days of a request from P&D compliance staff, the applicant shall provide the California Cannabis Track-and-Trace System records that identify the source of cannabis products that are distributed from the lot on which the activities will occur. Pursuant to Condition No. 12 of this permit, the applicant shall maintain the records for a minimum of five years following the date of preparation of the records.

MONITORING: P&D compliance staff inspects the California Cannabis Track-and-Trace System

records to confirm that the cannabis products are sourced from appropriate locations pursuant to the requirements of this condition.

23. Habitat Protection and Wildlife Movement Plan: The Owner/Applicant shall implement the avoidance and minimization measures and all associated components included in the Final Habitat Protection Plan (HPP) and Wildlife Movement Plan (WMP) stamped "Zoning Approved". The Final HPP/WMP avoidance and minimization measures shall include, but are not be limited to:

1. Implementation of a 100-ft. setback from the Cat Canyon Creek riparian area and a 50-ft. setback from the top-of-bank of the unnamed ephemeral tributary to Cat Canyon Creek;
2. Preservation of native habitat within 12.17 acres of the site, shown as Habitat Protection Areas, for the protection of paniculate tarplant;
3. Installation of temporary protective fencing, prior to commencement of box culvert construction, to prevent inadvertent impacts to riparian vegetation and coyote brush scrub habitat outside of the designated coyote bush scrub impact area;
4. Implementation of a Habitat Restoration Plan, prepared by a Department-approved biologist in coordination with the California Department of Fish and Wildlife (CDFW) and the Regional Water Quality Control Board (RWQCB), designed to restore riparian habitat and replace native shrubs (including blue elderberry shrubs and coyote brush shrubs) removed from the coyote bush scrub impact area, at a minimum 1:1 ratio;
5. Completion of "pre-construction" western spadefoot and Blainville's horned lizard surveys by a department-approved biologist within 24 hours prior to initial clearing and grubbing, grading, installation of hoops, fencing, or support structures, or prior to re-disturbance (if there has been a week or more of no activity at a given work area), and relocation of non-listed species to suitable habitat areas outside of the work area;
6. Completion of "pre-construction" American badger surveys by a Department-approved biologist, within 7 days prior to initial clearing and grading activities, and implementation of measures to encourage voluntary abandonment of active dens if found;
7. Completion of nesting bird surveys by a county-approved biologist no more than 10 days prior to any vegetation clearing or initial ground disturbing activities occurring during nesting season and avoidance measures if an active nest(s) are identified;
8. Preparation of worker environmental awareness training for all employees (including site supervisors, equipment operators, and laborers); and
9. Demonstration that all necessary resource agency approvals pertaining to California tiger salamander impacts have been obtained and implementation of all any additional compensatory mitigation or avoidance and minimization measures prescribed in said approvals.

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

TIMING: Prior to Land Use Permit issuance, the Owner/Applicant shall submit, for P&D review and approval, a Final HPP/WMP, prepared by a Department-approved biologist. The requirements of this condition shall be implemented prior to the commencement of site preparation activities, installation of project components, grading, and/or construction as prescribed therein. The requirements of this condition shall also be implemented throughout the life of the Proposed 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, CDFW staff, and/or RWQCB staff as needed, shall monitor compliance with this condition prior to the commencement of project activities, at the pre-construction meeting, during grading and construction, and throughout the life of the project, as applicable. The Owner/Applicant shall demonstrate compliance with the measures detailed in the Final HPP/WMP throughout the life of the project.

- 24. Resource Agency Approvals:** The Owner/Applicant shall provide evidence that all necessary approvals have been obtained from the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and Regional Water Quality Control Board (RWQCB) including an Incidental Take Permit and Consistency Determination for the California Tiger Salamander, as required, and a Streambed Alteration Agreement and Waste Discharge Requirements coverage for culvert installation, as required, prior to Land Use Permit issuance.

TIMING: The Owner/Applicant shall provide to P&D copies of approvals obtained from USFWS, CDFW, and RWQCB prior to Land Use Permit issuance.

County Rules and Regulations

- 25. 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 §35.82.020]
- 26. 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.
- 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-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.
- 29. Rules-09 Signs:** No signs of any type are approved with this action unless otherwise specified. All signs shall be permitted in compliance with the LUDC.
- 30. Rules-20 Revisions to Related Plans:** The Owner/Applicant shall request a revision for any proposed changes to approved plans. Substantial conformity shall be determined by the Director of P&D.
- 31. 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.

- 32. Rules-23 Processing Fees Required:** Prior to issuance of the Land Use Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
- 33. DIMF-24d DIMF 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 the Fire Department. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid.

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).

- 34. 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 & irrigation. 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 of all approved landscape & irrigation plans per those condition requirements. Maintenance securities shall be released after the specified maintenance time period and when all approved landscape & irrigation 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/Applicant fails to install or maintain the approved landscape and irrigation, P&D may use the security to complete the work.
- 35. Rules-29 Other Dept Conditions:** Compliance with Departmental/Division letters required as follows:
- a. County Fire Department Memorandum, dated October 1, 2021
 - b. Public Works Department – Water Resources Division Condition Letter, dated June 8, 2021
 - c. Environmental Health Services Conditions provided via email, dated August 17, 2021
- 36. 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.
- 37. Rules-32 Contractor and Subcontractor Notification:** The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner/Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.
- 38. 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.

- 39. 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.

Memorandum

DATE: October 1, 2021

TO: Alia Vosburg
Planning and Development
County of Santa Barbara - Santa Maria

FROM: Sean Coffman, Engineer / Inspector *SC*
Fire Department

SUBJECT: APN: 101-070-069 Permit: 19LUP-00273 Project: 21FDR-00076
Site: 6980 Cat Canyon Road, Los Alamos
Project: Land Use Permit – Outdoor Cannabis Cultivation



The above project is located within the jurisdiction of the Santa Barbara County Fire Department.

NO CONDITIONS FOR LAND USE PERMIT

The Fire Prevention Division must be notified of any changes to the project proposal.
A change in the project description may cause conditions to be imposed.

ADVISORY

1. Fire Protection Certificates (FPCs) shall be required.
2. A Master Fire Protection Plan designed by a licensed Fire Protection Engineer shall be submitted and approved prior to FPC submittal.

PROJECT DEVELOPMENT

We submit the following with the understanding the Fire Protection Certificate application(s)
may involve modifications, which may determine additional conditions.

PRIOR TO VERTICAL CONSTRUCTION

**FIRE ACCESS, WATER SYSTEM AND DEFENSIBLE SPACE INSPECTIONS
SHALL BE SIGNED OFF BY FIRE DEPARTMENT**

Fire Department on-line inspection request* or Fire Department inspection line (805) 681-5591

3. All access ways shall be installed, made serviceable and maintained for the life of the project.
 - Access shall be as shown on plans approved October 1, 2021.
 - Driveway shall have a minimum width of 20 feet.
 - Surface shall be all-weather or paved.
 - Access ways shall be unobstructed and extended to within 150 feet of all portions of the exterior walls of the first story of any building.

- A minimum of 13 feet, 6 inches of vertical clearance shall be provided and maintained for the life of the project for emergency apparatus access.
 - Reference Santa Barbara County Fire Department Development Standard #1.*
4. Fire hydrant(s) shall be installed, number to be determined.
- The fire department shall have on file a set of approved fire hydrant plans prior to any work being started.
 - Commercial fire hydrants shall consist of one 4-inch outlet and two 2-1/2-inch outlets.
 - A set of approved fire hydrant plans, stamped and dated by the fire department shall be kept at the job site and available upon request.
 - Water systems shall be installed exactly as the approved fire hydrant plans dictate. No changes or modifications to these plans shall take place without prior fire department approval.
 - No work shall be covered or otherwise rendered inaccessible or unviewable prior to inspection by a fire department representative.
5. Curb faces shall be painted red to 7.5 ft on both sides of the fire hydrant.
- A 3-foot clear space shall be maintained around the circumference of all fire hydrants except as otherwise required or approved. Posts, fences, vehicles, growth, trash, storage and other materials or things shall not be placed or kept near fire hydrants
- Clearance shall be maintained for the life of the project.
6. Plans for a stored water fire protection system shall be approved by the fire department.
- Required water supplies for fire protection shall be installed and made serviceable prior to construction and for the life of the project.
 - All above ground water piping, including all pipes at the water tank as well as fire hydrant locations, shall consist of galvanized metal.
7. If connection to a public water supply is not available and the current or anticipated system will not meet minimum flow requirements, a fire department approved fire pump capable of delivering a fire flow of 1,000 gallons per minute shall be installed in compliance with NFPA Standard #20.
- Fire pump shall be supervised by a UL listed central station and be equipped with a local alarm bell on the address side of the building.
 - Pumps powered by diesel IC engines rated over 50 brake-horsepower are subject to the requirements of the Santa Barbara County Air Pollution Control District (APCD). An APCD permit must be obtained prior to the procurement and installation of the diesel IC engine. Contact the APCD at 805-961-8800.

PRIOR TO OCCUPANCY CLEARANCE

8. Designated fire lanes shall include red curbs and signs indicating "Fire Lane – No Stopping" placed as required by the fire department. Refer to current adopted California Fire Code.
9. Portable fire extinguishers are required and shall be in accordance with the current adopted Santa Barbara County Code Chapter 15.

10. Propane tanks must be installed per current adopted California Fire Code.
11. An automatic fire sprinkler system shall be installed.
 - Fire sprinkler plans shall be approved by the fire department prior to installation.
 - The fire department shall determine the location of any fire department connection (FDC) that may be required.
 - Fire department connection (FDC) shall be labeled, identifying all buildings or addresses it serves, per NFPA 13.
 - Water systems shall be installed exactly as the approved plans dictate. No changes or modifications to these plans shall take place without prior fire department approval.
 - No work shall be covered or otherwise rendered inaccessible or unviewable prior to inspection by the fire department.
 - Reference Santa Barbara County Fire Department Standard #4.*
12. Because a fire sprinkler system shall be installed, the following acceptance testing is required.
 - A flush of dedicated underground mains and lead-in connections shall be witnessed by the fire department Inspector prior to connecting to the overhead fire sprinkler system.
 - Prior to covering any pipes, the sprinkler system shall be inspected at the rough plumbing stage (i.e., exposed pipe, fittings, hangers, and bracing stage) by the fire department inspector.
 - The sprinkler system shall be hydrostatically tested at 200 psi for 2 hours.
13. The Fire Department connection shall be clearly visible from the access road or driveway. Provide unobstructed access from the roadway to the fire department connection. Clearance around the fire department connection shall be a minimum of 3 feet.
 - Clearance shall be maintained for the life of the project.
14. An automatic fire or emergency alarm system shall be installed.
 - A dedicated fire sprinkler monitoring system shall be installed.
 - Fire alarm system shall meet Santa Barbara County Fire Department requirements.
 - Automatic fire or emergency alarm system plans shall be approved by the fire department.
 - Alarm panel locations and annunciator graphics shall be approved by fire department prior to installation.
15. Address numbers shall be a minimum height of 12 inches.
16. Access way entrance gates shall conform to fire department requirements.
17. When access ways are gated, a fire department approved Knox locking system shall be installed. Reference Santa Barbara County Development Standard #7.*

To obtain a Knox Authorization Order Form and instructions, email pe.inquiries@sbcfire.com. Please note, review is required prior to submission to Knox Company, as an authorized fire agency signature must be included on your order form. Do not send order forms to Knox Company directly.

18. A Knox Box entry system shall be installed for the building. A spare key shall be provided for the Knox Box entry system.*

To obtain a Knox Authorization Order Form and instructions, email pe.inquiries@sbcfire.com. Please note, review is required prior to submission to Knox Company, as an authorized fire agency signature must be included on your order form. Do not send order forms to Knox Company directly.

19. The applicant shall be required to pay Fire Department Development Impact Mitigation Fees in accordance with Chapter 15 of the Santa Barbara County Code.

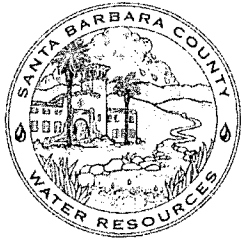
- Payment shall be made according to the schedule of fees in place on the date fees are paid. As of the date of this letter, fees currently are as follows:

Nonresidential-Industrial \$0.71 per square foot

Final occupancy clearance inspection will not be scheduled unless fees have been paid.

As always, if you have any questions or require further information, please call me at 805-686-8178 or 805-681-5523.

SC:ps



Santa Barbara County Public Works Department
Water Resources Division

Flood Control * Water Agency * Project Clean Water
130 E. Victoria Street, Suite 200, Santa Barbara, CA 93101
PH (805) 568-3440 FAX (805) 568-3434
<http://cosb.countyofsb.org/pwd/pwwater.aspx?id=2956>

SCOTT D. MCGOLPIN
Director Public Work

THOMAS D. FAYRAM
Deputy Director Water Resources

Date: June 8, 2021

To: Thomas Gocha, TCG Associates, LLC, 1072 Casitas Pass Road, Carpinteria, CA 9301

Subject: 19LUP-00000-00273; MORIARTY HOLDINGS - OUTDOOR CANNABIS CULTIVATIONAPN:
101-070-069; Los Alamos

Water Resource Division Compliance Requirements

The proposed project includes a request of Moriarty Holdings for an approval of a Land Use Permit to allow approximately 19.6 acres of outdoor cannabis cultivation in hoop structures, with onsite processing and distribution (drying, packaging and storage) in two proposed processing structures. In addition, there are two proposed 2,400 sq. ft. Ag-exempt storage structures to cover the water storage tank, RO & distribution pump areas and a 120 sq. ft. guard gate house at the main property entrance at 7015 Long Canyon Road.

One of the two proposed 9500 sq. ft. processing buildings, Building A, will include permanent ADA-compliant employee restrooms supported by a proposed onsite wastewater treatment (septic) system. The parcel will be served by the Santa Barbara County Fire Department.

Each proposed hoop structure will be 20 feet wide and 13.6 feet in height with no permanent structural elements, lighting or electricity. each proposed processing structure will be 9,500 sq. ft. and approximately 29.5 feet in height.

The proposed project site is currently undeveloped. The proposed project includes approximately 147 cubic yards of cut and 5,334 cubic yards of import for a total 5,481 cubic yards of fill to create a building pad for the processing buildings and to place two 36" diameter culverts at the drainage crossing at the easterly access point of the ingress/egress easement.

The project is located in the Cat Canyon Creek FEMA Special Flood Hazard Zone A, and is subject to compliance with Chapter 15A, "Floodplain Management Ordinance," of the Santa Barbara County Code.

The proposed development will be require to be located outside of the 50-foot top-of-bank setback from Cat Canyon Creek in compliance with Ordinance 15B.

Should any of the aforementioned development conditions change, this letter may be amended.

Flood Control District Conditions:

The District recommends that the above referenced project be subject to the following conditions:

1. Prior to LUP permit acceptance:

The proposed bridge crossing Cat Canyon Creek must comply with FEMA NFIP regulations. The following tasks are required prior to LUP acceptance:

- a. FEMA does not published information regarding Base Flood Elevations or peak flow rates for Zone A areas. The existing 100-year storm event Base Flood Elevation must be determined by a California-registered civil engineer. Refer to the FEMA 265 publication for guidance: "Determine Managing Floodplain Development in Approximate Zone A Areas: A Guide for Obtaining and Developing Base (100-Year) Flood Elevations."
- b. 100-year storm event pre-project and post-project Hydrology and Hydraulic analyses must be stamped, signed, and submitted by a California-registered civil engineer. The H&H analyses must identify the limits of revised floodplain, increases in the base flood elevation, and any effects upon neighboring properties as a result of the bridge.
- c. As a result of the H&H analysis, should the proposed bridge be found to increase the base flood elevation and/or effect the limits of the Zone A area, all affected neighboring properties must be informed.
- d. As a result of the H&H analysis, should the proposed bridge be found to increase the Base Flood Elevation by one foot or more in the vicinity of the proposed project, the applicant must submit a Conditional Letter of Map Revision to FEMA. FEMA will issue a letter to indicate the potential changes to the floodplain and Base Flood Elevations relative to the proposed project.
- e. Submit one set of hard copy H&H report and plans along with a full digital submittal for first plan check.
- f. The applicant shall sign the Agreement for Payment of Plan Check Fees (attached to the Standard Conditions of Approval) and pay the appropriate plan check fee deposit at the time of the initial submittal of plans and studies. Please make the check payable to: *Santa Barbara County Flood Control & Water Conservation District*.

2. Prior to LUP permit issuance:

- a. Propose accessory structures must conform with the following requirements:
 - i. Structure must be located outside of the 50FT setback from top of bank.
- b. If accessory structures are proposed outside the 50FT setback, but within the Zone A Flood Zone the structures:
 - i. Must be elevated with the finished floor situated at least 2 feet above the Base Flood Elevation (as determined by a registered professional), or
 - ii. May have the finished floor elevation below BFE+2 feet, but shall have a minimum of two flood vents according to 15A standards at one square inch of opening per one square foot of enclosed space subject to flooding. The openings shall be installed on at least two walls and bottom of openings shall be no higher than one foot above highest adjacent grade, interior or exterior (whichever is higher), and
 - iii. Shall be used only for limited storage,
 - iv. No partitions/enclosures are permitted below BFE+2 feet
 - v. Flood-resistant materials must be used below BFE + 2 feet
 - vi. All equipment must be elevated to at least BFE +2 feet

- vii. Building corners and interior finished floor must be surveyed by a licensed professional surveyor in NAVD '88 datum to identify ground elevation, existing finished floor elevations, and BFE on plans.
3. Prior to Occupancy Clearance
- a. The applicant shall submit record drawings to the District's Floodplain Manager in electronic format.
 - b. Prior to vertical construction, the applicant shall submit an Elevation Certificate (FEMA Form 086-0-33) to the District's Floodplain Manager for all structures located within a Special Flood Hazard Area.

Project Clean Water Conditions:

This project will not be subject to the County's Post-Construction Stormwater Requirements for treating storm water quality. The development's rural location and proposed hardscape surface type were taken into consideration.

Sincerely,

SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

By: 

Hansel Corsa, PE, CFM

Re: Thomas Gotcha-TCG Associates, LLC, 1072 Casitas Pass Road, Carpinteria, CA 93103
Jason Moriarty, 5021 Verdugo Way #105-132, Camarillo, CA 93012

Vosburg, Alia

From: Johnston, Jason
Sent: Tuesday, August 17, 2021 9:57 AM
To: Vosburg, Alia
Cc: 'JASON MORIARTY'; 'Erin Weber'
Subject: FW: Septic 6980 Cat Canyon Rd. ON0024754 (19LUP 273)
Attachments: Moriarty.Holdings.Cat.Canyon.Project.Description.pdf

Good morning Alia,

Santa Barbara County Public Health Department, Environmental Health Services Division (EHS) has reviewed the project description and files related to 19LUP-00000-00273, 7015 Long Canyon / 6980 Cat Canyon, APN 101-070-069, and has the following recommended conditions of approval:

- Prior to the issuance of building permits for the proposed processing buildings, an approved water system permit shall be obtained from EHS. This work shall be completed and inspected, with the permitted work finalized, prior to the final building permit inspection.
- Prior to the final building permit inspection for the proposed processing buildings, the approved onsite wastewater treatment system (OWTS) (ON0024754), shall be constructed and inspected, with the permitted work finalized.

Thank you,
Jason Johnston
805-346-7348
www.countyofsb.org/phd/ehs

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