

ATTACHMENT 4: REVISED CONDITIONS OF APPROVAL

SANTA BARBARA WEST COAST FARMS CANNABIS CULTIVATION CASE NO. 19LUP-00000-00064

Project Description

- 1. Proj Des-01 Project Description.** This Land Use Permit is based upon and limited to compliance with the project description, the Attachments 1-18 in the Board Letter dated April 21, 2020, 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:

Santa Barbara West Coast Farms, LLC is requesting a Land Use Permit that would allow for a cannabis cultivation operation on an approximately 50-acre portion of an approximately 73-acre parcel (Assessor's Parcel Number 099-240-067) located off of Highway 246, approximately 3.3 miles from the intersection of Highway 101 and W Highway 246 in the Buellton area. The project would include approximately 46.12-acres of outdoor cannabis cultivation and 4-acres of nursery, cannabis processing, and storage areas. The processing and storage areas would be located within two-3,000 square foot agricultural accessory structures and the nursery would be located outdoors, northwest of the proposed structures. The northerly structure would be dedicated to storage and the southerly structure would include a small office, two individual restrooms, and the remainder would be dedicated to processing.

A 6-foot chain-link fence would be located along the perimeter of the cannabis cultivation and product manufacturing areas to provide security and partial screening. Additional screening of the project site would be provided by landscaping that would be installed on the northern property line, bordering Highway 246. Additional security would be provided with the installation of cut-off, downward facing, motion-sensor lighting and onsite security cameras. During the harvest season, operations will be monitored by 24/7 onsite security.

The operation would include 10 full-time staff during the cultivation season and an additional 10-20 temporary employees during the harvest season. Harvest seasons would take place twice a year and last approximately one month each. Approximately 28 onsite parking stalls are included in the project to accommodate employees, including one ADA parking stall. Hours of operation would be 6:00 a.m. to 3:00 p.m., year-round. Potable water would be provided via onsite well and sewage disposal would be provided by an onsite, leach field and repair area.

All products would be generated, and processed onsite. Thereafter, products would be transported to licensed distributors. Traffic generation and vehicle trips would be reduced by implementation of a Site Transportation Demand Management Plan, that includes ridesharing incentives and compressed work schedules for employees. 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 73-acre parcel zoned AG-II-100 and shown as Assessor's

Parcel Number 099-240-067, located approximately 3.6 miles west of the Highway 246 and Highway 101 interchange (no assigned street address), Buellton, Third Supervisorial District.

Any deviations from the project description, exhibits, or conditions of approval must be reviewed and approved by Santa Barbara County for conformity with the project as approved. Said deviations may be subject to additional requirements, including but not limited to permit modification and/or environmental review. Deviations without the above described approval will constitute a violation of the subject permit.

Project Specific Conditions

- 2. Licenses Required.** The applicant shall obtain and maintain in good status: (1) a valid County business license as required by the County Code Chapter 50, and (2) a valid State cannabis license as required by the California Business and Professions Code for the cannabis activities that are the subject of this permit.
- 3. Transfer of Ownership.** In the event that the applicant and/or 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.

- 4. Records.** The applicant shall maintain clear and adequate records and documentation, in accordance with State law, the California Cannabis Track-and-Trace System, and as required by County Code Chapter 35, demonstrating that all cannabis or cannabis products have been obtained from, and are provided to, other permitted and licensed cannabis operations.

TIMING: The applicant shall maintain the documentation for a minimum of five years following the preparation and/or approval of the documentation.

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

- 5. Fencing and Security Plan.** The applicant shall implement the Fencing and Security Plan included as Attachment 13 to the Board Letter dated April 21, 2020, subject to any revisions by CBAR.

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 they existed on April 21, 2020.

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.

- 6. Landscape and Screening Plan.** The applicant shall implement the Landscape and Screening Plan included as Attachment 13 to the Board Letter dated April 21, 2020, subject to any revisions by CBAR.

PLAN REQUIREMENTS: The Landscape and Screening Plan must comply with the requirements of the Land Use and Development Code (§ 35.42.075.C.3). The applicant shall file a performance security in an amount sufficient to ensure the installation and maintenance of the landscaping for two years, as determined by a landscape architect and approved by P&D compliance staff.

TIMING: The applicant shall submit one copy of the approved Landscaping and Screening Plan to P&D staff and deposit the performance security prior to issuance of this permit. The applicant shall install all components of the Landscaping and Screening Plan prior to 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 P&D that the landscaping, in accordance with the approved Landscape Plan and Screening Plan, has been installed and maintained for two years.

- 7. Lighting Plan.** The applicant shall implement the Lighting Plan included as Attachment 13 to the Board Letter dated April 21, 2020, subject to any revisions by CBAR.

PLAN REQUIREMENTS: The Lighting Plan must comply with the requirements of the Land Use and Development Code (§ 35.42.075.C.4) as they existed on April 21, 2020.

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.

8. **BAR Required.** The applicant shall obtain Central Board of Architectural Review (CBAR) approval for accessory structures, lighting, landscaping, and any other features that warrant BAR review and approval. All project elements (e.g., design, scale, character, colors and materials) shall be compatible with vicinity development.

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

MONITORING: The applicant shall demonstrate to P&D compliance monitoring staff that the project has been constructed in conformance with approved BAR design prior to Final Building Inspection Clearance or installation of the feature that is subject to BAR design review (e.g., landscaping and lighting).

9. **Noise.** Noise resulting from cannabis activities shall not exceed 65 dB (Day-Night Average Sound Level) as measured at the property line of the lot on which the project site is located.

PLAN REQUIREMENTS: The applicant shall submit building plans that illustrate the proposed construction techniques and materials to be used in the agricultural accessory structure.

MONITORING: P&D compliance staff inspects the project site to confirm that all noise producing cannabis activities do not exceed 65 decibels at the property line.

10. **Odor Abatement Plan.** The applicant shall implement the Odor Abatement Plan included as Attachment 15 to the Board Letter dated April 21, 2020, and depicted in Attachment 13 to the Board Letter dated April 21, 2020, subject to any revisions by CBAR. The Applicant shall retain a professional engineer or certified industrial hygienist to prepare and submit a written analysis of the efficacy of the proposed Odor Abatement Plan. If it is found that the Odor Abatement Plan must be modified to meet the requirements of the Santa Ynez Valley Community Plan DevStd LUG-SYV-8.11 (e.g., by installing an additional vapor phase system), the Applicant shall submit a revised Odor Abatement Plan to P&D staff for review and approval prior to Land Use Permit issuance that sets forth the modifications to the Odor Abatement Plan.

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

TIMING: The applicant shall: (1) submit the written analysis of the efficacy of the proposed Odor Abatement Plan, prior to issuance of this Land Use Permit; and (2) implement the Odor Abatement Plan prior to issuance of final building and/or grading inspection and/or throughout operation of the project as applicable. The applicant shall maintain the project site in compliance with the Odor Abatement Plan throughout the life of the project.

MONITORING: P&D compliance staff inspects the project site to confirm that all components of the Odor Abatement Plan are installed, operated, and maintained, pursuant to the requirements of this condition. Upon installation of the odor control system and quarterly thereafter for one year, Permit Compliance staff will conduct an inspection of the odor control system to assess its compliance with the Santa Ynez Valley Community Plan DevStd LUG-SYV-8.11. As part of each inspection, the County will retain a professional engineer or certified industrial hygienist, at the applicant’s expense, to certify that the odor control system meets the requirements of this condition and the Santa Ynez Valley Community Plan DevStd LUG-SYV-8.11.

11. Site Transportation Demand Management Plan. The applicant shall implement the Site Transportation Demand Management Plan included within Attachment 13 to the Board Letter dated April 21, 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) as they existed on April 21, 2020.

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.

11. Cannabis Waste Discharge Requirements. Prior approval of the Land Use Permit, the applicant shall demonstrate compliance with the State Water Resources Control Board’s comprehensive Cannabis Cultivation Policy that includes principles and guidelines for cannabis cultivation, including regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants, and fertilizers.

12. Utilities. Utilities, including television, shall be placed underground in new developments in accordance with the rules and regulations of the California Public Utilities Commission, except where cost of undergrounding would be so high as to deny service.

13. Onsite Wastewater Treatment System (OWTS). The applicant shall install and use an OWTS that serves the restroom facilities to be located within one of the agricultural accessory structures.

DOCUMENTATION: The applicant shall submit: an “OWTS Permit Application(s) – New Systems” to the Public Health Department, Environmental Health Services (EHS) for review and approval.

TIMING: Prior to issuance of this Land Use Permit, the applicant shall submit the updated location of the OWTS on a site plan to P&D. Prior to issuance of the building permit for the accessory structure with the restroom facilities, the applicant shall submit the “OWTS Permit Application(s) – New Systems” to EHS for review and approval.

MONITORING: P&D reviews the site plan, plans for the restroom facilities, and OWTS to confirm that it complies with any and all applicable zoning and building codes requirements that apply to the installation and use of the OWTS. In addition, EHS reviews the permit application and conducts field inspections to verify that the OWTS complies with any and all applicable EHS requirements.

14. Single Parcel Water System. The applicant shall obtain approval from EHS for the use of an existing agricultural water system, as part of a Single Parcel Water System to provide domestic (potable) water for employees of the cannabis activities.

DOCUMENTATION: The applicant shall submit any and all materials and information that EHS requires in order to review the proposed Single Parcel Water System for compliance with any requirements enforced by EHS for the Single Parcel Water System.

TIMING: Prior to issuance of the Land Use Permit, the applicant shall submit the required materials and information for EHS’ review and approval.

MONITORING: EHS reviews the material and information regarding the proposed Single Parcel Water System, and may conduct field inspections to verify that the Single Parcel Water System complies with any and all applicable EHS requirements.

15. Permit Compliance. The Owner/Applicant/Operator shall ensure that the project complies with all approved plans and project conditions, including those which must be monitored after the project is built and/or operations commence. To accomplish this the Owner/Applicant/Operator shall:

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

Plan Requirements: The Owner/Applicant/Operator shall include a note and a copy of this condition on all project plans including Building and Grading Plans.

Timing: Prior to issuance of LAND USE PERMIT an associated Permit Compliance Application and deposit shall be submitted to Planning & Development.

Monitoring: Planning & Development Compliance Staff or designee shall conduct initial and regular compliance inspections as identified above in accordance with this condition, and as determined to be necessary.

County Rules and Regulations

- 16. 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 is issued by P&D, the Applicant must obtain written clearance from all departments having conditions. Such clearance shall indicate that the Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
- 17. Rules-05 Acceptance of Conditions:** The 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 Applicant.
- 18. Rules-22 Leased Facilities:** The Operator and Owner are responsible for complying with all of the 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.
- 19. Rules-23 Processing Fees Required.** Prior to issuance of Coastal Development Permit, the Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
- 20. Rules-30 Plan Requirements.** The 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. These shall be graphically illustrated where feasible.
- 21. Rules-33 Indemnity and Separation.** The 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.
- 22. Rules-37 Time Extensions-All Projects.** The 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 grant a time extension in compliance with County rules and regulations, for good cause, which include evidence of changed circumstances and ensuring compliance with CEQA. If the Applicant requests a time extension, the permit

may be revised to include updated or additional conditions of approval and/or revised or additional mitigation measures, reflecting changed circumstances and/or additional project impacts.